

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 22nd JUNE 2010

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[9.30]

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Resignation of Deputy S. Power of St. Brelade from the Planning Applications Panel

The Deputy Bailiff:

Returning to paragraph F on the Order Paper, the Bailiff has received the resignation of Deputy Power from the Planning Applications Panel.

1.1 Senator F.E. Cohen:

I would like to thank Deputy Power for his efforts over a considerable period in relation to the Planning Applications Panel. He has served with great diligence and has made a great contribution to the Planning Applications Panel and we will miss him. Thank you. **[Approbation]**

2. Resignation of Senator A. Breckon as Chairman of the Health, Housing and Social Security Panel:

The Deputy Bailiff:

It is not on the Order Paper because it was received very late last night, but the Bailiff received last night the resignation of Senator Breckon as Chairman of the Health, Housing and Social Security Panel. The matter is covered to some extent by Standing Order 114, which would normally direct the presiding officer, I think, to invite nominations for this vacancy, unless Members wish to proceed in another way. As the notice of the resignation comes so late, and I am required to report it to the States as soon as it is received, it seems it might be desirable to postpone this matter for 2 weeks, but it is a matter for the Members.

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

Sir, I propose formally that we leave it for 2 weeks. I would like to consider myself as a candidate and I had not heard any news about this until this morning.

2.2 Senator S.C. Ferguson:

I am a little concerned about this, because it means that we have a Scrutiny Panel without a Chairman, and this is a time when we need all Scrutiny Panels fully functioning, and I am not sure that we can leave it for 2 weeks. Can we leave it until after lunch?

Deputy G.P. Southern:

It does have a deputy Chairman.

The Deputy Bailiff:

The deputy Chairman will continue until such time as the States elect a new Chairman. There seems to be a consensus to leave the matter over until the next meeting in 2 weeks' time.

QUESTIONS

3. Written Questions

3.1 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE PROVISION OF CHILDREN'S TOILET FACILITIES AT MILLBROOK PARK:

Question

Does the Minister have any plans to introduce children's toilet and baby changing facilities into the younger children's play area (next to the Café) at Millbrook park, since this is the main area where children of potty training age play and the nearest toilets are the other side of the park, and if not, why?

Answer

There are no plans to introduce children's toilet and baby changing facilities into the younger children's play area at Millbrook Park. The existing toilet block, which includes baby changing facilities, is only a short distance from the play area and is considered sufficient to serve the play area and all other areas of the Park.

3.2 THE CONNÉTABLE OF ST. LAWRENCE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING UPDATING THE HEALTH CARE REGISTRATION LAW:

Question

What consideration, if any, is being given to updating the Health Care (Registration) (Jersey) Law 1995?

If no consideration is being given, will consideration be given to updating and revising those professions covered by the Law and will that change be made by Regulation or Order?

Answer

The Health Care Registration Law 1995 requires anyone working in any of the health or social care occupations listed in the Schedule to the Law to be registered in the Island. The Regulations made under the Health Care (Registration) Jersey Law 1995, were amended to add to the schedule of registrable occupations, Ambulance Paramedics (in 2003), Nurses, Midwives and Specialist Community Public Health Nurses (in 2005) and Art Therapists, Operating Department Practitioners, Podiatrists and Social Workers (in 2007).

A bid for drafting time was made in 2006 to amend the Law for the following reasons.

Firstly to limit the criteria for entry to the Jersey register, so that only professionals registered with a UK regulatory body will be eligible to register locally. The reason for this is that the UK regulators have the resources and infrastructure to determine the requirements for professional education and training, to set standards for codes of practice and professional conduct and to operate a framework for investigating and judging professional misconduct allegations. It would be unrealistic and inefficient for Jersey to set up an equivalent function. The intention is that once this amendment is in force, any new professional groups who are registered with a UK statutory body will be added to the Jersey Schedule of registrable occupations by regulation.

The proposed amendment will also enable any individual registered in Jersey to be removed in the event of their UK registration lapsing. At present it is only possible to do this annually when the registrant applies for re registration.

The amendment proposes to enable a registrant to be suspended from the register pending an investigation and to give authority to an individual or body to carry out an investigation into a registered professional where necessary.

The delay in implementing these proposals was due to the delay in the UK in registering Clinical Psychologists which was put back several times until finally coming into force in July 2009.

The original draft of the amendment is currently being reviewed with the law drafting office and it is hoped that it will be ready for lodging with the States in autumn session 2010.

3.3 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING 'TOWN AMBASSADOR' SCHEMES:

Question

Would the Minister be in favour of establishing a working party, in conjunction with the Constable of St Helier and Jersey Tourism, to establish a 'Town Ambassador' scheme employing local residents (often students or retired), voluntary or paid, to aid tourists with orientation, information and so on, as a way of promoting the tourism industry, optimising tourists' on-Island experiences and thus increasing the likelihood of repeat custom, and if not, why?

Answer

We are fortunate in Jersey to have residents who are already prepared to go out of their way to provide a welcome and assistance to visitors as they visit our town centre and other locations around the Island.

We also have the Friends of Tourism scheme with as many as 450 members. This scheme was designed to inform and encourage local people to promote the Islands benefits in overseas locations as well as throughout the Island.

Whilst a new ambassadorial scheme would further enhance the quality of experience for visitors we do not feel that the benefit would justify the re-deployment of funding and human resources at a time when we are totally focussed on the challenges of a very difficult trading environment.

Economic Development is a partner in the Town Centre Partnership and supports the Connétable and the Town Centre Manager in many initiatives. We are for example very supportive of their events programme and of course the Angels at Christmas time.

I very much appreciate and welcome the sentiment contained in the suggestion.

Friends of Jersey Tourism are online on <http://www.jersey.com/business/traveltrade/friends>

3.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING ENERGY EFFICIENCY SAVINGS:

Question

Given the Minister's commitment to improving energy efficiency in the Island, what justification, if any does he have for the 5% (£54,000) reduction in energy efficiency grants in proposal PE-S4 of the Comprehensive Spending Review?

Answer

I am absolutely committed to establishing a way forward for the Island to become as energy efficient as is practically possible for two reasons. Firstly the efficient use of energy tackles fuel poverty for those vulnerable people who have to spend a disproportionate element of their income on keeping warm. Secondly the efficient use of energy will lessen the carbon emissions attributable to Jersey and accord with our commitment under international agreements to work towards reducing our emissions. I hope to present an Energy Policy Green Paper to the States later this year which will provide a direction that the Island as a whole can follow to improve overall energy efficiency.

Turning now to the 5% saving for 2011 from the Energy Efficiency Grants, the CSR process involves careful examination and prioritisation of all the areas of activity within which P&E are involved. It was particularly challenging to carry this out for 2011 against the background of existing service and grant commitments in the timescale that the CSR process demanded.

The CSR process requires an overall 10% reduction in Departmental Spend based on 2010 budgets. In order to do this, all areas of expenditure have been analysed. It is not appropriate in such exercises to ring fence areas from these pressures as this creates a disproportionate pressure on other activities.

As a result the grants the Department provide have also been reduced in line with CSR expectations.

The Energy Efficiency Service currently targets improvements to low income groups. The initial target group comprised those eligible for the Cold Weather Payment and/or those in receipt of the Westfield (65+) Health scheme. The Service has provided, without charge, advice and measures such as wall and loft insulation to approximately 800 homes. Whilst the scheme continues to target newcomers to the initial target group it has recently expanded its eligibility criteria to cover everyone on Income Support which potentially will cover a further 5,000 eligible households. Furthermore, the scheme has opened a new work programme that covers community buildings and Parish sheltered accommodation that caters for people who mirror the target group, these include non-for-profit organisations like residential care centres and charities like Les Amis. A further 80 properties are currently being addressed through this programme which began recently.

I considered it appropriate to save some 5% of the grant fund in 2011 as being a saving that could be made without significant impact on the delivery of the Energy Efficiency programme.

I am committed to deliver many activities within the natural and built environment. I am confident that my CSR strategy for Planning and Environment will not only preserve front line services, but will also result in a more effective department in the longer term but delivered at lower cost.

3.5 THE DEPUTY OF ST. MARTIN OF THE CHIEF MINISTER REGARDING SUSPENSION OF THE CONSULTANT GYNAECOLOGIST:

Question

Given that in (a)(ii) of their Terms of Reference, Goodwin Hannah Ltd (GH) were required to investigate whether there was any conflict of interest on the part of States Employment Board which lead to the failure to resolve the Consultant Gynaecologist's suspension in a timely way, will the Chief Minister state whether this was investigated, whether any evidence of such conflict was received, and why nothing under this heading has been included in the redacted version of the Report?

Will the Chief Minister provide GH's findings outlining the procedural errors and conflicts of interest on the part of senior management at Health and Social Services which lead to the prolongation of the Consultant Gynaecologist's suspension?

Did GH receive any evidence of bullying or harassment of the Gynaecologist or his professional advisers during the period of his suspension, and, if so, what exactly were their findings on this specific issue?

Can the Chief Minister give an assurance that neither the hospital managers nor senior medical officers responsible for the catalogue of errors both in the initiation and continuation of the

Consultant Gynaecologist's suspension have been, or presently are involved in the cases of the two hospital doctors currently excluded or suspended?

Answer

The review panel found no evidence of any conflict of interest issues regarding SEB. Until November 2009 SEB received statistical reports on the number of suspensions, since then they have been receiving more detailed reports on individual cases.

The purpose of providing the outcome in two parts, one of which was to remain confidential, was to ensure that the SEB complied with its legal obligations to staff, including the obligation to conduct itself in a way which maintains the trust and confidence of staff. There is sometimes a tension between that duty and the demand for personal information to be put into the public domain. I am not able to release the full findings of the Review because to do so would risk putting the SEB in breach of its duties to employees, to whom the SEB owes a duty of care.

No claims of bullying or harassment of the Consultant or his advisers were made and therefore were not investigated.

There are currently no exclusions from the hospital. Any cases will be managed by the Hospital Director assisted by the interim HR Director and overseen by the new Chief Officer for H&SS.

3.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION OF CERTAIN CANCER DRUGS:

Question

Will the Minister inform members of the extent to which access to chemotherapy for cancer patients is being rationed in Jersey and in particular to the drug 'Avastin' which is currently being trialled?

Answer

With respect to access to the newer generation of more costly anti-cancer therapies, the guiding principle is that Jersey patients should be no worse off than their UK-resident counterparts.

Availability of new drugs in Jersey is controlled by the Consultant-led Drugs & Therapeutics Committee (DT&C), before becoming available in Jersey and prescribable at taxpayers' expense.

The Drugs & Therapeutics Committee routinely approves drugs for use in Jersey based upon two criteria. Firstly, legal licensing of the drug for its specific medical condition(s) by the European Medicines Agency (EMA), and secondly endorsement of treatment as a cost effective therapy for NHS use by the UK National Institute for Clinical Excellence (NICE).

Avastin (Bevacizumab) is a higher cost drug, priced at £2,000-£3,000 per month of therapy. Therefore a 12 month non-curative treatment course may cost up to £40,000 per patient.

Avastin is legally licensed – when combined with other anti-cancer drugs - for use in metastatic cancer of the colon, cancer of the rectum, metastatic breast cancer, and for advanced kidney cancer. Although legally licensed for use in these conditions, NICE has consistently withheld approval for use of Avastin in the bulk of its legally-approved applications. Taking the view that Avastin is disproportionately expensive.

With NICE withholding approval Avastin is not routinely available to UK NHS cancer patients, treated at the taxpayers' expense. An identical position pertains for public patients in Jersey.

A funding anomaly does however exist, whereby some - but not all - medically insured patients in the UK may have access to Avastin therapy - dependent upon the policy of their private Medical Insurer. Some Medical Insurers fund Avastin for the majority of its legally licensed medical indications, whilst other Insurers block all funding for Avastin - citing the NICE guidance of only short-term benefit at high cost.

In a situation where a Jersey resident cancer patient has a sympathetic Medical Insurer - prepared to reimburse the full costs of Avastin therapy - it becomes theoretically possible for that patient to travel repeatedly to the UK for anti-cancer treatment, as a private patient. However, it has been seen as unreasonable within H&SS to demand that medically insured patients - seriously ill patients with widespread cancer - travel repeatedly to the UK for fortnightly Avastin infusions for up to a year.

Therefore, on a case-by-case basis, a small number of fully insured patients have received non-curative repeat Avastin infusions in Jersey. This flexible approach is consistent with the principle that fully insured Jersey patients are no worse off than their fully insured UK counterparts.

Finally, Avastin is neither legally licensed nor NICE approved for use in patients with cancer of the ovary. A cancer for which Avastin therapy remains classed as unproven and experimental. It cannot be regarded as reasonable for H&SS to spend up to £40,000 of taxpayers' money on treatment that remains unproven.

3.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COMPREHENSIVE SPENDING REVIEW PROPOSALS:

Question

Will the Minister inform members on a department by department basis what grades of staff were involved in the drawing up of the Council of Ministers' summary of the savings proposals and assure members that it was not solely the efforts of Chief Executive Officers and senior finance and other administrative directors?

Answer

I cannot do what the Deputy asks. There were many staff involved in suggesting ideas for the CSR submissions. Health and Social Services had a direct link on its intranet site together with a poster on every notice board asking staff for ideas. Other departments had workshops with various teams and encouraged contributions. I am advised that it was not solely the senior management teams who compiled the proposals.

I would stress that it is imperative that this process continues to encourage staff to contribute and participate because, as I have gone on record saying, it is our own staff that have some of the best ideas to improve services and save money.

3.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING LANGUAGE TEACHING IN JERSEY SCHOOLS:

Question

Can the Minister confirm that under the savings proposal ESC-4 're-defining core business for schools' he plans to axe the employment of Modern Language assistants in secondary schools, and

state how many posts this will involve and what other measures are included under this 're-definition'?

Will he also state what proportion of the £298,000 saving this measure accounts for?

Will he assure the Assembly that such a cut will not reduce the standards achieved in foreign language examination grades achieved by our students especially in spoken French which is a proud and unique part of our Jersey heritage?

Can he state what impact this will have on the much-heralded initiative at Hautlieu School to introduce the International Baccalaureate (IB) which requires high standards in a second language study beyond the age of 16?

Will the Minister also state whether the posts have been advertised, but that shortlisting and the interview process has been suspended? When were appointments made in previous years in order to allow appointees to take up their places for the start of the new academic year in September?

Has any decision of the States on this matter in September been pre-empted by his department's actions?

Answer

Yes, I can confirm that the savings proposal ESC-4 will result in the cessation in the employment of the eight temporary Modern Language Assistants. The permanent posts will be unaffected by this change.

This saving accounts for £76,495, or approximately 25% of the total saving of £298,000 identified under the proposal ESC0-4 're-defining core business for schools'. The other measures relate to the stopping of initiatives now embedded in the school system, without impacting on front line services. These include the Solution Oriented Schools programme, and the training of school governors.

I am confident that schools will be able to organise their provision to ensure that standards can be maintained through this change period. It should be remembered that all pupils are taught by highly qualified and experienced modern language teachers within well resourced departments. Other academic departments achieve the appropriate results without any additional support. I should add that technology has vastly improved since the original provision of language assistants, and a great deal of support is now available to all pupils through the advancement in hardware and software packages.

It is expected there will be no impact on I.B. Modern Languages at Hautlieu School, as alternative provision will be made using new technologies and existing staff within the Modern Languages Department.

I can confirm that the temporary posts were advertised through the Alliance Française website, but the process was suspended shortly after advertising but prior to shortlisting. As in previous years, these posts were advertised in March/April for an October start, as the contracts run for an eight-month period from October to May. In the event that the States should decide in September 2010 not to accept the proposed spending reduction, the Department would investigate alternative arrangements for the academic year 2010/2011, possibly involving additional support from the Alliance Française.

In the longer term, we are discussing with interested parties ways in which we can provide further support for Modern Languages.

3.9 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING MONITORING OF THE ENERGY FROM WASTE PLANT OUTFLOW:

Question

Can the Minister give a date for the first use of the Energy from Waste plant at La Collette? Mindful of the critical importance of keeping emissions to the minimum, can the Minister advise the Assembly exactly how the emissions will be monitored?

Would the Minister detail which substances will be monitored and explain why these substances were selected and all others omitted?

For each substance can the Minister explain –

- (a) the time interval of the monitoring
- (b) the methods to be used
- (c) to what level of accuracy

Will monitoring take place outside the plant, and, If so –

- (i) for which substances
- (ii) what will be the time interval of the monitoring
- (iii) what methods are to be used
- (iv) to what level of accuracy

In all cases, who will carry out the monitoring, when and how will it be checked and by whom?

Answer

The first use of the Energy from Waste plant for treating waste, is expected to be 1st November 2010. This date may be subject to change due to the complexity of the construction and project management process on site.

Oxygen; Carbon Monoxide; Hydrogen Chloride; Hydrogen Fluoride; Sulphur Dioxide; Nitrogen Oxides; Ammonia; Volatile Organic Compounds (VOCs); and Particulates will be monitored and recorded continuously using a Continuous Emissions Monitoring System (CEMS) within the Energy from Waste plant.

In addition, the water vapour content, temperature and the pressure of the flue gases will be monitored so that the emission concentrations can be reported at the reference conditions required by the European Waste Incineration Directive 2000/76/EU.

Heavy Metals; Dioxins and Furans and Organic Compounds will also be monitored by means of spot sampling at frequencies agreed with the Regulator of the Waste Management (Jersey) Law 2005 and the States Health Protection Service, The frequencies are proposed to be quarterly for the first year and semi-annually thereafter:

These substances are those required to be monitored by the European Waste Incineration Directive (2000/76/EC). This is the recognised European standard for waste combustion. Meeting the standard has been accepted by the relevant Regulators in Jersey as the appropriate way to demonstrate that the Energy from Waste plant will meet best practice internationally for health and environmental protection.

Table 1 below sets out the proposed emission limits for the substances to be monitored.

Table 1 – Proposed Emission Limits				
Parameter	Units	Half Hour Average	Daily Average	Periodic Limit
Particulate matter	mg/Nm ³	30	10	-
Volatile Organic Compounds (VOCs) as Total Organic Carbon (TOC)	mg/Nm ³	20	10	-
Hydrogen Chloride	mg/Nm ³	60	10	-
Hydrogen Fluoride	mg/Nm ³	4	1	-
Carbon Monoxide	mg/Nm ³	100	50	-
Sulphur Dioxide	mg/Nm ³	200	50	-
Oxides of Nitrogen (NO and NO ₂ expressed as NO ₂)	mg/Nm ³	400	200	-
Cadmium & Thallium and their compounds (total)	mg/Nm ³	-	-	0.05
Mercury and its compounds	mg/Nm ³	-	-	0.05
Sb, As, Pb, Cr, Co, Cu, Mn, Ni and V and their compounds (total)	mg/Nm ³	-	-	0.5
Dioxins and Furans as International Toxicity Equivalents (ITEQ)	ng/Nm ³	-	-	0.1
<i>All expressed at 11% oxygen in dry flue gas at 0°C and 1 bar-a. Periodic measurements are carried out over a period of 6-8 hours.</i>				

The Continuous Emissions Monitoring System will be equipped so that:

1. HCl, CO, SO₂, NO_x (NO+NO₂), HF and NH₃ will be measured by a Fourier Transform Infrared Spectroscopy (FTIR) type multi-gas analyser;
2. Volatile Organic Compounds (VOC) will be measured by a Flame Ionisation Detector (FID) type analyser;
3. Particulate matter (PM) will be measured by an opacimeter; and
4. Oxygen (O₂) will be monitored by a zirconium probe

The frequency of periodic measurements will comply with the European Waste Incineration Directive. The flue gas sampling techniques and the sampling platform will comply with the UK's Environment Agency Technical Guidance Notes M1 and M2. The methods and standards used for emissions monitoring will be in compliance with the UK's Environment Agency's Sector Guidance Note S5.01 and the European Waste Incineration Directive requirements. The Continuous Emissions Monitoring System equipment will be certified to the UK's Environment Agency's Monitoring Certification Scheme (MCertS) standard.

The continuously monitored emissions concentrations will be undertaken by the plant operational staff using an automated and certified system. This will be checked by an independent testing company at frequencies agreed with the States Health Protection Service and the Regulator of the Waste Management (Jersey) Law 2005. Periodic monitoring will be undertaken by an accredited independent laboratory.

The Planning Consent for the Energy from Waste plant (planning application reference PP/2007/0050) required a Strategy for the monitoring of vehicular generated air pollution in the vicinity during the construction, commissioning and initial operation of the plant. The Strategy was developed and accepted as appropriate by the Health Protection Service. Nitrogen Oxides (NO_x) and Particulate Matter (PM) are monitored in accordance with this Strategy.

Oxides of Nitrogen are monitored using two separate methods; diffusion tubes and continuous monitoring using equipment operating on a chemi-luminescence principal, which is recognised as the reference method in Europe.

Particulate matter (PM₁₀ and PM_{2.5}) measurements are conducted continuously using a BAM (Beta Attenuation Monitor) which has been shown to be equivalent to the EU reference method. Data logging occurs at hourly intervals for Particulate matter and every 15 minutes for Nitrogen Oxides.

The diffusion tube monitoring will take place prior to and throughout the entire construction period and through the commissioning period; that is from January 2009 to June 2011. Continuous monitoring took place from January 2009 to January 2010 (prior to and during when the heavy construction took place including piling, excavation and concrete works) and will recommence for a further year once the plant is fully commissioned and operational. This further monitoring is expected to take place between March 2011 and March 2012.

The analysis of the air quality monitoring external to the plant is carried out by an independent accredited consultant.

3.10 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING THE FINANCE INDUSTRY-RELATED STAFF IN HIS DEPARTMENT:

Question

Would the Chief Minister advise the Assembly which staff in his department are working solely or in part on work related to the Finance Industry? How many FTE's are working in each of the following areas, or in combinations of these areas:–

- (i) media relations
- (ii) marketing
- (iii) arrangements for visits
- (iv) industry liaison
- (v) product development
- (vi) law drafting instructions
- (vii) political engagement with key audiences
- (viii) Anti-Money Laundering and anti-terrorism work
- (ix) negotiating TIEA's and DTA's

in other words, work which would not exist if the Finance Industry did not exist?

Can the Chief Minister list the laws brought to the States in 2007, 2008 and 2009 which concern any aspect of the Finance Industry, and state how much law drafting time was taken up by these laws in FTE's?

Answer

The Chief Minister's Department Business Plan 2010 shows there are 3 FTE staff working on issues related to international finance. Of these posts, the Director International Finance is the only post dedicated solely to matters related to the Island's international finance industry. The other two posts, the Director International Taxation and the International Adviser, spend a varying proportion of their time on issues such as anti-money laundering, combating the financing of terrorism and the negotiation of TIEAs and DTAs. Other staff in the Department provide support as and when necessary, and this support is estimated at around 1FTE.

A list of the legislation relating to the finance industry lodged in each of 2007, 2008 and 2009 is set out below, along with corresponding lists of sanctions orders, money laundering orders, tax information exchange regulations and terrorism regulations. The Law Draftsman's Office estimate that the time spent on this legislation as a whole amounts to approximately 1.5 to 2 FTEs.

2007

Banking Business (Amendment No. 6) (Jersey) Law 200-
Collective Investment Funds (Amendment No. 4) (Jersey) Law 200-
Collective Investment Funds (Amendment No. 4) (Jersey) Law 200-
Collective Investment Funds (Exempt Schemes or Arrangements) (Jersey) Order 200-
Collective Investment Funds (Permits) (Exemptions) (Jersey) Order 200-
Collective Investment Funds (Permits) (Exemptions) (Amendment No 2) (Jersey) Order 200-
Companies (Amendment No. 9) (Jersey) Law 200-
Companies (Amendment No.2) (Jersey) Regulations 200-
Financial Services (Amendment No. 3) (Jersey) Law 200-
Financial Services (Amendment No. 4) (Jersey) Law 200-
Financial Services (Amendment of Law) (Jersey) Regulations 200-
Financial Services (Amendment of Law) (Jersey) Regulations 200-
Financial Services (Amendment of Law) (No. 2) (Jersey) Regulations 200-
Financial Services (Collective Investment Funds) (Exemptions) (Jersey) Order 200-
Financial Services (Funds Services Business (Registration and Fees)) (Jersey) Order 200-
Financial Services (Funds Services Business) (Accounts, Audits and Reports) (Jersey) Order 200-
Financial Services (Investment Business (Fund Services Business Exemption)) (Jersey) Order 200-
Financial Services (Money Services Business) (Exemptions) (Jersey) Order 200-
Financial Services (Money Services Business) (Registration and Fees) (Jersey) Order 200-
Financial Services (Trust Company and Investment Business (Accounts, Audit and Reports)) Order 200-
Financial Services (Trust Company Business (Exemptions)) (Amendment No.2) (Jersey) Order 200-
Financial Services Commission (Amendment No.4) (Jersey) Law 200-
Insurance Business (Amendment No. 6) (Jersey) Law 200-

2008

Banking Business (Appointment of a Manager) (Jersey) Order 200-
Collective Investment Funds (Appointment of a Manager) (Jersey) Order 200-
Collective Investment Funds (Permits) (Exemptions) (Amendment No 3) (Jersey) Order 200-
Collective Investment Funds (Recognized Funds) (Actions for Damages) (Jersey) Regulations 200-
Collective Investment Funds (Unclassified Funds) (Prospectuses) (Amendment No 5) (Jersey) Order 200-

Collective Investment Funds (Unregulated Funds) (Amendment) (Jersey) Order 200-
Companies (Annual Returns - Additional Charge (Jersey) Regulations 200-
Companies (Amendment No. 10) (Jersey) Law 200-
Companies (Amendment No. 3) (Jersey) Regulations 200-
Collective Investment Funds (Unregulated Funds) (Jersey) Order 200-
Companies (General Provisions) (Amendment No 3) (Jersey) Order 200-
Companies (General Provisions) (Amendment No. 4) (Jersey) Order 200-
Companies (Prescribed Currency) (Revocation) (Jersey) Order 200-
Companies (Takeovers and Mergers Panel) (Jersey) Law 200-
Control of Borrowing (Amendment No 13) (Jersey) Order 200-
Financial Regulation (Miscellaneous Provisions) (Jersey) Law 200-
Financial Services (Advertising) (Jersey) Order 200-
Financial Services (Amendment No. 3) (Jersey) Law 2008 (Appointed Day) Act 200-
Financial Services (Amendment of Schedule 2 to Law) (Jersey) Order 2008
Financial Services (Amendment of Schedule 2 to Law) (No. 2) (Jersey) Order 200-
Financial Services (Appointment of a Manager) (Jersey) Order 200-
Financial Services (Trust Company Business (Exemptions No 2)) (Amendment) (Jersey) Order
200-
Financial Services (Trust Company Business (Exemptions)) (Amendment No 3) (Jersey) Order
200-
Financial Services Commission (Amendment No 5) (Jersey) Law 200-
Foundations (Jersey) Law 200-
Insurance Business (Appointment of a Manager) (Jersey) Order 200-
Limited Partnerships (Amendment) (Jersey) Law 200-
Non-Profit Organisations (Jersey) Order 200-
Non-Profit Organizations (Amendment) (Jersey) Order 200-
Proceeds of Crime (Supervisory Bodies) (Amendment of Law) (Jersey) Regulations
Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 (Appointed Day) Act 200-
Proceeds of Crime (Supervisory Bodies) (Transitional Provision) (Jersey) Order 200-

2009

Banking Business (Depositors Compensation) (Jersey) Regulations 200-
Banking Business (Depositors Compensation) (Amendment) (Jersey) Regulations 200-
Banking (Depositors Compensation) (Jersey) Regulations 200-
Collective Investment Funds (Unregulated Funds) (Amendment No. 2) (Jersey) Order 200-
Companies (Appointment of Takeovers and Mergers Panel) (Jersey) Order 200-
Companies (Takeovers and Mergers Panel) (Amendment of Law) (Jersey) Regulations 200-
Companies (Takeovers and Mergers Panel) (Jersey) Law 2009 (Appointed Day) Act 200-
Companies (Amendment No 4) (Jersey) Regulations 200-
Companies (Uncertificated Securities) (Amendment) (Jersey) Order 200-
Financial Services (Amendment of Schedule 2 to Law) (No. 3) (Jersey) Order 200-
Financial Services (Financial Service Businesses) (Jersey) Order 200-
Financial Services (Trusts Company Business (Exemptions Amendment)) (Jersey) Order 200-
Foundations (Continuance) (Jersey) Regulations 200-
Foundations (Amendment No 1) (Jersey) Regulations 200-
Foundations (Winding Up) (Jersey) Regulations 200-
Foundations (Mergers) (Jersey) Regulations 200-
Limited Partnerships (Amendment) (Jersey) Law 2009
Non-Profit Organizations (Amendment No. 2) (Jersey) Order 200-
Proceeds of Crime (Supervisory Bodies) (Transitional Provision) (Amendment) (Jersey) Order 200-
Proceeds of Crime (Amendment of Schedule 2) (No.2) (Jersey) Regulations 200-
Proceeds of Crime (Supervisory Bodies) (Amendment of Law) (No.2) (Jersey) Regulations 200-

Jersey Mutual Insurance Society, Incorporated (Alteration of Rules)(No 6) (Jersey) Law 200-

Community provisions - Sanctions Orders

Community Provisions (Belarus Sanctions) (Jersey) Order 2007

Community Provisions (Burma/Myanmar Sanctions) (Jersey) Order 2007

Community Provisions (Implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia) (Jersey) Order 2007

Community Provisions (Restrictive Measures – Iran) (Jersey) Order 2007

Community Provisions (Restrictive Measures – Lebanon) (Jersey) Order 2007

Community Provisions (Restrictive Measures – North Korea) (Jersey) Order 2007

Community Provisions (Uzbekistan Sanctions) (Jersey) Order 2007

Community Provisions (Restrictive Measures – Burma/Myanmar) (Jersey) Order 2008

Community Provisions (Implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia) (Amendment) (Jersey) Order 2009

Community Provisions (Restrictive Measures – Burma/Myanmar) (Amendment) (Jersey) Order 2009

Community Provisions (Restrictive Measures – Burma/Myanmar) (Amendment No. 2) (Jersey) Order 2009

Community Provisions (Restrictive Measures – Iran) (Jersey) Order 2009

Community Provisions (Restrictive Measures – Iran) (Amendment) (Jersey) Order 2009

Community Provisions (Restrictive Measures – North Korea) (Amendment No. 2) (Jersey) Order 2009

Community Provisions (Restrictive Measures – Zimbabwe) (No. 6) (Amendment) (Jersey) Order 2009

Community Provisions (Restrictive Measures – Zimbabwe) (No. 6) (Amendment No. 2) (Jersey) Order 2009

Community Provisions (Uzbekistan Sanctions) (Amendment) (Jersey) Order 2009

Money Laundering

Money Laundering (Jersey) Order 2008

Money Laundering (Amendment) (Jersey) Order 2008

Money Laundering (Amendment No. 2) (Jersey) Order 2008

Money Laundering (Amendment No. 3) (Jersey) Order

Taxation - information exchange,

Taxation (Agreements with European Union Member States) (Amendment) (Jersey) Regulations 2007

Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008

Taxation (Exchange of Information with Third Countries) (Amendment) (Jersey) Regulations 2009

Taxation (Exchange of Information with Third Countries) (Amendment No. 2) (Jersey) Regulations 2009

Taxation (Exchange of Information with Third Countries) (Amendment No. 3) (Jersey) Regulations 2009

Taxation (Exchange of Information with Third Countries) (Amendment No. 4) (Jersey) Regulations 2009

Taxation (Exchange of Information with Third Countries) (Specified Date (Greenland and Norway)) (Jersey) Order 2009

Taxation (Exchange of Information with Third Countries) (Specified Dates (Iceland, Sweden, UK)) (Jersey) Order 2009

Terrorism

Terrorism (Enforcement of External Orders) (Jersey) Regulations 2008

3.11 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE COSTS OF THE WILTSHIRE POLICE INVESTIGATION:

Question

With reference to the suspension of the Chief Officer of the States of Jersey Police, will the Minister inform Members of the cost to date to include –

- (a) the cost of the investigation carried out by the Wiltshire Police to date with a breakdown of these costs to include, travel, accommodation, subsistence and legal costs?
- (b) the legal cost incurred in relation to the Royal Court Hearings and the Complaint's Board hearing in relation to defending appeals lodged by the suspended Chief Officer of the States of Jersey Police?
- (c) the cost of salaries and subsistence to cover the Chief Officer of the States of Jersey Police's absence?
- (d) any ancillary costs not included above?

Who is monitoring the expenditure and from whose budget are these costs being funded?

Answer

- (a) The total cost of the first Wiltshire Investigation (Haut de la Garenne) to 31 May 2010 is £572,532.

The total cost of the second Wiltshire Investigation (Operation Blast) to 31 May 2010 is £262,390.

	First	Second
Salaries	£289,984	£121,297
Travel costs	£76,501	£46,739
Accommodation	£84,866	£30,037
Meal & Entertainment	£38,818	£12,852
Legal Costs	£42,963	£31,617
Rents	£12,600	£9,800
Equipment Purchased	£17,867	£8,132
Other costs	£8,933	£1,916
Total costs	£572,532	£262,390

- (b) This detail is not held by Home Affairs. The Law Officers' Department do not make a charge to Departments for such work.
- (c) The cost of salaries and subsistence to cover the absence of Mr Power up to the 20th July 2010 is £234,854.
- (d) Nil

The expenditure is being monitored by the Acting Chief Officer, States of Jersey Police and the Accounting Officer (Chief Officer Home Affairs). The expenditure is not being funded from the core Police budget, but is included in the Historical Abuse Enquiry additional costs.

3.12 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE TOWN PARK:

Question

Can the Minister confirm that no detailed design work has been carried out on the Town Park? Would he advise the name of the consultants who are carrying out preliminary work on the design, what work it is that they are doing and the cost of this work?

Can the Minister explain to the Assembly how consultants undertaking this work does not prejudice the eventual appointment of a team to do the actual work of designing the Park?

Answer

As part of previous attempts to progress the Town Park various schemes have been drawn up to assist in visualising how the Park might look or for assistance in budgeting purposes. None of these schemes have been progressed further than concept design.

Transport and Technical Services, in consultation with Planning and Environment, have appointed a landscape architect called Burns and Nice who have extensive experience in urban park design. Burns and Nice are currently working with TTS in finalising the public consultation process for the Park design which will commence in July.

I am unable to provide the figure for the cost of the Park design as this is commercially sensitive information, but I can confirm that this figure has been competitively tendered and is a fixed fee for the full design and delivery of the Park.

As noted above, the contract for the Park design has already been tendered and won by Burns and Nice. However, it is a requirement of this appointment that the Consultants use local expertise where appropriate and following a recent fee competition a local architect has been appointed to design the structure that will house the toilets and café.

3.13 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING PUBLIC SECTOR SALARIES OVER £100,000:

Question

Would the Chief Minister provide details of the full salary costs and benefits of all public servants earning over £100,000?

Answer

I have provided salaries within bands of £5,000 of all public servants with salaries in 2009 of £100,000 per annum or above. The use of bands was based on legal advice in connection with the Data Protection (Jersey) Law and is consistent with recently published salary details in the UK Civil Service.

In terms of benefits, those who have salaries of £100,000 and more would normally receive the following:-

- (i) Membership of either of the States Public Service Final Salary Pension schemes (this is equivalent to approx. 13.6% of salary);
- (ii) Up to 5 weeks and 3 days annual leave entitlement;
- (iii) For Hospital Consultants, contribution to medical indemnity insurance costs;
- (iv) In most cases free car parking.

Senior staff may also benefit from standard Public Service benefit schemes such as sick and special leave entitlements, voluntary redundancy / voluntary early retirement entitlement where appropriate, etc. Hence although the cash value of pension and leave entitlements could generally be quantified, other benefits such as parking and the entitlements mentioned above are harder to quantify. Leave entitlements can generally be expected to add about 10% to the base value of salary, but of course these will also apply to comparable private sector remuneration. This is true of all public sector employees, although for uniformed services the value of pension would be even higher since their pension contributions are cross subsidised by other States employees due to an earlier retirement age and higher accrual rate.

No bonuses are paid in the public sector.

3.14 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING RAPE STATISTICS:

Question

How many complaints of rape have been made to the police in the last five calendar years and how many have resulted in convictions?

Answer

55 cases of rape have been reported in the last five calendar years relating to offences reported as committed during that period. 14 cases have resulted in conviction - nine for rape and five for indecent assault or grave and criminal assault.

Suspects were identified in 52 of the 55 cases reported.

In addition to the 55 cases, approximately 33 other cases were reported in the last five calendar years, which related to earlier periods. The figure of 33 is approximate because of the lack of detail in relation to some of the complaints which made a full investigation impossible. Of the 33 cases, six have resulted in convictions.

3.15 THE DEPUTY OF ST. MARY OF THE MINISTER FOR HOME AFFAIRS REGARDING THE INTERIM METROPOLITAN POLICE REPORT:

Question

Can the Minister confirm that the Interim Report of the Metropolitan Police which was received on 10th November 2008 was used in the original suspension of the Chief Officer of the States of Jersey Police by his predecessor, former Deputy Andrew Lewis?

Answer

I can confirm that reference to the said Interim Report was made in the letter dated 10th November 2008 of the now Acting Chief Officer of Police to the Chief Executive to the Council of Ministers. In a section of that letter the Acting Chief Officer of Police accurately set out many of the concerns

which had been raised by the Metropolitan Police in relation to the way in which the Historical Abuse Enquiry had been conducted with regard to Haut de la Garenne.

That letter was forwarded to the then Minister for Home Affairs as an attachment to a letter dated 11th November 2008 from the said Chief Executive to the said Minister and that letter made comments in relation to “the Metropolitan Police report”. Both letters were considered by the said Minister in relation to the original suspension of the Chief Officer of Police but the Minister for Home Affairs did not see the said Interim Report.

3.16 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING BY-ELECTION COSTS:

Question

Given that Article 15(2) of the Public Elections (Jersey) Law 2002 requires the cost of a Senatorial election to be met by the States, would the Minister indicate the actual cost to the Treasury of previous Senatorial by-elections so that Members have an accurate estimate of the figures involved?

Answer

The last two Senatorial by-elections were held in February 2003 and March 2004 and total costs incurred by the States amounted to £20,251 and £19,373, respectively. The costs of the 2004 by-election comprised:

Parish polling station costs (reimbursed to parishes by the States):	£12,318
Advertising & publicity costs:	<u>£7,075</u>
Total costs:	<u>£19,393</u>

There was no requirement in 2004 for the Privileges and Procedures Committee to publish an election supplement in the JEP, as that requirement was only introduced in 2008. The current cost of the supplement is £7,000 approximately, such that this year’s by-election cost is likely to cost in the region of £30,000.

3.17 THE DEPUTY OF ST. MARTIN OF THE CHIEF MINISTER REGARDING THE COST OF THE SUSPENSION OF THE CONSULTANT GYNAECOLOGIST:

Question

What action, if any, is being taken against those responsible for implementing and continuing the Consultant Gynaecologist’s suspension from the Health and Social Services Department?

Given that initially the review into the suspension was estimated to take between 4 to 6 weeks and cost £40,000, will the Chief Minister inform Members of the reasons for the delay and the final cost?

Answer

The Consultant Gynaecologist concerned is no longer excluded.

The review was completed with the benefit of hindsight. It notes the fact that this was a new policy, that people were unfamiliar in its application, that it was a difficult case and had the added complexity of a criminal investigation. It did not reach conclusions of negligence or malicious intent by any of the managers involved. I have asked for an assessment of whether there are grounds for taking disciplinary action and I am advised that there is no case against any current employees.

With respect to the length of time taken, the desk top work and the main interviews were completed by the end of last year and a first draft of the full confidential report written by mid January (approximately 6 weeks from the start of the review). There were a number of points to follow up with key individuals who were unavailable during January and February.

Late February and March were taken up with the final checks and the preparation of the shorter report fit for publication. There were no issues regarding the content of the confidential report, these final checks mainly related to addressing a number of important points to consider regarding the balance between openness in addressing the key issues in the published part of the report and ensuring that the SEB did not breach any employment or other duties to employees.

The total cost will be around £60,000. The extra cost is due to the additional work relating to checks regarding the part of the report which was to be published to States Members and the media and two additional visits by the Reviewers to Jersey for presentation to SEB and States Members.

3.18 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CENTRAL MARKET SUB-POST OFFICE:

Question

Given that the Minister informed the Assembly that the Market Sub-Post Office turns over £1 million in a year, can the Minister tell members how many customers this represents?

Answer

Unfortunately the Deputy is incorrect, on the 8th June, I informed the Assembly that the annual turnover of the network has reduced by £482k (8%) to £5.4m since 2008, and losses are forecast to increase by £412k to £1.2m over the same period.

I did not inform the assembly that the Central Market Sub post office turnover was £1m.

3.19 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING JERSEY HERITAGE TRUST'S AUDITED ACCOUNTS:

Question

Can the Minister advise the Assembly when the last set of audited Jersey Heritage Trust accounts were delivered to his Department and can he inform members whether they were in the SORP 2005 format which is recognised as being the industry standard and offers complete governance and transparency when large government grants are being paid to charities?

Answer

The Jersey Heritage Trust is obliged under its partnership agreement with the department to submit annual audited accounts in September for the previous year.

In 2009 the department agreed to accept accounts in draft for 2008 because the financial uncertainties facing the Trust meant that it would not have been possible to produce unqualified accounts at that time. The last audited accounts were, therefore, received in September 2008 for the year ending 31 December, 2007.

It is anticipated that efforts being made at present to ensure the sustainability of the Trust will mean that the 2008 draft accounts can be finalised in the immediate future. I expect that the audited accounts for 2009 will be produced in accordance with the agreed timetable.

I can confirm that the accounts are prepared under the historical cost convention and in accordance with accounting principles generally accepted in the Island of Jersey incorporating United Kingdom accounting standards, and comply with Statement of Recommended Practice (SORP 2) entitled "Accounting and Reporting by Charities" issued by the Charities Commission.

3.20 SENATOR A. BRECKON OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE SERVICE LEVEL AGREEMENT WITH SERCO:

Question

Can the Minister advise if a Service Level Agreement is in place with SERCO for the operation of the Waterfront Pool, and, if so, what are its provisions and what value was achieved for the public for the payment of £455,866 in 2009?

Answer

On 23rd August 2001 a service level agreement was reached between Waterfront Enterprise Board Limited and SERCO Limited. This covered areas of opening times, levels of charges, staffing and maintaining standards consistent with good industry practice. It is also required to provide swimming clubs with the equivalent time and on an equivalent basis to that which they enjoyed at Fort Regent pool before it closed.

Since opening in July 2003, the leisure pool has provided a valuable service to local residents and visitors and offers an extensive "Learn to Swim" programme for children and adults, provision for swimming clubs, public casual swimming and membership benefits.

Responsibility for the administration of the agreement relating to the Aquasplash was transferred from the Waterfront Enterprise Board to Education, Sport and Culture on 1st January 2005. The ESC Department subsequently reviewed the terms of the agreement in consultation with the operator, and during 2009 a variation to the agreement was agreed between SERCO and the Department. This variation came into effect on 1st January 2010, and under the new terms the levels of financial subsidy paid to SERCO for the next five years are fixed. In addition, a performance related bonus arrangement has been included where both parties can benefit if the financial deficit is reduced below set levels.

These changes will allow the Department to budget effectively and also ensure SERCO maximises the performance of the Leisure Pool.

The maximum levels of subsidy payable are:-

2010 - £362,000
2011 - £369,000
2012 - £376,000
2013 - £383,000
2014 - £ 391,000

The level of subsidy paid by the public to SERCO in 2009 was £348,044.

The amount quoted by Senator Breckon of £455,866 is the sum of the amount paid by the public in 2009 to SERCO (£348,044) plus the annual contribution from the developer (formerly CTP Limited and now AXA Insurance) of £107,822. The latter is an annual index linked payment agreed with the developer of the Waterfront site as part of the original agreement, and runs for the duration of the contract (21 years).

At a more general level, I should point out that public swimming pools invariably require a public subsidy in some form or other, both in the United Kingdom and elsewhere. This is a point which was emphasised to States members at the time of the States debate on the 'St. Helier Waterfront Leisure Complex: Terms of Lease' (P.92/99), which was approved by the Assembly on 27th July 1999. In the report accompanying the proposition, it was noted that Fort Regent was then operating at an estimated deficit of £200,000, and it was made clear that a significant subsidy would be required to operate the new leisure pool.

3.21 SENATOR J.L. PERCHARD OF THE CHIEF MINISTER REGARDING THE JERSEY ANTHEM:

Question

In keeping with the promise made in a official statement to the States by the Chief Minister on 30th January 2007, will the Chief Minister give an instruction to his Ministers and officers of the States of Jersey that on formal occasions the song 'Island Home' is not to be introduced as the Jersey Anthem until such time that the States have formally approved it as such?

Answer

Whilst it has not yet been adopted as the "official" Jersey Anthem, the competition winner, 'Island Home', has been used on a number of formal occasions both within and outside the Island, and its use has been supported by the Minister for Education, Sport and Culture. Copies of recordings of 'Island Home' are now also available on the States website, and awareness of the anthem is growing.

In line with the undertaking given by my predecessor, I intend to bring a proposition to the States to seek the formal adoption of 'Island Home' as Jersey's anthem, once I am satisfied that there is justification in bringing such a proposition. In the meantime, 'Island Home' will continue to be played at formal and informal occasions, along with other Island songs, when appropriate. There is no intention to diminish the value placed on other popular songs, such as 'Ma Normandie' and 'Beautiful Jersey', which form part of our unique local culture.

3.22 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING RIGHTS OVER JERSEY WATERS:

Question

Is H.M. Attorney General able to advise the Assembly whether it is possible for the Crown Estate in Jersey to secure the rights to the seabeds/Jersey waters when it comes to licensing and permitting of activities of a commercial nature and if not, when will he be in a position to do so?

Answer

The Crown's estate in Jersey is administered by Her Majesty's Receiver General who deals with all revenues, incomes and assets that the Crown holds in right of Jersey.

Whilst the matter is not without its complexities in my provisional opinion the sea bed under Jersey's territorial sea up to the twelve mile limit (or the median point in appropriate cases) is held by the Crown in right of Jersey and would fall under the jurisdiction of Her Majesty's Receiver General for Jersey.

Accordingly, if that is correct, it would be Her Majesty's Receiver General who would be responsible for licensing or permitting exploitation of the sea bed.

In my opinion this does not concern the Crown Estate in the United Kingdom.

[09:45]

4. Oral Questions

4.1 Deputy T.M. Pitman of St. Helier of the Minister for Home Affairs regarding the 'Metropolitan Police Interim Report':

Given that, on 8th June 2010, when asked whether he would make available to Members the Metropolitan Police Interim Report, the Minister stated that he would have to take legal advice before coming to a decision, will he now advise whether he has taken such advice, who, specifically, the advice was sought from, whether he will be making the report available to Members, and if so, at what date?

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

I am very pleased to see that Deputy Trevor Pitman has had a change of heart here. Four weeks ago he was very, very strongly putting it to me that the report did not exist. Now he seems to have had a change of heart, and now accepts that it does exist, as indeed it does and always has. There has been no change in the position since I answered questions 2 weeks ago. I have not been able to take advice from the person from whom I wish to take advice, and there are indeed other related matters I wish to take advice from that person on.

Deputy T.M. Pitman:

I am sorry. I did not catch the date that the Minister was going to make the report available. I wonder if he could just repeat his answer to that.

Senator B.I. Le Marquand:

I have made no decision on that. I must first take advice.

4.1.1 Deputy T.M. Pitman:

When will that advice happen? Contrary to the Minister's understanding of my position, I know something exists. The fact that it is an actual report, I think, is a complete myth; it is a collection of notes.

Senator B.I. Le Marquand:

It is a very strange question that is being asked, then, by the Deputy, about something which he does not believe exists.

Deputy T.M. Pitman:

This is, with due respect, rather silly on the Minister's point. We know something exists; when will he let us all see it? That is all we would like, and we can come to a conclusion.

Senator B.I. Le Marquand:

The same response as before.

4.1.2 Deputy T.M. Pitman:

I think maybe Punch and Judy outfits might be in a ... Perhaps I can follow up then: ask the Minister, considering his answer to written question 15, that the former Minister for Home Affairs suspended the Chief Police Officer without ever seeing the so-called interim report, does the Minister think it is in any way credible that this Assembly will be asked to vote on the successor to the suspended Chief Police Officer, while we are also led to believe that the author of the interim report is himself being investigated following complaints about its accuracy?

Senator B.I. Le Marquand:

I am absolutely certain there are Members of this House who wish to see the contents of this report.

4.1.3 Deputy M. Tadier of St. Brelade:

I would suggest to the Minister, it is only reasonable the Deputy remains agnostic as to the nature of the document, seeing as he has not seen it. I would advise against being too harsh, it is only a reasonable position. The question is, though - it is one of the questions that the Deputy did ask - as to from whom the Minister would be seeking advice with regard to the document. Could the Minister answer that part of the question?

Senator B.I. Le Marquand:

I answered that question the last time questions were asked of me about this. I probably should not have revealed who that was, because of the convention which exists in relation to the taking of legal advice from a certain public body, but I did answer that last time.

4.1.4 Deputy M. Tadier:

Will you do us and the public the courtesy of answering the question now? It has been allowed as a question under Standing Orders. If it was already in the public domain, presumably it would not have been allowed as a question. But whatever is the case, will the Minister answer now for openness and transparency?

Senator B.I. Le Marquand:

Yes, I will. It is the Law Officers' Department.

4.1.5 Deputy T.M. Pitman:

Would the Minister consider this is the best he can do? Perhaps it is the wrong person facing a vote of no confidence today.

Senator B.I. Le Marquand:

I have faced, over the last weeks, repetitive questions in relation to the same matters, we have gone over and over again. I have often thought that this might be some sort of political Groundhog Day. The questions are going absolutely nowhere. The questioners know perfectly well what I have said on numerous occasions, which is that I will put as much as I possibly can into the public domain as soon as I can. Why they seek to waste everybody's time by asking me further questions, I really do not know. [Approbation]

4.2 Deputy P.J. Rondel of St. John of the Chief Minister regarding the leases and rental sums for the Liberty Wharf site:

I sincerely hope I am not going to be wasting anybody's time.

The Deputy Bailiff:

So do we all. [Laughter]

The Deputy of St. John:

As businesses at Liberty Wharf are starting to begin trading, would the Minister advise Members which companies will be occupying the site, give details of the leases and rental sums, and advise whether the rental income will be paid to the Waterfront Enterprise Board, the States, or to another body?

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

The site is the responsibility of an independent company, Island Developments Limited, who hold the head lease of the property from the Waterfront Enterprise Board Limited. It is the Island Developments Limited which will receive any income from the sub-tenancies, and details of the

occupiers are confidential to Island Developments Limited, a private company, until that company releases them. On the expiry of the head lease, the benefit of the property and its rental income at that time will revert to the Waterfront Enterprise Board and not to the States.

4.2.1 The Deputy of St. John:

Yes. As Harcourt have been given 60 days' notice to complete work on Liberty Wharf, have we got another contractor in the wings to complete any of the outstanding works, or are we going to have yet more delays while a new contractor is found?

Senator T.A. Le Sueur:

I am not sure how that relates to the question about a lease on the property.

The Deputy Bailiff:

I was just wondering the same thing.

Senator T.A. Le Sueur:

I think I would prefer to have notice of that question.

4.2.2 The Deputy of St. John:

I have another question, if I may, then. Of the new tenants for Liberty Wharf, a number of the tenants had options on their site for 2 years. Given the option time has now elapsed, have these options been renewed? If not, what inducements are on offer? Could it be that the big players taking on these leases are being offered rent free, so as to sign up? Will the Minister give details if he has them, it sounds as if he has very little information?

Senator T.A. Le Sueur:

Indeed, I do have very little. I think the Deputy needs to be reminded that Island Developments Limited is a private company taking on a head lease from the Waterfront Enterprise Board, and I have no knowledge whatsoever or way of getting information from the directors of a private company. It is between that company and its customers.

4.2.3 The Deputy of St. John:

Given that the Chief Minister is responsible for W.E.B. (Waterfront Enterprise Board), he must have far more information at his fingertips than he is telling us. I think he is misleading us by telling us that another company is involved. The Minister is misleading the House, in my view. Will he please come back to the House and give us far more details on the areas that I have put to him this morning?

Senator T.A. Le Sueur:

I have no wish to be obstructive to the Deputy, but I cannot get information from a private company, unless they are prepared to release it. And so, while I can give all the hopeful signs to the Deputy, I cannot guarantee providing any information whatsoever.

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

I share the Deputy of St. John's frustration, and I think members of the public must be wondering what is in it for them. This is a public asset, what is the States receiving in return for the lease to this company, this private company? Can we have some indication of the length of the lease and the kind of remuneration that the public, that is to say, the taxpayers and people of Jersey, are receiving for this large shopping mall that is soon to open?

Senator T.A. Le Sueur:

Yes, that is a fair question, and the Waterfront Enterprise Board, in entering that lease, received a premium on the lease of £4.5 million, together with the delivery, at the developer's expense, of a

bus station or transportation centre, and the ability to participate in any overages as a result of the development, should they arise. The lease is for 150 years.

4.2.5 Senator A. Breckon:

In the original question, the Deputy of St. John asked the Chief Minister about businesses at Liberty Wharf starting up to begin trading, and the Minister was asked if he would advise Members which companies would be occupying the site. I wonder if the Chief Minister would like to tell the House whether he believes a shop opened on the old tourism site selling pasties is better value than the old tourism building?

Senator T.A. Le Sueur:

That is a matter of judgment for individual States Members. In any case, it is irrelevant; a lease has been entered into between the Waterfront Enterprise Board and Island Developments Limited and under the terms of that lease, the tenant is entitled to sublet to whomsoever they wish, within the terms of that lease.

4.2.6 Deputy T.M. Pitman:

I think I heard the Chief Minister correctly. He mentioned £4.5 million and a lease of 150 years. Could he advise the Assembly and the public whether he thinks that is good value for money?

Senator T.A. Le Sueur:

The complete deal was for £4.5 million, plus the building of a bus station, the provision of the ancillary services there, and the potential to receive overages from the subleases from the tenants. The overall package was evaluated and it was decided it was good value for the taxpayer.

4.2.7 Connétable D.J. Murphy of Grouville:

Would the Chief Minister agree with me that in fact, the pasty shop is next door to the old tourism building, and not the old tourism building?

Senator T.A. Le Sueur:

I think the principle of the question remains identical. The exact location is irrelevant.

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

Following on from Deputy Pitman's question; the £4.5 million that has gone to W.E.B. for this. Can the Chief Minister please inform the States when the taxpayer of the Island will receive any monies back from the W.E.B. account?

Senator T.A. Le Sueur:

That is a matter for negotiation between the Minister for Treasury and Resources and the board of W.E.B. If there are adequate funds in the W.E.B. account which are not needed, then the company may well declare a dividend payable to the States. That is a matter for the company and the Minister for Treasury and Resources to talk about and agree.

4.2.9 The Connétable of St. Helier:

The Chief Minister said that there was a link between the capital costs of the bus station (the transportation centre) and the money paid to W.E.B. Would he undertake to talk to W.E.B. about the possibility of getting this company, Island Developments, to contribute towards the revenue cost of the bus station, which might allow us to keep it open later in the evenings?

Senator T.A. Le Sueur:

I can certainly talk to the board of W.E.B. and ask them that question. I will let the Members know the outcome, if any.

4.2.10 The Deputy of St. John:

I am somewhat disappointed in the Minister. I thought he would be far more prepared this morning, given he has got a vote of no confidence in him later. Given that the rental at the bus station has doubled this year, will the Minister make inquiries as to why it has doubled and was not fixed for the cost of living? It has gone up from £50,000 per annum to £100,000 a year. Will he make sure that in future it is only fixed to the cost of living, if this is a property that we own indirectly?

Senator T.A. Le Sueur:

If the terms of a lease have been entered into in good faith, the terms of that lease have to be abided by.

4.3 Deputy F.J. Hill of St. Martin of the Minister for Treasury and Resources regarding scaffolding around St. James' Church:

Given that in July 2008 the scaffolding which was erected around St. James' Church, which was erected in September 2006, cost £15,500 a year alone, would the Minister advise how much the hiring of the scaffolding has cost to date, why it is still there and when will it be removed?

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

Deputy Le Fondré, responsible for property matters, will answer this question.

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

The hire charges for the scaffolding were approximately £15,500 in 2007, £15,500 in 2008, £15,700 in 2009, and estimated to be approximately £17,000 for 2010. What I would say is that the scaffolding remains *in situ* to protect the public from the risk of loose masonry falling from the towers, and the cost of making safe the towers and façade is estimated at between £500,000 and £750,000. Therefore the sheer cost of remedying the problem hugely outweighs the short term revenue cost of keeping the scaffolding in place. This is one of the dilemmas we are persistently having in property. Jersey Property Holdings has been required to prioritise this expenditure on building maintenance to essential health and safety compliance works, and is therefore not in a position to direct the necessary funding to repair the towers in St. James at this time. Unfortunately, to answer the last part of the question, at present there is no firm plan to remove the scaffolding.

4.3.1 The Deputy of St. Martin:

I did ask very much the same question 2 years ago, in fact on 2nd July, and I understand that the answer given last time was around £300,000 to put the matter right. Is the Assistant Minister able to inform Members why the large increase in the work? Is it because it is deteriorating faster than one would have thought, therefore the sooner it was done? Would it not be better to have the job done sooner, rather than wait, because it will go up a lot more? Why has it gone up so much?

Deputy J.A.N. Le Fondré:

I would have to go back and just check my previous response in terms of exactly the composition of the £300,000. What I do know is that there are 2 aspects to the work.

[10:00]

One of the actual pinnacles on the top of St. James, which are subject to very stringent planning conditions, and for example, one application which was made in November 2006 was just simply to remove them, which would have been at a cost of approximately £88,000. However, that is not acceptable, given that the building is an S.S.I. (Site of Special Interest). The further piece of work, as I understand it, is there is a degree of remedial work that is required to the actual front of the

building as well. So it is not just the pinnacles, it is also the facade of the building that requires attention. Essentially, given that the other priorities that exist in the estate, and given the maintenance budget, of which I think Members are already aware of the position that the property portfolio is in, there are far greater priorities than this particular project. That is the dilemma we face.

4.3.2 The Deputy of St. Martin:

Just a follow up, really. Again, 2 years ago, the Minister answered last time, but gave an assurance to the House that they were having a meeting with the Minister for Planning to ensure that there was a solution, because it would be hoped that the work would be carried out before election time, but the Minister at the time did not say what election. Was there any possibility of the 2 departments - Property Holdings and Planning - getting together to see what can be done to get this work completed? It was promised it would be done before the election last time, can we have an assurance of when there will be a report between Property Holdings and Planning to get a resolution to this problem?

Deputy J.A.N. Le Fondré:

We are certainly in dialogue with Planning on a variety of matters on many occasions, so I shall ensure this is raised again with them. My last understanding on the matter, which was a few months ago, was that discussions had been had with Planning, no solution had been found to meet the S.S.I. conditions. We are all working together; I think we fully accept the position in the Planning Department on the matter. However, even if we can come to an acceptable solution from the planning perspective, it does come down to the priority of the other statutory maintenance that we must perform on the portfolio to keep it safe, and that is our utmost concern, and has to remain that way.

4.3.3 Deputy T.M. Pitman:

Following on from the last question, really, I accept what the Assistant Minister says about priorities, but does he not also concede that this is the type of response that drives the public mad? Ultimately, if this continues, we will arrive at having spent more than £500,000 and still having a building wrapped in scaffolding. It makes no sense, certainly not to me, or most of the people I speak to. That was the question: does he agree it is a false economy?

Deputy J.A.N. Le Fondré:

I think it is slightly more complicated than that. One has to look at, effectively, the revenue equivalent for spending £500,000 now, and the revenue equivalent of that, if you look at a return on £500,000 now, is fairly low. Equally, for example, I signed off a decision yesterday to approve the plans to replace a leaking roof on a school building, and that is the question: which is the greater priority? Our view is that keeping children dry and in an acceptable work condition was more important, given the financial constraints we have. That is the dilemma we face.

4.3.4 The Deputy of St. John:

Once again our infrastructure is falling about around our ears. Last week, the centre was closed for the election on safety reasons. If that is the case, can the Minister tell Members whether or not the centre is to remain closed to people for its current purpose, education and the like? If so, does he believe that is a good use of that property?

Deputy J.A.N. Le Fondré:

My understanding, from a Property Holdings perspective, but also the media comments on and around the election time, was that the reason St. James was not used as a polling booth was purely from the fact that there was an accident, at least, either one or 2 individuals slipped on a step in St. James at the previous elections. Given the constraints we operate under, because it is an S.S.I., measures were taken to make sure that step was far more visible, basically by putting a yellow,

bright visibility strip on that step to remedy the situation. The Chairman of the Jersey Arts Centre was on record as saying that building is remaining open. They have absolutely no health and safety concerns about the operation of that matter. I think the particular instance was a one-off set of events, which further measures have been taken to remedy.

4.3.5 Senator J.L. Perchard:

Does the Assistant Minister not think it is a touch ironic that there is no interest in this building, no real interest in this building, and it happens to be a site of special interest? Property Holdings bat it off annually, and the Minister for Planning maintains that it is a building of special interest. Yet it is under-used and falling down. Does the Minister agree with me that it is time for the heritage group, the heritage lobby, and the Minister for Planning in particular, to get real about the numbers of churches and old chapels around the Island that are falling down, yet have this burden of a site of special interest over it, and it is now time to take tough decisions that protect the best and moves on, and allows St. Helier to move on, and demolish the worst, and to get real? Will the Minister be putting pressure on his colleague at Planning to do something about the site of special interest label on St. James?

Deputy J.A.N. Le Fondré:

To an extent, I probably disagree with the Member. Firstly, I confess frustration, because we are all in this position of seeing a building that is not in the state that was originally envisaged in, I think, the 1990s, when the States originally purchased it. In fact, if I recall correctly, the phase 2 or 3 of the work that was originally envisaged was never performed by the States of the day. What I will say is that we are doing ... we have a number of reviews undergoing at the moment, and one of them is in conjunction with the Minister for Education, Sport and Culture, and that does include St. James. So we are not just sitting there, we are trying to establish a long term plan, or even a medium term plan, for that particular site. Is the building worthy of an S.S.I.? Yes, in my view - although I am not the Minister for Planning, obviously - I think it is. If you look at the photographs, especially when you can see the building at its full, which is not easy from street level, it is worthy of being an S.S.I. But that is the constraints that we operate under in the planning process, and certainly I have seen other schemes that the Minister for Planning, I believe, has approved, which have shown very useful alternative uses for such buildings. Therefore I think it is something that in the medium term we can resolve, but we are in this short term dilemma - it has been longer than we would prefer - of having to manage the capital cost of remedying it versus the short term revenue cost of keeping it safe.

4.3.6 Senator J.L. Perchard:

A supplementary question arising from that answer. Very briefly, it is a great relief to me that there is to be a review being undertaken by Property Holdings and Education, Sport and Culture. Will the Assistant Minister tell us the terms of reference for this review?

Deputy J.A.N. Le Fondré:

I do not have them to hand, but I will ensure that the Member is informed in due course.

4.3.7 Deputy J.A. Martin:

I thought Senator Perchard has possibly asked my question, except he had to put in: "And let us demolish these sites, especially in St. Helier, and let them get on with the rest of it." I can assure you there is a lot all over the Island, and this is my question to the Assistant Minister for Property Holdings: when are they going to get real and really prioritise? This building - and my electors want to know - which is the site of special interest, the old church or the scaffolding? **[Laughter]** They really cannot work it out any more. **[Approbation]** The answer to the question was totally wrong about one person slipping. We have stood on that door for 4 elections now. People fall in and they fall out, and none of them are intoxicated. It is dangerous, and a red line or a yellow line is not going to help people. It is not even good enough for a polling station. The question is, when

will they get real? Really, they know they will not have the money, at least in the next 20 years. The only thing left will be the scaffolding, and will he get real and agree with us?

The Deputy Bailiff:

Assistant Minister, when are you going to get real? [Laughter]

Deputy J.A.N. Le Fondré:

Unfortunately, in Property Holdings, reality hits us every day, and that is the reality on the state of the property portfolio as a whole, and that is the position about priorities. As I said, even yesterday, the priority was, do we fix a leaking school roof and continue having scaffolding there, or do we let the school roof leak and restore a cultural building? That is the priorities there, and our decision as of yesterday, and it continues to be the case, was the biggest priority for us.

The Deputy Bailiff:

I am afraid there are still Members wishing to ask questions, but time is passing and we need to go on to the next question. Deputy Tadier has a question for the Minister for Home Affairs.

4.4 Deputy M. Tadier of the Minister for Home Affairs regarding the receipt of advice on police procedures:

Some groans there again, from across the Chamber. Can the Minister inform the Assembly from whom he receives advice on police procedures in relation to the suspension of the Chief Officer of the States of Jersey Police?

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

This question is ambiguous. There are 2 possible meanings to it and there has been much debate in my Department as to which is the real meaning. I am going to answer the meaning which does not take me immediately back into political groundhog day, although of course, it may be that subsequent questions will. The answer is, on the assumption that what is referred to here is advice on police procedures, in other words, ways in which police should conduct investigations. The answer is, from the Chief Constable of the Wiltshire Police Force, via the 3 reports which he has written.

4.4.1 The Deputy of St. Martin:

I was rather surprised to hear that answer. Can I ask the Minister, how frequently he discusses the suspension process and the way in which the investigation is going, with the Chief Constable of Wiltshire?

Senator B.I. Le Marquand:

I never discuss it with the Chief Constable of Wiltshire.

4.4.2 Deputy M. Tadier:

Is it correct in that case, that the Minister does not liaise with the current Acting Chief Officer for operational advice on this particular case? Can the Minister confirm that?

Senator B.I. Le Marquand:

The Acting Chief Officer has not been one of my advisers in relation to matters in relation to the suspension of the Chief Officer, for the very simple reason that he is a witness in relation to matters which may ultimately occur. Of course, if the question was designed to be the other question, the other meaning to the one which I received, of course, I would have then have reminded Members that initial issues of concern were raised in the letter of the Acting Chief Officer of Police to the Chief Executive of the Council of Ministers dated 10th November 2008. But I simply do not

receive advice from the Acting Chief Officer. It would not be proper for me so to do, because he is a witness.

Deputy M. Tadier:

I thank the Minister for his answer. I know he does like a bit of ambiguity, but that is essentially the question that you answered was the right question, and I am reassured that you are not taking advice from an officer who would clearly be conflicted. To that extent, you have put my mind at rest. Thank you.

4.4.3 The Connétable of St. Helier:

The Minister betrays some impatience with questions on this subject, and talks about groundhog day. Does the Minister not understand the impatience felt by many members of the public, taxpayers, including the suspended officer himself, with the unwarranted delay that this matter has taken, and the considerable costs that have now built up in relation to it? When is he going to see this matter put finally to rest? When are the public going to have an end to their impatience with the amount of time and money this whole matter is taking?

Senator B.I. Le Marquand:

Yes, I absolutely share the frustration of members of the public, and indeed, Members of this House, in relation to the costs that have been involved. I inherited a disciplinary process which, in my view, is simply not fit for purpose, it needs to be rewritten. An enormous amount of time has been taken by the investigating officers in relation to this matter. I share all those frustrations. The fact is, this is very rapidly coming to an endgame, and the endgame will be in July this year.

4.4.4 Deputy M. Tadier:

I would simply add that it is probably quite fitting that the Minister uses a chess analogy, because would he agree that the endgame will necessarily result in a stalemate for all parties in the game?

Senator B.I. Le Marquand:

The endgame is definitely going to end in a stalemate in the sense of the disciplinary process being completed.

[10:15]

I have been saying for some time that I could not do that in relation to the first investigation, Haven 1. It has now become clear that Haven 2 has now dragged on. So far, a document has only been handed over by the Wiltshire Police very, very recently; but that is not going to achieve a completion. But there will be, undoubtedly, an endgame, because the reports of Wiltshire will be coming to the public domain, and then the public will be able to see for themselves exactly what happened, exactly who was at fault and in what ways.

Deputy M. Tadier:

Sir, may I be allowed a final supplementary?

The Deputy Bailiff:

A final one on this occasion, as you have managed to go reasonably swiftly, and you were deprived of your question on the last one.

4.4.5 Deputy M. Tadier:

I will be more sparing with my use of the word “final” in future. The question is, simply, does the Minister not accept that we knew that we had a particular deadline to deal with? We knew that the Chief Officer was going to be retiring, would it not have been wise to try and get all the reports done within a certain time, by that deadline, so we could have had closure? I would suggest that this is not coincidence, that it could have been done and it should have been done.

Senator B.I. Le Marquand:

Insofar as it has been proper for me, I have always tried to urge the Wiltshire Police to get on with the job as soon as possible. But there are extreme limits to what I could do in relation to that, because if I had been too forceful in that, then I would have been accused of interfering in the investigatory process, and that it was not a full and fair and proper investigation. That it is, and I can assure all Members, when they see the documents, that they will see it is full and proper.

4.5 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Home Affairs regarding the recommendations of the Scrutiny report into the Prison Board of Visitors:

What progress, if any, has been achieved in implementing the recommendations of the Scrutiny report into the Prison Board of Visitors?

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

There has been a difficulty in relation to perhaps the core issue, which was the issue as to whether or not the board should continue to be composed solely of Jurats, or whether it should be a mixed board of Jurats and non-Jurats, or indeed whether Jurats should not be there at all. The position was further complicated because advice was taken by the Scrutiny Panel which tended to indicate that the Jurats should not be there at all, but the recommendations of the Scrutiny Panel were that there should be a mixed board. This created a real problem for me, and I felt obliged to seek my own legal advice from a source which I normally would not wish to indicate the identity of - but will no doubt be pressed further on - but by my having said that you will know who it is anyway. That advice has been slow in arriving. The good news for Deputy Le Hérissier is that upon my making inquiries as a result of his question, I am told that the advice now exists in draft form, and hopefully will be with me shortly. That is the main issue. In relation to other matters, some of the matters recommended were already happening; some of them, some progress has been made towards them happening; and some of them, the current Board of Visitors did not want to happen, but of course, if we had a differently constituted board, we could look at again.

4.5.1 Deputy R.G. Le Hérissier:

Does the Minister always get very lonely, as he seems to spend a lot of his time in his office waiting for advice that never arrives? **[Laughter]** Would the Minister not accede that the panel in fact, was trying to be pragmatic, and, given it knew it was going to meet heavy opposition in certain quarters, it graciously decided to be pragmatic and see whether the concept of a mixed board could work, and that, in fact, was its intention. It was not trying to pose insoluble challenges to the Minister.

Senator B.I. Le Marquand:

I am grateful for the pragmatism of the panel. It did, unfortunately, create this difficult position. It must be remembered that any changes to the constitution of the Prison Board of Visitors are matters for legislation, and therefore there would have to be amendments, and if there was an amendment indicating there was going to be a mixed board, I would have to make a statement to the House that I was satisfied that that was human rights compliant. So, as the issue being raised in the first place was human rights compliance, it seemed sensible for me to take advice first. I must say, it is a bit of a reversal of roles, because from my days in private practice, it was my clients who were waiting for long periods for me to reply.

Deputy M. Tadier:

Can I make a clarification, because I think there has been some misinformation given out, probably not deliberately. As Chairman of the review that went on, the recommendation was not that we have a mixed board. The recommendation was that we have a lay board, a board of visitors entirely made up of lay people, but that Jurats would not be prevented from putting themselves forward for

service. I think that is a distinction that needs to be made, otherwise the questions will be going forward on a false footing.

4.5.2 Deputy T.M. Pitman:

I was tempted to ask whether the Minister's advice was coming attached to an email, but I am not going to do that. I would like him to clarify, if he can, whether one of the main reasons for the delay is the strong objections from within the Jurats themselves to moving towards a board which would ultimately be made up of lay people, as Deputy Tadier has said.

Senator B.I. Le Marquand:

I could read out, at 2.24 of the recommendations, because this may be where there is an ambiguity: "The Minister for Home Affairs shall implement a new system enabling independent members of the public to sit on the Board of Visitors." To me, that means, to sit in addition to the people who already sit there, and so there was obviously an ambiguity there, and maybe I misread that. I have now completely forgotten the last question from Deputy Pitman.

The Deputy Bailiff:

The Deputy was really asking whether or not the Jurats were opposed to any change?

Senator B.I. Le Marquand:

The Jurats' view is, I think: "If it ain't broke, don't fix it", although they have expressed it rather more elegantly than that.

4.5.3 Deputy M. Tadier:

I would simply say, if the document is taken in its entirety, and I do not happen to have it at hand, that it is quite clear that what is being asked for is for the board to be made up of lay people, as I said before, and Jurats could put themselves forward, but would not be automatically necessarily selected. Will the Minister state now, for the record, whether he is in favour of a board of lay people being appointed, and if he believes that it is not human rights compliant to have Jurats sit on that board, then he can take whichever steps he thinks is necessary?

Senator B.I. Le Marquand:

If it is not human rights compliant for Jurats to be on the board, then we will need to have a lay board. If it is human rights compliant for Jurats to be on the board, then I will have to balance various different issues as to whether the existing board functions better than a mixed board or with a board with just a few Jurats on. That decision I have not yet made. I simply put that decision off, pending the advice that I receive.

4.5.4 Deputy M. Tadier:

The point here is not the Jurats, we are getting bogged down by the Jurats. The point is that a board should be set up which allows members of the public, who may well be qualified in various different sectors, with various relevant experiences, to serve on the board. It is not about being "Jurat-centric", as the Minister seems to want to make this argument. Will the Minister simply say whether he is happy for the board to be opened up to lay people or not?

Senator B.I. Le Marquand:

If it is human rights compliant for Jurats to remain on the board, then my preference, in terms of a mixed board, would be to retain a number of Jurats. I think that is very valuable having Jurats on the board, if they can be there, for a whole number of reasons. But I am entirely open to the possibility of other people who are non-Jurats joining them, if that is possible.

4.5.5 Deputy J.A. Martin:

Human right compliant: someone who has put you in prison visits you in prison to ask you if you are okay. I think that is pretty, pretty ... as plain as the nose on my face. My question is, the Minister said, the Jurats would be of the opinion: "If it ain't broke, don't fix it." This is after independent reviews for the visitor reviews yearly, and in 2 of those years we have had damning, damning independent reports from the U.K. (United Kingdom). Is the Minister satisfied with this paragraph in the summary, about the Committee of Prevention of Torture and Inhumane, Degrading Treatment? This, to me, has been taken out of context, and when we do get this report late in the summer, I think we will get another damning report of the prison and the Jurat system.

Senator B.I. Le Marquand:

There are about 5 questions there, and I cannot remember very many of them, and a document has been referred to, which I do not even know what it is. I am in great difficulties here.

The Deputy Bailiff:

It ended up without a question at all, Deputy. Would you like to frame your question again?

Deputy J.A. Martin:

Yes. The last part, which is the most concerning, in the summary of the recent Prison Board of Visitors Annual Report 2009, it quotes that the prison staff and the Jurats were happy that the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment made a number of complimentary remarks. They had not done their final report; they made some complimentary remarks about different systems, but they also made some very worrying remarks about the prison. Why has this been allowed to be put in this report?

Senator B.I. Le Marquand:

The report is the report of the Prison Board of Visitors, and not the report of the Minister. That is the first point I wish to make. Secondly, although we have not received the outcome of the Committee on Torture et cetera's report, the preliminary indications which we received were very positive. But there are issues of course, in relation to young people being kept in the prison, particularly those of school leaving age, and Deputy Martin should know well that this is an issue which the former Magistrate was repeatedly raising for many years and felt very strongly about. That we needed to get our young people of school leaving age out of the Young Offenders Institution and into Greenfields. So there is nothing new about that, but I await the detail of the report with interest.

4.5.6 Deputy J.A. Martin:

Just a supplementary there: I do understand that the Board of Visitors say also, they agree that young people should be in Greenfields and: "Would only require the goodwill of all those involved." Is this naivety? The name on this report is the Minister for Home Affairs, that is why I am directing this question to him.

Senator B.I. Le Marquand:

No, this is not my report, this is the Prison Board of Visitors' report. It is simply my role to lodge it, as an "R", that is in accordance, as I understand, with the law and good practice. It is not my report. I have to say that I have been extremely frustrated by the lack of progress for many years in this very issue of getting the 15 and 16 year-olds out of the Y.O.I. (Young Offenders' Institution). I have been very patient ...

The Deputy Bailiff:

That is not within the context of the Scrutiny Report.

Senator B.I. Le Marquand:

No, it is not.

4.6 Deputy A.E. Jeune of St. Brelade of the Chief Minister regarding the role and responsibilities of the Chief Executive to the Council of Ministers:

Would the Chief Minister outline the role of the Chief Executive to the Council of Ministers, and specifically, clarify what his responsibility is in relation to overseeing the performance of other departmental chief officers to ensure they carry out their roles and responsibilities efficiently and effectively? Would he identify any chief officers who are not accountable to the Chief Executive? Thank you.

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

The Chief Executive has 4 principal roles. He is the executive officer and a principal adviser to the Council of Ministers; he is the head of the paid service, responsible to the States Employment Board; he is Chief Officer of the Chief Minister's Department and Accounting Officer for policy, law drafting, and international affairs functions; and he is the executive officer for the Emergencies Council. The Chief Executive is responsible for performance management of chief officers, and holds them to account for managing their Department effectively and delivering the policies of the appropriate minister. Chief Officers are accountable to their Minister for the proper implementation of ministerial policies and the delivery of the required services and functions. Each chief officer is an accounting officer in their own right and as such are responsible for the prudent stewardship of finances and the economical and effective administration of their departments. The Chief Executive is responsible for the performance management of all ministerial and departmental chief officers, except for the Chief Officer of Police, who is solely responsible to the Minister for Home Affairs. The Chief Executive has no responsibility for any non-executive departmental chief officers. While, in practice, all chief officers are also accounting officers, there are some accounting officers, such as the Airport Director and the Harbourmaster, who are not chief officers. These accounting officers are responsible to the chief officer of the relevant ministerial departments.

4.6.1 Deputy A.E. Jeune:

Would the Chief Minister justify the associated remuneration for this post, and does he believe that departmental chief officers have been managed appropriately when it appears that there has been evidence of ongoing, unacceptable organisational and cultural behaviour in some departments?

[10:30]

Senator T.A. Le Sueur:

The remuneration for the post is a matter which has been discussed and found necessary in order to secure the person of the right ability and qualifications. As to whether the performance management of chief officers for which that Chief Executive is responsible has been carried out effectively and in the best possible way, I would say there certainly is always scope for improvement. One of the things which I have done since becoming Chief Minister is to ensure that there is proper independent review by myself of the Chief Executive in conjunction with an external reviewer from the U.K. and that process is now being sent down the line to the remaining chief officers. There is scope for change. There is scope for improvement, but a process is in place and it is being carried out.

4.6.2 The Deputy of St. John:

Given that the C.E.O. (Chief Executive Officer) of the States is also in charge of the States Employment Board, among other things, and overall charge of chief officers across the board, will the Minister please explain why it has been found necessary with the new C.E.O. of Health wanting to bring in project managers to manage change within the Health Service, is the Minister and his Chief Executive going to permit people from off-Island to be brought into Jersey into the Health

Service to manage change within that Department, or will the Chief Executive through the Chief Minister make sure that any management of change is done from on-Island?

Senator T.A. Le Sueur:

Just a slight correction, the Chief Executive Officer is not in charge of the States Employment Board, he is the Chief Executive to the States Employment Board. As far as the substance of the question is concerned and the need to bring in outside project management for the Health Department, I think it is fair to say that the management structure of the Health Department needs improvement and strengthening. How that is done is a matter for the newly appointed Chief Executive Officer of Health to determine in conjunction with the Chief Executive and the Minister concerned and myself, and if the best way to achieve that is by performance management experts, be they from on-Island or off-Island, that is a decision which is taken in the best interests of Health and the future of the Health Department. If we can find such expertise on the Island then I believe certainly we should use that expertise. If that expertise does not exist within the Island, we will have to look elsewhere. If the questioner is suggesting that the Chief Executive themselves has enough bandwidth to do that job as well, I would suggest that the actual size of the problems at Health are more than one person can cope with and that is the reason for setting up a particular project management group for particular areas of change.

The Deputy Bailiff:

Can I just remind Members that the question is the focus of the Chief Executive's role and if we are not careful we could have questions about every Department which is not within the scope of question time. The Connétable of St. Lawrence.

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

I think I heard the Chief Minister say that the performance of the Chief Executive is reviewed by himself and an outside external body. Is it ever referred to the States Employment Board?

Senator T.A. Le Sueur:

It has not been in the past. The performance review is normally a matter for the chief officer concerned to discuss with the Minister of his particular Department, but having taken the point from the Constable of St. Lawrence I will certainly look into the suggestion. It could well be discussed by the States Employment Board and indeed the Employment Board might well look more closely at the whole performance management and evaluation, review and assessment procedures for the future. So, I thank the questioner for the question.

4.6.4 Deputy R.G. Le Hérissier:

Without naming names, I wonder if the Chief Minister could identify how many chief officers, and I hate to be negative but it has to be so, how many chief officers have been analysed by the overall chief officer as not meeting their performance and therefore should be subject to serious review? How many Chief Officers have been subject to that process and reported to him on that basis?

Senator T.A. Le Sueur:

I do not know the answer to that question and if I did know the answer, I am not sure it is something for the public domain anyway. It is a matter for really making sure that the person concerned has the opportunity to improve their performance. If that opportunity does not result in improved performance then appropriate steps should be taken. It is not a matter for public discussion. That is a matter for internal administration.

4.6.5 Deputy R.G. Le Hérissier:

Would the Chief Minister not think that that is a total abdication of responsibility given the kind of salaries, rewards and permanence accorded to chief officers, is it not imperative that without micro-

managing he keeps a very close weather eye on their performance given the amount of ever-growing public dissatisfaction?

Senator T.A. Le Sueur:

I agree it is my responsibility to keep a weather eye on the performance review of all chief officers and that is a matter which I will do but not in the public domain. What one finds with any performance review and appraisal is that there are some aspects which can be kept with improvement, development, some aspects which are very good. One tries to encourage and support those that are already very good and put work into areas which are not so good to bring them up to standard as well. No one is perfect but we can all learn from performance reviews. That starts at the top and works all the way through.

4.6.6 Deputy A.E. Jeune:

In his reply, I heard the Chief Minister say that the heads of Airport and Harbours do not report to the Chief Executive. Does that include the head of Industrial Relations who sits on the States Employment Board?

Senator T.A. Le Sueur:

The head of Industrial Relations is not a chief officer and is not an accounting officer. I drew the distinction between the Harbourmaster and the Airport Director who were accounting officers and who were responsible for the financial and accounting performance of their Departments. They are responsible, as I said, to their chief officer of the, in this case, Economic Development Committee. The head of Industrial Relations in the Chief Minister's Department is not a chief officer or an accounting officer. The responsibility remains with the Chief Executive.

4.7 Deputy D.J.A. Wimberley of St. Mary of the Minister for Treasury and Resources regarding the timetable for the 3% and 5% additional cuts for 2012 and 2013 under the Comprehensive Spending Review:

Will the Minister outline the timetable for the 3 per cent and 5 per cent additional cuts for 2012 and 2013 under the Comprehensive Spending Review and advise when the consultants/advisers were appointed for the major reviews and by what date departments have to submit their proposals to the Corporate Management Board and/or the Council of Ministers?

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

Departments without major reviews are required to return their proposals for the 3 and the 5 per cent to the C.S.R. (Comprehensive Spending Review) team by mid-July. The remaining 4 departments will submit their proposals by the end of August. The Council of Ministers will consider all the initial proposals in the September period. External advisers on the reviews for Home Affairs and court and case costs were engaged on 15th June and have already started their work. Interviews for the terms and conditions review took place last week and further clarification is being sought prior to an appointment being made shortly. Expressions of interest for the review in Education, Sport and Culture have been received and are being evaluated and the terms of reference for Health and Social Services are being finalised.

4.7.1 The Deputy of St. Mary:

I am quite surprised at that answer. In the budget speech on 8th December last year the Minister announced his intention to support this process, i.e. the C.S.R. process, with a panel of independent commissioners, and on 20th April we were told these reviewers would be in place by the end of April and on 8th June, in response to a written question from me, I was told that external advisers will be used but we still do not have them, and yet the submissions from these major departments have to be in by the end of August. So, just to confirm, is the Minister telling us that these advisers

who are supervising or looking closely at these major reviews are not in place yet, will not be in place by the end of June, and in 2 months they have to conduct major reviews of major departments? Could the Minister explain how this can take place, how they can do this job?

Senator P.F.C. Ozouf:

I think I need to be clear. The C.S.R. team which is based within the Chief Minister's Department has been engaged in setting up all of the reviews for all of the major departments and there is a difference between the spending commissioners, which I have asked that should oversee the process of the work of the review boards and the actual external advisers. The external advisers, I have already said, in relation to 2 of the departments are underway, one is shortly to be appointed and another one is now being finalised, and the work of the departments themselves in working up their proposals has, of course, been underway for some time. The idea is that the boards and the independent reviewers are going to be there to see what the departments are going to propose in terms of their 3 and 5 per cent. I realise that this is a difficult issue and I realise that this is challenging but I remain of the view that it has to be done and it has to be done within the timetable in order that the Assembly can make decisions as far as the envelope of spending in the budget later this year.

4.7.2 The Deputy of St. Mary:

I would ask for a point of clarification on that. I am now more confused than when I started this question. We now have external advisers and commissioners and boards and working groups. So, I would just like the Minister to please be absolutely clear, set out the process with respect perhaps to one Department, how the working group is, who these commissioners are, external advisers and the boards. I am quite confused, thank you.

Senator P.F.C. Ozouf:

Perhaps this is a complicated issue to deal in an oral question, and I will help the Deputy and Members by sending a note round later on today which explains the structure. There is a board which oversees the Department's review, there are advisers which are being engaged for that board which will advise on differences for the departments on how to deliver the 3 and 5 per cent, taking an opportunity to re-invent their services, to re-prioritise, and the independent commissioners are there to oversee and to question that the process is actually working. It is quite clear to me but I will put it in a note so that the Deputy has a fuller understanding of exactly the respective roles of the checks and balances that are in place.

4.7.3 The Deputy of St. Mary:

I thank the Minister for that clarification. Now, we have a little bit more light. The advisers who are working to the boards which are overseeing each review, and these advisers will help with how to re-invent departments and restructure them, they are not yet in place. Please confirm that, and if so can you explain how this job can be done in 2 months when the Chief Minister has told us at the briefing at the beginning of June about the C.S.R. that major restructuring is a lengthy process and can take up to 5 years?

Senator P.F.C. Ozouf:

I think the point is that 2 of the advisers have been put in place. We are finalising the advisers for the 2 other major departments. This is not going to be a short process. Certainly, I am asking for the States to confirm the ability of the departments to deliver the 3 and the 5 per cent in the budget later this year. That is not the end of the matter. This is going to be an ongoing long process of implementing those changes. The purpose of these reviews is to identify if it is possible and if it is realistic in order to deliver the 3 and the 5 per cent, and therefore to inform the Assembly in the budget later this year whether or not we can deliver the £50 million worth of savings.

4.7.4 Deputy M. Tadier:

Will the Minister be making the fees paid to the consultants from overseas available to the public, and also can he confirm whether he has been able to successfully negotiate a 3 and a 5 per cent reduction in their fees?

Senator P.F.C. Ozouf:

I think that there is a hallmark of my tenure as the Minister for Treasury and Resources of being absolutely transparent in matters and I am more than happy to confirm that any of the costs associated with the C.S.R. in terms of engaging of advisers will be published.

Deputy M. Tadier:

I thank you for that confirmation from the Minister. It seems that other Ministers are not so willing to give out such straight facts when asked by other Members. I was simply thanking the Minister and asking if he agrees with my thanks. **[Laughter]**

4.7.5 Deputy R.G. Le Hérisier:

Can the Minister for Treasury and Resources confirm that part of the remit will be to look at management structures and management costs, and would he not also confirm that in terms of the low hanging fruit the decisions are ultimately political decisions rather than decisions served up by, no matter how eminently qualified, management experts?

[10:45]

Senator P.F.C. Ozouf:

I completely agree with Deputy Le Hérisier. A lot of these issues should be politically led and all Ministers, and I know that every Minister working with their Department is challenging their departments and giving direction as to how to deliver the 3 and the 5 per cent and what is politically delivered. I do not believe that Ministers should be simply abrogating their responsibility and simply saying that it is up to some independent board and independent consultant. I know that every Minister has ideas and examples of where there will be opportunities for removing costs and cutting expenditure and re-prioritising. What the advice is in place to do is to ensure that the Minister and his Chief Officer is supported with where there is external advice brought in, for example at Home Affairs where there are examples of police forces which have re-organised themselves, which have modernised using information technology, whether or not there are examples in the N.H.S. (National Health Service) in the U.K. where money has been saved in procurement or management. It is harnessing best advice from experts who have shown that they can deliver quality public services for less. I would just also point out that the independent commissioners are coming forward and are not being remunerated, and yes I agree that management and reform of management is a key delivery item in terms of delivering the 3 and the 5 per cent. Management has to be reformed.

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

The Minister has been quoted as saying that businesses and the public will not accept higher taxes without savings being made. Could he therefore explain why the F.S.R. (Fiscal Strategy Review) was started in September 2009 and the C.S.R. only started in February of this year?

Senator P.F.C. Ozouf:

The F.S.R., which I signalled in the budget debate last year, is dealing with business tax and personal tax and it is quite appropriate that every government looks at tax and looks at where it should be improved and reformed, and so the F.S.R. originally started with looking at the tax system and how it should be improved and how it should be made more fair. As issues have emerged it is now clear that the F.S.R. has had to deal with issues of business tax which were new issues which were put into the public domain within Europe in October and now also have, I think, the realistic reality of having to raise more tax as well. So, the F.S.R. has been running for some

time and I do not think the Deputy is doubting my personal commitment of delivering the C.S.R. and £50 million worth of savings. I do not believe the public will accept higher taxes unless we show that we can deliver our services more efficiently.

Deputy T.A. Vallois:

I do not believe the Minister explained as to why the C.S.R. started later than the F.S.R.

Senator P.F.C. Ozouf:

The C.S.R. started, as far as my work was concerned, when I stood in the Assembly and said that I was going to concentrate on savings and efficiencies when I secured the position of Minister for Treasury and Resources. It might have been labelled as a C.S.R. late on in 2009 but the work of the C.S.R. started well before that in planning and in terms of my driving and asking for it to be done.

4.7.7 The Deputy of St. Mary:

I am still trying to chase down the answer to my original question, as is often the case with the Minister for Treasury and Resources. He did say in his opening answer that there were 2 external advisers who had been appointed ... sorry one has been appointed so far, the court costs, and the terms and conditions of States staff is on the way very nearly. Now, I then heard him say that there were 2 advisers in place for departmental reviews. Well, could the Minister tell us quite clearly for the major departmental reviews, the 4 departments, how many advisers are now in place and for which departments, and can he then tell us how on earth they can make a decent stab at major restructuring of major departments in 2 months?

Senator P.F.C. Ozouf:

Let me be clear, Home Affairs, court and case costs appointed, work underway. Terms and conditions review shortly to be appointed. E.S.C. (Education, Sport and Culture), and Health and Social Services undergoing a process of appointment. I reiterate the point that I made earlier that it is not the reviews that are going to solve and to give the exact answers to the question of the 3 and the 5 per cent. They will be confirming and looking at the departmental proposals and I am fully accepting of the situation that we will not be agreeing line by line items for each department for some time. What I want to know is, is it possible to deliver the 3 and the 5 per cent within the 3-year period? What are the restructuring costs that are going to be required in order to inform the Assembly of the envelope of spending in the budget later this year? This is needing to be done and it needs to be done with a timetable. I know it is difficult. Cutting costs is difficult but it has to be done and I have to carry on driving a process against the timetable.

4.8 Deputy K.C. Lewis of the Minister for Economic Development regarding the delay in the opening of the new air traffic control tower at the airport:

Following the recent announcement of a delay in the opening of the new air traffic control tower at the airport, would the Minister give details of the reasons for the delay and assure Members that the airport is being run efficiently and cost effectively?

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

The recently revised date for the new air traffic control tower to become operational demonstrates Jersey Airport's absolute commitment to safe and compliant flight operations. It was always made clear that the operational live date was subject to revision. This was to take into account the complex system installations, full testing, training and regulatory approvals. On the question of efficiency and costs, I can assure Members that the airport is well managed. Furthermore, the drive to reduce operating costs and to maximise revenues will continue at both ports. I should add that this new air traffic control facility has been constructed on time and on budget. Importantly, it will deliver air traffic services much more efficiently and cost effectively than was previously possible.

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

I am surprised by a number of comments made by the Minister. First of all, that the system is on time and on budget when my understanding is the main reason for the delay is that the electronics system which is concerned with the electronic strips of information, which relates to the movement of aircraft, which was prepared in the past in a handwritten form by assistant air traffic controllers has actually failed its factory tests 3 times so far and is not working. Secondly, the Minister says that the airport is being run efficiently. Can he explain therefore how the airport can justify paying an air traffic controller £68,000 who has failed both his radar and earth field controller's licences and whose instructors do not feel safe in letting him loose on the travelling public and at the present time is just sitting in an office with no particular duties?

Senator A.J.H. Maclean:

I am always delighted to surprise the good Deputy. First of all, with regard to the project being completed on time and on budget, that is absolutely correct as I have already stated. The construction of the air traffic control facility was delivered in exactly that way. The Deputy is correct in one respect with regard to some testing of complex electrical equipment which comes from the U.K. Testing is carried out in the U.K. and until that is accepted then it will not be delivered to the Island. As far as the final live operational date, until all that equipment has been installed and that is being overseen, and full training is undertaken then of course the facility will not go live. There is a difference between the 2. With regard, I am afraid the Deputy did ask about 3 questions, with regard to the particular case of an air traffic controller, I am sure the Deputy would understand I am not prepared to talk about individual cases in a public forum such as this.

4.8.2 The Deputy of St. John:

Can the Minister confirm that some of the equipment for the control tower was supplied by N.A.T.S. (National Air Traffic Service) and will he also confirm that no tendering was done for this equipment, and will he also confirm that management of air traffic control in fact comes under N.A.T.S. and was taken away basically from our local Department? If this is the case, is this the future for the airport that it will be run totally from outside the Island if management is done by N.A.T.S?

Senator A.J.H. Maclean:

I think the Deputy is right in many respects and I think it is important that Members understand that in terms of moving the airport on to a new level this is probably the most complex construction, the air traffic control tower, and project that has been undertaken. N.A.T.S., as the National Air Traffic Service in the U.K., is without doubt the most appropriate organisation for overseeing such an operation and yes indeed we do have a N.A.T.S. secondee operating at the airport and his expertise has been absolutely invaluable, not only in this project but in terms of bringing forward and improving air traffic services delivered by the Island to ensure that the public remains safe which is our primary aim.

4.8.3 The Deputy of St. John:

The Minister has not answered all of my question. Did the equipment that has been put in the control tower, was it on a tender basis or has it been supplied direct from N.A.T.S. without going to tender?

Senator A.J.H. Maclean:

The equipment, much of which is specialist equipment, was sourced through N.A.T.S. It was under a negotiated arrangement and N.A.T.S. supply similar specialist equipment to installations of air traffic control towers, both in the U.K. and in Europe. It was without doubt value for money and I am very satisfied with the process that was undertaken.

The Deputy of St. John:

A supplementary, Sir, on that one, if I may?

The Deputy Bailiff:

You have already had one supplementary, Deputy.

The Deputy of St. John:

Oh, Sir, you are cutting me off at the knees.

The Deputy Bailiff:

That is the first time I have heard that from you, Deputy. I had it a long time in a different role.

4.8.4 Deputy D.J. De Sousa:

Can the Minister confirm or deny that all training of air traffic controllers is on schedule and that all are achieving the standards that are required?

Senator A.J.H. Maclean:

With regard, if the Deputy is specifically asking about this air traffic control tower, training has not been completed, that is one of the primary reasons for the delay in it going operationally live. Training has been delayed and indeed for primarily safety reasons it has been decided to leave it until after the very busy summer season where we have something like 250 to 300 daily movements. The training will be conducted throughout the summer period and it is intended that the tower will go live later in the year, identified approximately in November.

4.8.5 Deputy D.J. De Sousa:

Can the Minister expand on what the delays are in the training and the reason for them?

Senator A.J.H. Maclean:

I think I covered that in an earlier question. Quite simply there was a delay in some of the testing of essential equipment in the U.K. and on the basis of that the installation was put back. It is important training is undertaken in an appropriate fashion and with the onset of the busy summer season it has been decided for safety reasons to delay until after the summer season.

The Deputy Bailiff:

We have time for 2 more questions. Deputy Le Hérissier.

4.8.6 Deputy R.G. Le Hérissier:

The Minister spoke of a much more cost effective system. Could he tell the House the percentage savings that have emanated from the move to this new traffic control system?

Senator A.J.H. Maclean:

I cannot give the Deputy a percentage saving. Clearly the facility is an £11 million construction. However, the processes and procedures for operation have seen immediately some savings in terms of air traffic control assistance. Unfortunately those posts have been lost as we move to a more automated system. Clearly that is going to show longer term efficiencies and savings. I can give the Deputy under separate cover more details if he would so desire.

4.8.7 Deputy M.R. Higgins:

First of all, just one comment about the N.A.T.S. person who gave the advice. He has left the Island or is in the process of leaving the Island and a new N.A.T.S. person is being appointed to replace him at this critical time, and yes the building has been completed on time and budget in terms of the construction but obviously the electronics is giving some problems. My second question really is therefore again can the Minister confirm or deny that air traffic controllers are receiving £500 per day when training on the new system in addition to their normal salary?

Senator A.J.H. Maclean:

The first point about the N.A.T.S. contract, it is exactly that and yes we have had personnel that have been supplied by N.A.T.S. and that has rolled over and there is a new contract being put in place to continue that process. That is perfectly acceptable. With regard to payment, I am not going to discuss details of payments. All I will say is that both I and the management are perfectly satisfied with the payment structures in place at the moment at the airport. I would add, though, that with regard to ongoing efficiencies there is no stone being left unturned with regard to the airport or for that matter the harbour. There will be changes as restructuring is ongoing and further efficiencies, I give an undertaking, will be delivered at both ports. There is much work to be done. Thank you.

4.9 Deputy D.J. De Sousa of the Minister for Education, Sport and Culture regarding the removal of the Havre des Pas pool lifeguards as a Comprehensive Spending Review saving proposal:

Would the Minister inform the Assembly why he is maintaining the removal of the Havre des Pas lifeguards as a Comprehensive Spending Review proposal and explain why he does not consider that this would put lives at risk?

[11:00]

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

In response to concerns raised by Deputy Lewis, Deputy De Sousa and members of the public I would first of all like to confirm that I have no desire to do anything which would put anyone's life at risk. The Havre des Pas pool is a seawater pool covered by the tide twice a day and therefore only usable when the tide is low. It should be noted that we have many popular beaches where no lifeguard cover exists and the public are expected to take their own precautions while in the water. Even without lifeguard supervision it could be argued that people using the Havre des Pas pool and the nearby beach could be classed at less at risk as there are many individuals close by who are able to react if a person found themselves in difficulty. I can confirm that the Department will be working closely with the Economic Development Department and other interested parties to ensure that any safety concerns are dealt with in the appropriate manner. As such, until I am satisfied that all safety issues have been addressed the current provision will remain.

4.9.1 Deputy D.J. De Sousa:

Does the Minister not consider that this also puts risk on the actual pool itself? The States have paid out a lot of money in doing the pool up recently, and does he not consider that removing the lifeguards would, if there were the risk of injury or someone losing their life, put the whole pool at risk so that it would end up like the one at West Park?

The Deputy of St. Ouen:

I believe the Havre des Pas pool is completely different to the one at West Park and in fact there are many facilities provided at the Havre des Pas pool apart from just swimming, and as such I believe the pool is well used and any discussions regarding future lifeguard cover will include those individuals.

4.9.2 Deputy K.C. Lewis:

I thank the Minister for his reply but Havre des Pas pool is a magnet for youngsters and families and the cover must be maintained. My question is, will the Minister liaise closely with the Minister for Economic Development, as the Minister for Economic Development is responsible for beach guards, the Minister for Education for the pool guards, to secure cover for the whole Island?

The Deputy of St. Ouen:

Yes, I think it is one of the anomalies that have come to light as we have sought to seek and identify savings and areas where perhaps a better co-operation might exist, and I will certainly be continuing with the dialogue with the Minister for Economic Development.

4.9.3 Deputy T.A. Vallois:

Could the Minister explain how much liaison he has had with the Minister for Economic Development seeing as they are looking to save £50,000 from their lifeguard service and you are looking to save £25,000 from yours, therefore a £75,000 saving possibly putting lives at risk?

The Deputy of St. Ouen:

I was not aware of the savings proposed by the Minister for Economic Development. All I can tell Members is that when considering the various areas where we may - we may - be able to save money, first and foremost was the importance to protect what I call the frontline services, and as such areas as this obviously come under the spotlight. As I said before it is simply a proposal. I will not remove the cover until I am absolutely satisfied that safety issues are going to be addressed.

4.9.4 Deputy J.A. Martin:

It is good to hear that from the Minister for Education, would he also take into consideration that the summer clubs run by Education and nurseries who are in charge of young children can only use the Havre des Pas pool, and that there is the only place they are allowed to go in the water because they have a lifeguard. He is a better man than me if he can keep a 6, 7 or 8 year-old out of the water on a sunny day. This really needs consideration and he should also be talking to the people who organise the many, many summer schools so our mothers can work and know that their children are enjoying a safe day at Havre des Pas pool.

The Deputy of St. Ouen:

As a father of 3 I am well aware of the difficulties to oversee and look after one's own children. However, I have not ultimately relied on others to do it for me. I fully appreciate that there are clubs and other users that use the facilities of Havre des Pas and they will be included in any discussions we have on the matter.

4.9.5 Deputy D.J. De Sousa:

I just ask the Minister to be very careful with this idea of doing away with the lifeguards. If somebody does lose their life or get injured if there was not a lifeguard who will be held responsible?

The Deputy Bailiff:

Will you be careful, Minister?

The Deputy of St. Ouen:

I am rather surprised at those comments because ultimately individuals have got to be responsible for their own actions, and although I appreciate that where possible we need to protect and ensure that people are looked after safely, ultimately individuals are and must be held responsible.

4.10 Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding the investigation of an alleged secret recording by a States Member of another member:

When will the investigation into an alleged secret recording by a States Member of another Member be completed, and what are the terms of reference of the investigation?

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

This matter is currently under consideration by the Committee and I wrote to all those concerned, including Deputy Le Hérissier, on 18th June 2010 to update them. There are no terms of reference for an investigation into a possible breach of the Code of Conduct. All complaints of this nature are dealt with in accordance with Standing Orders 156 to 158. Any complaint that a States Member has breached the code is dealt with in private; I would therefore be reluctant at this stage to make any details public until the Committee's consideration is complete. I would also suggest to all Members that they contact me in the first instance if they wish to raise an issue with the Committee about something in which they have an interest.

4.10.1 Deputy R.G. Le Hérissier:

This was raised in late February and I wonder if the Chairman could tell us in general terms why the matter has been so long delayed, and could she also tell us, given that there are some contentious circumstances, why the terms of reference have not been formulated?

The Connétable of St. Mary:

Taking the final part of that first: as I have explained investigations into alleged breaches or possible breaches of the Code of Conduct are dealt with in accordance with Standing Orders. There is not a set inquiry set down with terms of reference. I would also like to say that sometimes, as in this case, the Committee is obliged to liaise with other bodies before it can progress any investigation and this has led to a delay. The matter therefore does remain ongoing and, as I have said, I wrote to all those concerned advising them of the current status last week.

4.10.2 Deputy R.G. Le Hérissier:

I wonder if the Chairman could say who the other bodies are that are leading to this interminable period of investigation?

The Connétable of St. Mary:

As I have already said, while the investigation is ongoing I am reticent to discuss the details in public but in anticipation of this question I have spoken to one of the parties and I can say that one body that I have been liaising with is the office of the Data Protection Commissioner.

4.11 The Deputy of St. Martin of the Minister for Health and Social Services regarding the suspension of a surgeon since February 2009:

Will the Minister inform Members whether a surgeon who has been suspended since February 2009, and if so advise what has been done to ensure that he does not become de-skilled, outline what efforts, if any, have been made to hasten his return to work, and give details of the expenditure by Health and Social Services of this case to date?

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

My Department tries to avoid exclusion wherever possible and it considers alternatives to exclusion where it does not compromise an investigation or patient safety. There has been one member of staff excluded from work since February 2009; this was a result of a police investigation. The exclusion was lifted on 27th May 2010. When an individual is excluded this is regularly reviewed in line with our policy to ensure that it is no longer than absolutely necessary. Where appropriate a training programme is developed in consultation with the individual clinician and a national clinical assessment service to assess any skill gaps, which may have occurred. The cost of exclusion to date has been £156,363 together with £293,716 staff replacement costs entailing a total direct cost of £450,079.

4.11.1 The Deputy of St. Martin:

Yes, if I could, Sir. In an answer given to Deputy Maçon a few weeks ago about the position about the doctor being de-skilled and the Minister was able to confirm that the doctor had not been de-skilled, can I ask the Minister how his skills were maintained when the doctor or the terms of his suspension was that he was not allowed at the hospital the whole of this 18 months while he was suspended? In other words, how were his skills maintained if he was not allowed to enter the hospital?

The Deputy of Trinity:

The difference between an exclusion and a suspension, the exclusion is more that the surgeon should be kept up or clinician should be kept up with C.P.D. (Continuing Professional Development), which is your appraisal system and that continues and will continue.

4.11.2 Senator S.C. Ferguson:

Has the Minister considered that the suspension was being handled by the same management handling the long running case of the other surgeon, and what action is she taking?

The Deputy of Trinity:

It is a set procedure, which is done within the management and also there is a review panel, which occurs every month and that review panel goes to the States Employment Board too. It is a set procedure and it was followed as such.

4.11.3 Senator S.C. Ferguson:

But we have already had the Verita report and the Solace report, which criticised their handling of the previous suspension. So, does the Minister not think it is time to look at the individuals concerned?

The Deputy of Trinity:

This is a set procedure set down and the Solace report did go through those 4 recommendations and all of which I have put in place or they are all addressing. There is one important one; the length of time is a Memorandum of Understanding between the States of Jersey Police, Health and Safety Inspectorate, the Employment Board and Health and Social Services Department. This was a recommendation set down with Solace and we have to go through that procedure if it became a police investigation first. I am pleased to say that the Memorandum of Understanding ... that the officers within all the different departments are working together and hopefully the Memorandum of Understanding will be in place within the next few weeks.

4.11.4 Deputy P.V.F. Le Claire:

A few weeks ago I asked all Ministers what their departments' work chart flows were in respect of whom they employed and pretty much to a man most Ministers refused to answer me. Will the Minister for Health please, to help Members understand the situation that her Department is facing, circulate to us a list of the consultants in posts within the hospital, those that are suspended and those whose posts remain vacant, so we can understand the pressures that she and her Department are facing?

The Deputy of Trinity:

As I have said, there are no consultants suspended or excluded, as I am aware that there are not any vacant posts but I could be wrong in that. As regarding with the flow charts, as we discussed in this House a matter of, I think, 2 or 3 weeks ago about a management improvement plan, which I will be bringing back to the States as a report towards the end of this year.

[11:15]

The Deputy Bailiff:

I tell the Members, I have 5 Members wishing to ask questions and there is not very much time, can Members keep their questions crisp? Deputy Le Hérissier.

4.11.5 Deputy R.G. Le Hérissier:

The Minister has mentioned the protocol, could the Minister tell us after her own review of the situation, why N.H.S. suspensions have been dealt with and are dealt with much more rapidly than those that have recently occurred in Jersey?

The Deputy of Trinity:

I think one of the most important things that was identified in the Solace report is the Memorandum of Understanding and that is an important one and one that we are, as I said before, within those various departments of Health and Safety, the police, our Department, States Employment Board; it is important that we set it up and put it in place because it will make a difference if and when any exclusions or suspensions happen in the future.

4.11.6 Deputy A.E. Jeune:

Would the Minister please advise us whether she is satisfied with the performance of her managers?

The Deputy of Trinity:

A big wide question, of course I am. The hospital and Health and Social Services are very wide and diverse. I stood here and said that many times and we employ over 2,500-plus full-time equivalents and there are many areas, not only kind of addressing within Jersey but also the fact of commissioning at various hospitals in the U.K. It is wide and diverse and there is a good management system in place, and this management system and officers are going to be strengthened by the new Chief Executive Officer who will come up with a new management structure within the next few weeks and it will be part of the management improvement plan, which I mentioned a little while ago, which a report will come back to this House.

Deputy D.J. De Sousa:

Sorry, Sir, my question has been asked, thank you.

The Deputy Bailiff:

Deputy Jeune, you wanted to ask a supplementary.

4.11.7 Deputy A.E. Jeune:

Just to clarify, would the Minister agree that management systems and managers are different?

The Deputy of Trinity:

Yes, but as I said, the hospital is wide and diverse and it is not in the hospital, it is Social Services or different aspects within Social Services, Community Care, Elderly Care, et cetera, and it is wide and it needs to be well managed. I am very pleased that the Chief Executive, a new Chief Executive is in place and will reorganise the management structure accordingly.

4.11.8 The Connétable of St. Lawrence:

I would like to take the Minister back to her response to the Deputy of St. Martin, which I regret I was not clear on. I would like to know whether the consultant was in fact allowed access to the hospital during his time of exclusion, and if not how did he maintain his skills? Because I am not sure whether I misunderstood or whether the Minister did not respond to the initial question. So, was he allowed access to the hospital, and if not how did he maintain his skills?

The Deputy of Trinity:

Within every profession let alone doctors, nurses and others, it always is one's responsibility to keep up-to-date with continuous professional developments and that is important for any area. As regards to coming into the hospital if I am to be absolutely sure I would need to check on that.

The Connétable of St. Lawrence:

I am sorry I do not think that I have had an answer to my question.

The Deputy Bailiff:

On your question as to whether or not the surgeon was excluded, the Minister said she would have to check on it.

The Connétable of St. Lawrence:

Thank you, Sir, so she will come back to the House with the response at some time?

The Deputy Bailiff:

Minister, will you come back to the House?

The Deputy of Trinity:

Yes.

4.11.9 Deputy C.F. Labey of Grouville:

Is the Minister satisfied that given the catalogue of errors highlighted in the Solace and Verita reports that nobody is being held responsible? It is all very well to say we are going to move forward but surely somebody has got to be responsible, and the management that were in place at the time and responsible for this are still all in place. I would like to have her opinion as to if she is satisfied with this state of affairs?

The Deputy of Trinity:

The Solace report looked into the actual procedure. In any exclusion, patient safety is the most paramount. It has to be my number one because that is the most important thing but it is very difficult when, as I have said, that there has been a police investigation, which takes precedence, and the police investigation does at this moment take precedence. As we have heard last time, it involved the Health and Safety Inspectorate too. Those are now completed and that is why the Memorandum of Understanding is so important because it will put in place, which is very clear hopefully, which has clear precedence and what can happen, what can still proceed if there is a police investigation.

4.11.10 The Deputy of St. Martin:

I think Members will see the value of asking questions, however we do not need to have the wool pulled over our eyes with the answers. Can I have an answer from the Minister as a yes or no? We have heard, or we have not heard how these skills were maintained, not only by this doctor but also the other surgeon who was suspended for 3 years. Can I have an answer from the Minister if indeed she was taken to hospital today, would she be happy for both doctors to operate on her now? Yes or no?

The Deputy of Trinity:

Are you talking about me personally? I think that is a very difficult question for me to answer. I am sorry but it is a difficult question. There are still some issues outstanding as patient ... and I have a duty of care to that clinician as to about the confidentiality. Regarding commitment with all staff, I am fully committed to all my staff in whatever area they are in, whether they are consultants operating, consultants who look after you medically, whether they are nurses, whether if they are a part of the community, and social workers including the States Manager's staff who make sure that

our walls are kept clean to prevent infection. A lot of people go through that hospital and I am proud and pleased that I have full faith in every single one of them.

4.11.11 The Deputy of St. Martin:

Can I take it then that the answer is the Minister would not be happy to be operated on by either of these surgeons on the grounds that they have been de-skilled?

The Deputy of Trinity:

I am pleased to say that I am not ill and I do not need a present operation at this time, and as I said, I have full faith in every single member of my staff.

4.12 The Deputy of St. John of the Minister for Social Security regarding the visits by Social Security officers to the new Energy from Waste Plant site:

Following the Minister's response on 25th May regarding visits by Social Security to the new Energy from Waste plant site, would he explain how often building sites are visited by Social Security inspectors to ensure that all employees, particularly those employed on a casual basis or who are new arrivals in the Island, are paying Social Security and I.T.I.S. (Income Tax Instalment Scheme)?

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

During 2009 Social Security compliance and enforcement officers visited 13 building sites. They also conducted 267 surveys of newly established businesses and made a further 195 visits to premises to conduct checks and provide advice and guidance, thus ensuring that Island employers are fully aware of their legal responsibilities in regard to Social Security legislation.

4.12.1 The Deputy of St. John:

Given that daily white vans arrive on Condor from the United Kingdom and other places with workmen and their tools and go to many parts of the Island and undertake various types of work, do checks get carried out at the docks to catch the, what I call, white van brigade as they come to work on Island, and do Social Security work alongside Immigration and Customs to advise people that they require to be registered with Social Security to work on Island?

Deputy I.J. Gorst:

We must be careful, as I said, in answer to the previous question. What we might call a white van individual could be coming to the Island to do different types of work. They could be employed by a U.K. company undertaking a contract in the Island, their liabilities in that instance would remain in their country where the employment contract was. Any individual who might be coming to do more casual work on the Island from, for example the United Kingdom or from France, countries with which we as an Island have a reciprocal Social Security agreement, their liability remains in their own country for, in both cases I believe it is, at least 12 months. We therefore must take it that that liability is in place and the onus then is on that jurisdiction to ensure compliance with making of contributions in those jurisdictions. We do not at the current time stand and sit at the docks waiting for boats to come in to see if there are white vans in place. The Deputy had a private conversation with me earlier in the week and I have asked officers to go away to see whether there is any merit in such an activity. I am not certain in the first instance that there would be. We do not have any legal standing, as I understand it, at this point to be able to do that. We do have open borders with the United Kingdom and with France, for example, but it is certainly something that I have asked officers to consider to see if it would be possible but I am not certain, bearing in mind what I have already said in answer to this question, that there would be any merit in it anyway.

4.12.2 Deputy R.G. Le Hérisier:

In keeping an oversight of casual labour, is the Minister's Department aware of cases where, for example, a very well known Island building contractor is sending people away to the U.K. who may not have Island residency qualifications, for training, when there is allegedly unemployment in that particular trade on the Island itself? How is the Minister, as an extension of this work in the question, monitoring that situation to ensure that this is not happening?

Deputy I.J. Gorst:

I am not really sure what the Deputy is asking me. Is he saying that I should be responsible for the training policy of private companies on the Island?

Deputy R.G. Le Hérisier:

What I am saying is, is the Minister aware that training is being given to people who are supplanting people already unemployed?

Deputy I.J. Gorst:

I know it is one of the last questions of the morning but I really am struggling to understand what exactly it is the Deputy is asking me to consider, and whether as a Department I should be considering? Many, many Island companies send people off Island for training in particular areas of expertise and I should think there is nothing wrong with that. In fact I should think it is of benefit to the Island that we are able to send people away for short periods of training and then they can come up. It is about growing our own I would have thought.

Deputy R.G. Le Hérisier:

A third re-phrasing, is the Minister in agreement with a practice whereby people are sent away for training in order to gain skills, which are already available from people who are now unemployed?

Deputy I. J. Gorst:

Whether I was personally in favour of that or not I suppose might depend on whether those individuals were Jersey local individuals. I would encourage local companies to train local individuals to meet gaps in the employment market. I would be firmly behind that.

4.12.3 Deputy P.V.F. Le Claire:

It leads me to ask the Minister whether he is ready to answer me yet? A few months ago I raised the issue that he had ignored my representations to him several months ago in these areas. I still have not received a response formally into the initiatives that I had outlined to him personally in his office, about re-training and re-skilling people that are not only apprentices from school but also people, for example such as myself, who may wish to be skilled in a new area of work. What is he doing to achieve those things? There is obviously concern among the community. That is why I arise, not to embarrass him, but to tease out the answer.

[11:30]

The Deputy Bailiff:

Deputy, are you asking the Minister to respond to a question you put to him several months ago?

Deputy P.V.F. Le Claire:

Well, I am asking if he is prepared to, if he is ready to yet, Sir.

The Deputy Bailiff:

Minister, are you able to answer that question?

Deputy I.J. Gorst:

I am always happy to answer a question. I am not sure how it arises, nor the last question for that matter, but there we are. I have taken up those issues. I can only apologise; I thought that

individuals would have got back to me by now. We are employing computer courses as he suggested as training modules to encourage people. As he is aware the Skills Executive have introduced a number of extra places and courses, et cetera. Careers Jersey, which is situated in my Department, do use some computer modules to help people with re-training. They also help people with C.V. (Curriculum Vitae) writing and various other things but perhaps there needs to be a little more joined up approach in responding directly to the Deputy so he knows what we are doing and the good work that is being undertaken.

4.12.4 The Deputy of St. John:

I must ask is the Minister totally up to speed on this issue given that I am aware Guernsey require people to register on arriving in the Island for work, and historically Jersey used to. Could the Minister tell Members when things changed that this open border policy he is talking about means that people do not require to notify Social Security they are working on Island? When did all this change please?

Deputy I.J. Gorst:

I have got to say that I do very occasionally find it slightly frustrating when Members try to conflate 2 issues. We must be very careful, there is still an obligation for an individual who is coming to the Island to register and to pay Social Security contributions in Jersey if they are going to be employed by a Jersey employer working on Island. We do however, and this is where I think the Deputy perhaps is getting confused, if an individual - I believe he is confused - if an individual is coming to the Island employed by a U.K. subcontractor their employment contract remains in the U.K. Their obligation remains in the United Kingdom and not on Island. There are 2 totally and completely different cases and therefore we must not try to conflate those issues.

The Deputy of St. John:

Can I put a supplementary on that, Sir, about the black economy?

The Deputy Bailiff:

I am sorry, Deputy, we have not the time.

The Deputy of St. John:

Cutting me off at the knees again.

The Deputy Bailiff:

Yes, cutting you off at the knees on this occasion. Deputy Trevor Pitman has a question to ask of the Minister for Home Affairs.

4.13 Deputy T.M. Pitman of the Minister for Home Affairs regarding the investigation into 'Operation Blast':

I have just noticed, I think there is a word missing from this question so I do apologise to the Minister for that. Will the Minister advise the Assembly whether, in the course of the investigation into Operation Blast, both the former Chief Minister and the current Chief Executive to the Council of Ministers received reports into the background of States Members, including any allegations or record of criminal activity, and if so under what authority?

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

I am grateful to Deputy Pitman to indicate that there are some words missing from this question because that is what I suspected and I will try and answer the question which I think he is trying to ask me, which I think is the question as to what has been discovered as a result of the investigation into Operation Blast as far as the former Chief Minister and the current Chief Executive are concerned. If I am not answering the right question then I apologise and will try again. The answer

to that is that I cannot answer that at present **[Laughter]** because it is covered by strict confidentiality while the disciplinary process continues. However, in trying to be helpful I can however say that the report deals with the issue as to whether or not these 2 people were involved in the setting up of Operation Blast, and the issue as to whether they were involved in any other matter which may be related in some way to Operation Blast, but I cannot reveal what the report says at this stage.

4.13.1 Deputy T.M. Pitman:

I thank the Minister for his answering the right question, in not answering it if you like. Could the Minister then at least confirm for the Assembly when will he finally be in a position to provide the comprehensive information to the States that I think he realises we all need?

Senator B.I. Le Marquand:

As I said earlier today, in July, sometime in July of this year, sometime next month in fact.

4.13.2 Deputy K.C. Lewis:

In a similar vein, when the investigation is complete will the Minister be permitting these files to be shown to States Members, if not the media?

Senator B.I. Le Marquand:

These are exactly the sorts of issues that I am currently taking advice on and considering. The situation is different, I now have in fact 4 different reports which may potentially come into the public domain in some form or another, not 3, and I am considering what I can do with these, how much information I can put out and in what form. There are different considerations which apply to each of these 4 different reports, which means I cannot give a global answer. I want to consider the matter clearly and come to the right decisions as to what is correct. There are 4 reports in addition to the interim report of the Metropolitan, that is 5 if we count in that one.

4.13.3 The Deputy of St. Martin:

I would refer the Minister to the answer given to my question, written question number 11, and I note that the Operation Blast to date has cost £262,390, and I also note that that has been funded from the Historical Abuse Inquiry. Can I ask why this particular Operation Blast is being funded by the Historical Abuse Inquiry when they do not seem to be linked?

Senator B.I. Le Marquand:

That may well be correct. The fact is that Home Affairs does not have that spare money in order to be able to carry the cost of these investigations and they have been funded centrally by an 11.8 request effectively, but that should be made clear in the current 11.8 request. So it is 11.8?

4.13.4 The Deputy of St. Martin:

I am a little bit confused. Again it seems ... whom would the Minister seek of consent for to obtain this money? Does the Minister need to apply to whoever is looking after the Historical Abuse cash account for this money? Because it seems that over £260,000 has been spent when we could have had a review undertaken by Deputy Higgins for far less than that. What evaluation was carried out before we entered into this investigation by Wiltshire? It seems a complete waste of money.

Senator B.I. Le Marquand:

This particular investigation we are talking about here, which is Haven 2, is not just an investigation in relation to the role of the Chief Officer of Police, it also involves an investigation in relation to other officers. Even if I had not decided that I wanted to have an investigation in relation to the role of Chief Officer of Police there would have been a need for a disciplinary investigation in relation to exactly the same matters. Therefore, it could not have been covered by any other project such as that of Deputy Higgins for that very reason.

4.13.5 Deputy P.V.F. Le Claire:

I believe the second reason that the Chief of Police was suspended was to do with the issues surrounding Operation Blast. If other officers within the Minister's portfolio or without his portfolio have also been involved in similar ways, will they be suspended and are they suspended?

Senator B.I. Le Marquand:

Without revealing too much in the way of details, the reports indicate that different officers are involved to different degrees and that some of the officers who were involved have in fact now left the force, including one who appears to have been involved at the most highest level. Though consideration has been given, not by myself of course because that is not my role, but by the Acting Chief Officer as to whether other officers should be suspended and a decision has been made that that is not necessary. There are no other suspended officers but I say there are different levels of involvement of different officers.

4.13.6 Deputy T.M. Pitman:

I hope I am not stretching this too far but could the Minister advise if my understanding is correct? If the former Chief Minister and the Chief Executive Officer were found to be involved in receiving such information this has no legal basis? However, the position of Minister for Home Affairs would enable this Minister or any Minister to initiate such investigation into States Members' backgrounds.

Senator B.I. Le Marquand:

I do not think I have quite understood the question, could I have some clarification of that? I just did not understand it.

Deputy T.M. Pitman:

Yes sorry, Minister, the crux of it, is there a clause within your own role as Minister for Home Affairs that you could investigate the backgrounds of States Members?

Senator B.I. Le Marquand:

I understand the question now. The question I have been asked is could I seek such information from the police in relation to misbehaviour of other States Members. I would not do that; I would not consider that proper. That would be, in my view, a misuse of my position as Minister for Home Affairs.

Deputy T.M. Pitman:

But can you? Can he, Sir?

Senator B.I. Le Marquand:

Could I? Well, I would have to ask the Acting Chief Officer of Police and he might well then advise me that it was not proper that I be asking him, but I would not ask him in the first place.

[Laughter]

The Deputy Bailiff:

Very well, on that constructive conclusion to that question we come to the last question, which is Deputy Tadier who has a question of the Chairman of Privileges and Procedures.

4.14 Deputy M. Tadier of the Chairman of the Privileges and Procedures Committee regarding complaints made against Senator J.L. Perchard in R.66/2010:

Following the Privileges and Procedures Committee decision to uphold complaints made against Senator Perchard in R.66/2010, will the Chairman advise Members whether she is satisfied about

what he told the Committee about whether his comments were specific to one individual or simply general comments, were consistent with the remarks he made on the radio, and if not does she consider that he misled the Committee and the public?

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

As Deputy Tadier points out, the Committee investigated the complaints made against Senator Perchard and reported its findings to the States on 2nd June 2010. Any comment that I would wish to make in respect to the Committee's decision is contained within that report. The matter is now closed and it would be entirely inappropriate and unnecessary to debate the constancy of the Senator's remarks on the floor of this Assembly.

4.14.1 Deputy M. Tadier:

I disagree with the last statement of the Chairman. It is entirely appropriate given that this is a document which has been received in which there appears to be a blatant contradiction, and I will read what that contradiction is so I can ask my supplementary question. On the one hand on the radio and I quote, the Senator said after his unfortunate comments about too much time on your hands; that is a good one, Senator: "I was not talking about everybody that is unemployed or people on invalidity benefit, I was talking about X." We will leave the name out there but yet the Committee has noted that in his defence he said that it would be beneficial for many people who are unemployed or on benefits to find work and that he meant that comment generally and he stood by it. So there is an apparent contradiction, on the one hand saying that he was not talking generally he was only talking about one individual but yet when he comes to the Committee his defence is that he was talking in general terms and not attacking the individual. Interestingly, the Chairman has already noted this. How does the Chairman marry this contradiction, and again does this mean that the Senator has been misleading either the public or the Committee?

The Connétable of St. Mary:

It seems to me strange, as Deputy Tadier was on P.P.C. (Privileges and Procedures Committee) for some time that he does not realise that the report presented to the States represents a summary of the Committee's considerations and not a verbatim account of detailed deliberations. As I have said previously, the matter is now closed but I have re-read the report including the sections the Deputy mentioned and having re-read them I find nothing to suggest that the Committee was misled in any way, because also contained in that report is a note of the fact the Committee noted exactly the paragraphs that Deputy Tadier said, and also noted that Senator Perchard went on to say he had not been making a general comment about unemployed persons but his comments were directed specifically at one individual. Having noted that in the report I cannot understand how the Committee can have been misled in any way.

4.14.2 Deputy M. Tadier:

Okay, so I am guessing from the answer that the Chairman is saying that the Senator did not mislead the Committee, rather he misled the public because it cannot be both ways. If you have it on the one hand he says when confronted on the radio saying: "No, I did not mean the comment generally, I just meant it about Mr. X" but when he comes to P.P.C. he says: "No, I did not mean the comment about Mr. X, I meant it in general." It cannot be both ways. Does the Chairman surely not see that, and if not perhaps ... well does the Chairman not see that?

The Connétable of St. Mary:

I can see that Deputy Tadier is picking and choosing comments he wishes to say from the report. The report must be taken as a whole. I would repeat that the Committee considered the complaint in accordance with Standing Orders, the report stands on its own merit and, as I said, I have re-read the report in order to prepare for this. I would suggest that Deputy Tadier might like to do the same. I do not see any substantiation of what his line of questioning detailed in the report.

[11:45]

5. Questions to Ministers Without Notice - The Minister for Housing

The Deputy Bailiff:

That brings an end to the first part of question time, we now come to questions to Ministers without notice and the first question queried is in fact to the Minister for Housing. I call on Deputy Le Claire.

5.1 Deputy P.V.F. Le Claire:

The Minister has recently announced in the media that he will be seeking to introduce schemes for first time homebuyers through Homebuy to achieve home ownership between the price brackets of £250,000 to £270,000. Is his work in this area supported by the Council of Ministers?

Deputy S. Power of St. Brelade (The Minister for Housing):

When I stood for election for this position I said I had great concerns about the lack of affordable housing on this Island and indeed colleagues in this Chamber have expressed similar concerns. What I intend to do is to wrap up the success that has been the Homebuy Scheme at La Providence, St. Lawrence and share our experience of the shared equity scheme across the Island as part of the Housing Department sell-off of tenants, approach the Minister for Planning and Environment and the Minister for Treasury and Resources, wrap it up into a policy statement and move forward as fast as possible. So, my answer to Deputy Le Claire is, I will be hoping to persuade my colleagues on the Council of Ministers that this has merit, that it is necessary and we need to deal with it urgently and quickly.

5.2 Deputy R.G. Le Hérissier:

With reference to the Homebuy Scheme, and while it is to be very much welcomed and the Minister's energy and dynamism is much admired, could he tell us to what extent this is going to be subsidised by the developer and to what extent this is going to be subsidised by the States, and what roughly will be the division of the subsidy from either party?

Deputy S. Power:

As to the future, it will evolve based on the pilot scheme that was La Providence. In that scheme the developer, in this case Dandara, were selling equivalent houses for between £425,000 and £525,000 depending on the orientation of the site and the position of the house. We negotiated a price of £250,000 in the early part of last year. The houses were identical specifications, the ones that Dandara sold direct and the ones that we enabled on the Homebuy Scheme. The bond that we retain on the 46 houses is now taken on to the States of Jersey accounts. We believe that that bond is a worthwhile value to the States and we hope to re-use those bonds as and when people move on and move from La Providence to other properties. The answer to Deputy Le Hérissier is that at the moment I cannot say for definite how this will pan out in the future but we will use La Providence as a pilot scheme.

5.2.1 Deputy R.G. Le Hérissier:

So just to move it along, could the Minister confirm then that the bond will essentially be held by the States, and the States will accept financial responsibility for the difference between the price to be paid by first time buyers and the so-called market price?

Deputy S. Power:

Yes, the bond is being held by the Housing Department on behalf of the public purse. It will be administered by the Housing Department when and if owners move on to different properties and pay off the equity of whatever it is. That will be held by the Housing Department on behalf of the public in perpetuity.

5.3 Deputy S. Pitman of St. Helier:

Would the Minister inform Members as to when he will be reviewing the (g) category for housing qualifications, when he will be reviewing the policy and criteria as it has not been reviewed for more than 10 years?

Deputy S. Power:

The Assistant Minister and myself spent all of last Friday reviewing Housing Department policy. We do have to sit down with the Director of the Population Office because both of us have got very little experience in this area and the reason I say that is I have been involved in very few (g) cases. What I will ask the Director of the Population Office to do is to take us through the hardship case, what is to the discretion of the Minister, and we will probably ask the Director of the Population Office to talk us through 3, 4, maybe 6 cases that have taken place in the last 10 years.

5.3.1 Deputy S. Pitman:

Could the Minister tell us when he will be meeting with the Population Officer?

Deputy S. Power:

The Assistant Minister met the Director of the Population Office yesterday - I was otherwise detained at a Scrutiny meeting which overran - and then another meeting at T.T.S. (Transport and Technical Services) so we will be probably sitting down next week with the Director of the Population Office to go over (g)s, (j)s and (k)s.

5.4 Deputy T.M. Pitman:

Having assisted a number of constituents in the La Collette estate in St. Helier No. 1 district in relation to severe damp problems and anti-social behaviour impacting on families, problems on which the new Minister for Housing has been very supportive I have to say, will the Minister clarify what he hopes to be able to do to put an end to these problems permanently and when?

Deputy S. Power:

In some ways La Collette is no different to a number of other housing developments or estates on the Island. The particular problem to do with damp is as a result of the design of the building in the 1960s and indeed the Pomme d'Or housing estate at First Tower shares similar problems, and I could ream off another 6 sites that have problems. Unruly, unsociable, noisy behaviour is something that is, not increasing, but it is a problem that our compliance officers are dealing with on a weekly basis. I am pleased to inform Members that the compliance team are now going out every week with the States of Jersey Police and visiting estates and then following up on a weekly basis after that. So, we try to deal with the problem as best we can, the compliance team are not police officers they are housing officers. I will be going out with them and the States of Jersey Police and I have told our Director of Client Services that I want to go out twice a month and I will be doing that. I will probably be bringing progress reports back to any Deputy that is interested, regularly.

5.5 Deputy K.C. Lewis:

As the Minister knows I am a St. Saviour Deputy, we have a few housing estates that are looking very tired. My question is what action will the Minister be taking to upgrade existing States housing stock?

Deputy S. Power:

The answer is simple and complex at the same time. About £28 million has been dispersed on housing maintenance and repairs since 2007 and there is another £30 million in the pipeline. One of the St. Saviour estates, Clos Gossett, is about to have a makeover, to use an American phrase, that is running into many millions of pounds and the kick-off I think, I had many conversations

with Deputy Maçon on this, and it is due to start imminently. So, St. Saviour is not being left out of the loop.

5.6 Deputy A.E. Jeune:

Will the Minister reassure Members that he will continue to uphold the high standards and stringent rules of his predecessor for housing and (j) category applications, and does he still hold the view that wealthy residents were buying (a) to (h) properties, which were subsequently rented out, and which he said as an Assistant Minister he would stop, and if so how he plans to do that?

Deputy S. Power:

I had a very good teacher in Senator Le Main and I think from my experience he has rejected as many (j)s as he has approved, so there will be no change in that policy, and I greatly respect the advice I have been given. With regard to what I said with regard to (a) to (h) and Buy to Rent, which I think is what Deputy Jeune is referring to, at the moment we have a growing waiting list, that is in the social rented sector. In the private rental sector there is an increase in pressure on properties to rent and rents have gone up and this is very much linked with my aspirations to increase home ownership and affordable housing. If we can increase the ability of somebody to be able to buy a flat with assistance from the States or be able to buy a house we will reduce the growth in the Buy to Let market and that is what I was referring to. We have got to keep it in context, we need a healthy Buy to Let market but in order to ... at the moment in my view it is very buoyant, and it is buoyant because of the lack of affordable housing. There are people out there who should be able to buy, they are not able to buy and it is the job of the Minister for Housing, the Minister for Planning and Environment and the Minister for Treasury and Resources to bring a solution. I fully intend to bring this as a policy to the Council of Ministers and I will be looking for their support and subsequently the support of this Assembly.

5.7 Senator A. Breckon:

The Minister has been publicly quoted, I say it has been in the *J.E.P. (Jersey Evening Post)* so it must be true, as saying he wishes to improve housing conditions for those in our community without housing qualifications. Can he tell this Assembly exactly what he proposes to do and when?

Deputy S. Power:

I will happily do so. At the moment we have a Residential Tenancy Law, which this Assembly approved last year, and then this Assembly approved the Tenants' Deposit Scheme. When and if the new migration policy is passed by this Assembly there is the ability to extend the Residential Tenancy Law to those people that we will be calling registered. We will have entitled, licensed and registered. Within the registered system, within the registered category, there is absolutely no reason why somebody who is registered cannot have the security of a fixed term or a periodic lease, and that will improve standards in what we now refer to as the unqualified sector. I do go out on visits to lodging houses, and in the lodging house sector and the bedsit land there are very, very good landlords, there are average landlords and there are some buildings that are downright appalling and I would like to bring up the standards on that. I would like to see the Planning Law being retrospective but unfortunately it cannot be. That is roughly how I am and that is how I respond to the Senator's question.

5.8 Deputy D.J. De Sousa:

While it has been widely publicised that the new Minister is pro home ownership, will the Minister be looking at a review of the sale of States property as there is an ever-growing list of people requiring States social housing?

Deputy S. Power:

In my election speech and in questions afterwards I said that I was going to review P.6 and I have since discussed that with my Assistant Minister. We are going to review P.6, the sell off of social rented property. That was done to fund maintenance and repair. We have to find another funding model for the Housing Department and that is why I alluded to it in my speech, that we are looking towards going towards association status with incorporation. That puts our stock, the Jersey stock of social rented housing, on a completely different footing. So the answer to Deputy De Sousa's question is, yes I do intend to slow down and eventually stop the sell off and replace it with a different funding model.

5.9 Deputy J.A. Martin:

Just returning to the Homebuy Scheme, I would like to congratulate the new Minister on his enthusiasm for carrying this on. My one concern, and it is a big concern, is he absolutely sure the Gateway Scheme that enables these people to get on to Homebuy is watertight, and could he outline the bones of it because I have severe concerns. Who would not want to buy a £250,000 house if you can when the market value is £450,000?

Deputy S. Power:

The first thing I would like to say is that my enthusiasm for expanding Homebuy may be severely tested by the forthcoming persuasion that I have to undertake with the Council of Ministers. Having said that, I do believe that the pilot scheme and Homebuy, that the Gateway and eligibility criteria, need to be refined. We know from the 46 families, partners with children that we housed on Homebuy, that were we to do it again we would do it slightly differently. We also know that from our records of the 46 that were successful we did have initially over 300 inquiries, and some of those parties that applied did not fit the eligibility criteria and we have to re-visit that. That is why I said earlier that taking forward a future Homebuy or a future shared equity would take into account changes in the Gateway and eligibility.

[12:00]

The Deputy Bailiff:

Deputy Tadier, if you can get your question out in 15 seconds.

5.10 Deputy M. Tadier:

Very simply, while I think we all commend the new Minister for Housing and we wish him all the best on tackling the affordable housing problem. Does he recognise that there is a perception of, maybe, a bit too much cosiness now that we are asking developers to put aside a certain amount of housing for us and that may, in turn, affect, or be perceived to affect planning permission, which would not necessarily always be granted otherwise?

The Deputy Bailiff:

Time for yes or no, Minister.

Deputy S. Power:

The answer is I do not get cosy with anyone.

6. Questions to Ministers Without Notice - The Chief Minister

The Deputy Bailiff:

There you go. We now move on to questions of the Chief Minister.

6.1 The Deputy of St. John:

Given the Clipper had a fire on board last week, could the Minister tell Members, in fact, the reason why the passengers were held on board that ship for some 24 hours or thereabouts, once it was in

port. Also, in the event of an emergency, historically, the Island used to keep 3 months food supply on Island. Could the Minister tell us what supplies are currently held in Island, in days, weeks or months, to supply this Island in the event of an emergency?

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

I share the Deputy's concern that passengers seem to have been kept on board that ship for far longer than I would have liked to have seen, but I was not in charge of operations at Portsmouth at that time. The operation decision has been made at the time by people who knew the whole situation. But I am sure that we all ought to firstly thank Commodore for the way in which they have handled and looked after the passengers within those constraints and the way in which they have put on an alternative ship to cover while the Clipper is out of action. As to local food supplies, that is very much a variable basis. There is far more, now, brought in on a "just in time" basis, but on the other hand the Island does, particularly at this time of year, provide a number of crops and other food supplies of its own. There are stocks of various foods, various things at the time. I do not have, on a question without notice, precise details of those particular stocks. If the Deputy wants to raise that as a written question, I would be happy to answer it.

6.1.1 The Deputy of St. John:

Given the Minister is in charge of the Emergency Council, he should have those figures at his fingertips. In relation to the Commodore Clipper, I can accept that he would not be fully au fait. But in relation to the amount of food stocks on Island, the answer he has given is totally inadequate and I expect more of the Chief Minister, in particular, as I said earlier, somebody who is standing with a vote of no confidence against him. I expect him to be aware of what is happening. Will he please try and think back to his last Council of Ministers' meeting with the Executive for the Emergency Council, what the figures are that are held on Island at any one time of foodstuffs, not on a day-to-day basis, or "just in time" basis. There must be some food held on Island and he should have those figures.

The Deputy Bailiff:

Can you improve on that please, Minister?

Senator T.A. Le Sueur:

I cannot improve very much, except to say that the Emergencies Council is very well aware of the risks that we take in terms of food stocks. That is a key risk which we have in our risk register and is reviewed on a regular basis. I repeat my earlier answer that I would be happy to give the information to the Deputy, once I am asked properly.

6.2 Deputy T.M. Pitman:

Can the Chief Minister clarify whether he has full confidence in his new Minister for Housing, bearing in mind that he wanted someone else to be appointed? Particularly, does he support the Minister for Housing's initiatives on affordable housing, shared equity and Homebuy, et cetera?

Senator T.A. Le Sueur:

I believe that 2 weeks earlier we had 3 excellent candidates for the post of Minister for Housing and I would be happy to work with any of the 3 of them. I congratulate Deputy Power on his appointment and I have full confidence that he will do that job thoroughly and keep us all on our toes. As far as policy on affordable housing and Homebuy, I share much of the aspirations of Deputy Power. In fact, the Council of Ministers, itself, endorsed the original Homebuy proposals for La Providence as a pilot scheme. As with any pilot scheme one can learn from it to see where it goes wrong and where it has been successful. I believe that we can learn from that scheme and the impending report, which I gather, the Auditor General has been doing to find out whether the scheme can be improved upon in order to deliver that objective of affordable housing for as many people as possible.

6.2.1 Deputy T.M. Pitman:

Supplementary, Sir? Does that imply from the Minister's answer that he will be cosyng up with the Minister for Housing?

Senator T.A. Le Sueur:

The Council of Ministers works as a team and we try to work together for the benefit of the Island.

6.3 The Connétable of St. Mary:

At a time when every Department is looking to maximise efficiency, it seems to me that States Members should also adopt this philosophy. Will the Chief Minister agree to request Ministers to indicate the estimated cost of providing ... I mean ballpark figure, of providing answers to questions with notice in order to assist Members in making their own analysis of the cost benefits of their inquiries?

Senator T.A. Le Sueur:

A very welcome question. A few years ago, former Deputy Dubras indicated that the cost of answering one question was something like £700. That may not have been a typical question, but the costs can be quite considerable and the number of questions can and have, indeed, increased significantly. There is a place for questions, but they ought to be appropriate questions aimed to get more fresh information, rather than repeating over and over again, the same few issues. So I hope we will be able to provide that cost efficiency, their costs indication, but, of course, even providing that cost, it comes at a cost.

6.4 Deputy R.G. Le Hérisier:

Given that the Minister for Treasury and Resources, in line with the Chancellor in the U.K. is likely to recommend cutbacks in the civil service at all levels, would the Chief Minister be taking his cue from this, and also recommending that there be a reduction in the number of States Members?

Senator T.A. Le Sueur:

The question of the number of States Members has been debated in the House on more than one occasion. Whatever seems to be put forward seems to have difficulty finding favour with the majority of Members and I hesitate to step where angels fear to tread.

The Deputy Bailiff:

I am not sure it is a matter for your responsibility anyway. I probably should not have allowed the question.

6.5 Deputy P.V.F. Le Claire:

I understand the Chief Minister has recently returned from Gibraltar; would he care to explain what he was doing there and what the visit has informed him in respect of ... it is not a laughing matter, and what the visit has done to inform him of the changing of their tax position?

Senator T.A. Le Sueur:

I did visit Gibraltar about 3 months ago now and, being another island like ourselves, there is a lot that we can learn from a similar sort of community. They, of course, are different, in that they are in the E.U. (European Union) and we are not. What I learnt was that they were planning to reduce their corporate tax rate from 22 per cent to 10 per cent and they announced that last week. I also learnt, perhaps surprisingly, that in Gibraltar corporate taxation or company taxation was regarded by most Gibraltarians as a voluntary tax which you paid if you wanted to. Part of the arrangements in bringing it down to 10 per cent is to cease having it as a voluntary arrangement, but to make it mandatory. I think that is a step in the right direction, it is having good tax practice and something which I would endorse.

6.6 Deputy D.J. De Sousa:

Bearing in mind that the U.K. released figures on civil servants' pay, does the Chief Minister not consider that he possibly missed an opportunity as States Members were aware that he was already happy to release the information before the U.K. announced that they would?

Senator T.A. Le Sueur:

I may well have missed an opportunity. I have provided information as I believe is appropriate, at the appropriate level, and the fact that the U.K. may choose to do something, or not do something, should not affect the way that we decide those things.

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

It is following on from the Deputy of St. John. I have been concerned for some time regarding supplies of fresh produce. Would the Chief Minister agree to ask his Emergency Planning Officer to carry out a review of our strategy for the supply of food, because I believe we only hold about 3 days' supply in the Island?

Senator T.A. Le Sueur:

Yes, the strategy is regularly reviewed, but I think it might be in the interests of Members to publish that, at least in general form, for the benefit and information of Members and I will see if that can be done.

6.8 The Deputy of St. Martin:

The Chief Minister earlier this morning said during question time that he and an external officer adviser carry out appraisals on the Chief Executive Officer. At the last appraisal was the matter of the Chief Executive Officer's shredding of the notes taken at the suspension of the Police Chief Officer discussed? If so, what was the external adviser's reaction?

Senator T.A. Le Sueur:

I do not believe it was, no. It is not something which would have concerned me in terms of the performance of the Chief Executive, who I believe ... that is something which had been perfectly well explained and did not require the advice of an expert consultant.

6.9 Deputy M.R. Higgins:

The Chief Minister mentioned about his talks in Gibraltar, could he please elaborate on talks that he has been having with the Isle of Man and Guernsey regarding corporation tax. We know that Guernsey is also proposing ... Sorry, just repeat it, yes. Could the Chief Minister please tell us about the talks that he has had with the other Islands regarding corporation tax, especially as the Isle of Man is also reviewing it and Guernsey is supposed to be moving to 10 per cent and you mentioned Gibraltar going down to 10 per cent.

Senator T.A. Le Sueur:

If the Deputy had been at the presentation given to States Members yesterday, he would have learnt that the Isle of Man, Guernsey and Jersey have been talking on a very frequent basis about the corporate tax proposals for each of the Islands. Both Jersey and Guernsey worked closely together and issued consultation papers at the same time on the future of corporate taxes in the Crown Dependencies. Guernsey has indicated a direction in which they would like to go, if all things were equal. Jersey has set out a number of different possibilities and examples for ways to go forward. We will make up our mind on the basis of informed consultation, together with the assessment which we will have later on in the year.

6.9.1 Deputy M.R. Higgins:

Could the Minister say that if, for example, Jersey was not happy with the course that Guernsey or the Isle of Man were taking, we would go it alone or do you think, competitively, it is not a situation we could tolerate?

Senator T.A. Le Sueur:

That is very much a hypothetical question at this stage. The desire of the 3 Crown Dependencies is to have a united front and go forward with a common approach. We will have to wait and see whether we can achieve that objective. I certainly hope we can because, from an international competitive point of view, that is the sort of thing which our customers would expect to see. But I do appreciate that there are different circumstances in Jersey, Guernsey and Isle of Man, which may make some nuances to the overall system within which we work. Just as at the present time there are slight nuances between Jersey, Guernsey and the Isle of Man's version of Zero/Ten arrangements.

6.10 Deputy C.H. Egré of St. Peter:

At a previous Chief Minister's question time, then answered by the Minister for Treasury and Resources, in the Chief Minister's absence, I did ask about the availability of the reports on previous airport emergency exercises. Regretfully, I have heard nothing since. Could he please allow me the privilege of reviewing those reports so one can look at lessons learnt?

Senator T.A. Le Sueur:

I have to apologise to the Deputy of St. Peter, I was not aware that that question had been asked in my absence. I will look back at the transcript of those questions and see what can be provided as soon as possible.

6.11 Deputy P.V.F. Le Claire:

I wonder if the Chief Minister, wearing his Minister for Emergencies' hat, can tell us whether or not the siren that used to sound regularly on a Monday morning has been done away with in favour of using a mobile phone system to alert people as to a disaster? I ask that because normally mobile phone networks are the first things that are shut down in disasters.

Senator T.A. Le Sueur:

The short answer is that the siren, to my knowledge, has been made obsolete. I do not know if it has been removed. I know it is not in operation any further and has been replaced by alternative methods which have been deemed to be more appropriate in reaching a wider community more quickly.

6.11.1 Deputy P.V.F. Le Claire:

May I ask the Chief Minister to give way for a second just to press then, because I certainly believe it is mobile phones? Would he undertake to investigate the fact that mobile phone networks are the first things that are shut down and we have moved to a position which is untenable?

[12:15]

Senator T.A. Le Sueur:

The Deputy makes an allegation there about mobile networks being the first thing to be shut down. If that were the case I would be concerned, but I have no information to suggest that that is indeed the case.

The Deputy Bailiff:

That brings question time to an end. There is nothing under J. Under K, the Chairman of the Comité des Connétables has a statement to make regarding the Island wide rate for 2010.

STATEMENTS OF A MATTER OF OFFICIAL RESPONSIBILITY

7. The Chairman of the Comité des Connétables will make a statement regarding the Island-wide rate for 2010

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

I wish to inform Members of the cost to ratepayers across the Island, of the Island-wide rate for 2010, which has been determined in accordance with Rates (Jersey) Law 2005. The 2010 annual Island-wide rate figure is the 2009 figure of £10,305,572, increased by the Jersey Retail Price Index for the 12 months to March 2010 of 3.2 per cent, resulting in a sum of £10,635,350. In accordance with the Rates Appointment (Jersey) Regulations 2006, 55 per cent of the annual Island-wide rate figure is to be met from the domestic rates, and 45 per cent of the annual Island-wide rate figure is to be met from the non-domestic rates. The sum of £5,849,442 is, therefore, to be raised from the domestic rates and the sum of £4,785,908 from the non-domestic rates. 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 0.66 pence per quarter for the domestic ratepayer and 1.14 pence per quarter for the non-domestic ratepayer.

7.1.1 Senator A. Breckon:

I wonder if I could ask the Chairman of the Comité des Connétable, if they have been consulted on proposals to treble the Parish rates as an option in part of the Fiscal Review and if they have, what is their opinion?

The Connétable of St. Ouen:

The Comité des Connétable met with the Minister for Treasury and Resources at its meeting a month ago and the Comité des Connétable is going to be preparing a response.

7.1.2 Deputy R.G. Le Hérissier:

I wonder if the Constable could tell us, in answer to Senator Breckon's question, what the response will consist of? [Laughter]

The Connétable of St. Ouen:

Unfortunately, I have to advise the Deputy that the Comité des Connétable does not work that way. I do not decide the response and then tell the Comité what they have to say.

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

In their deliberations, does the Chairman of the Constables Committee consider that they will take into consideration the regressive nature of the rates bill for most?

The Connétable of St. Ouen:

I believe that the Connétables, before they make their response, will want to hold Parish meetings for ratepayers, across the Island, to have the opportunity to discuss the proposal.

The Deputy Bailiff:

Very well. If there are no further questions, we will then come on to 2 announcements which I will make shortly. There has been lodged P.88, the Havre des Pas Swimming Pool: retention of life guard service lodged in the name of Deputy Le Claire - I have given them in the wrong order - and P.87 the Jersey Financial Services Commission: Companies' Register also lodged by Deputy Le Claire.

PUBLIC BUSINESS

Deputy G.P. Southern:

May I crave the indulgence of the House, and the Chair, to give consideration to my starting the non-confidence debate immediately after lunch and seeing if there are matters we can deal with before lunch, that are not controversial, in order that I can have an uninterrupted opportunity to make my speech.

The Deputy Bailiff:

You will have 25 minutes. It is usual for the votes of no confidence to be taken at the beginning of Public Business in this way but if you wish to make that proposition I will take a vote on it.

Deputy G.P. Southern:

I understand that both the Assistant Minister for Health and the Minister for Economic Development are both agreed that they have 2 propositions which could be taken, so I make that proposition that we can start fresh after lunch.

The Deputy Bailiff:

The proposition is made, is it seconded? **[Seconded]** The appel is called for; the proposition is to defer taking P.76 until after lunch today. In which case it would come on the first available occasion after lunch, when the other business, which we do between now and lunchtime is done. All those in favour of that proposition, would they kindly show. The appel has been called for and I would ask the Greffier to opening the voting and ask Members to return to their seats. If all Members have had an opportunity of voting, I will ask the Greffier to close the voting. I can announce the proposition has been carried: 22 votes in favour, 18 votes against and one abstention.

POUR: 22	CONTRE: 18	ABSTAIN: 1
Senator A. Breckon	Senator T.A. Le Sueur	Senator A.J.D. Maclean
Senator S.C. Ferguson	Senator P.F.C. Ozouf	
Connétable of St. Helier	Senator J.L. Perchard	
Connétable of Grouville	Senator F. du H. Le Gresley	
Connétable of St. Peter	Connétable of St. Ouen	
Connétable of St. Lawrence	Connétable of Trinity	
Deputy R.C. Duhamel (S)	Connétable of St. Brelade	
Deputy of St. Martin	Connétable of St. John	
Deputy R.G. Le Hérissier (S)	Connétable of St. Saviour	
Deputy J.B. Fox (H)	Connétable of St. Clement	
Deputy J.A. Martin (H)	Connétable of St. Mary	
Deputy G.P. Southern (H)	Deputy of St. Peter	
Deputy of St. Ouen	Deputy J.A. Hilton (H)	
Deputy P.V.F. Le Claire (H)	Deputy S.S.P.A. Power (B)	
Deputy S. Pitman (H)	Deputy K.C. Lewis (S)	
Deputy of St. John	Deputy I.J. Gorst (C)	
Deputy M. Tadier (B)	Deputy A.E. Jeune (B)	
Deputy A.T. Dupré (C)	Deputy E.J. Noel (L)	
Deputy M.R. Higgins (H)		
Deputy A.K.F. Green (H)		
Deputy D.J. De Sousa (H)		
Deputy J.M. Maçon (S)		

The Deputy Bailiff:

Thank you. It was suggested, Minister, by Deputy Southern, that you had a proposition which could be dealt with reasonably swiftly. Is this is the Draft Supply of Goods and Services (Amendment) Regulations?

Senator A.J.H. Maclean:

Well, of course, that is a matter for the House, how swiftly they wish to deal with it, but I am happy to take it in view of the vote that we have just had.

8. Draft Supply of Goods and Services (Amendment) (Jersey) Regulations 201- (P.53/2010)

The Deputy Bailiff:

Very well, we come on to the P.53, the Draft Supply of Goods and Services (Amendment) (Jersey) Regulations, I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The draft Supply of Goods and Services (Amendment) (Jersey) Regulations, the States in pursuance of Article 94 of the Supply of Goods and Services (Jersey) Law 2009 have made the following regulations.

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

This draft amendment is needed in order to allow suppliers of professional services to reasonably restrict their liability. It will also bring the law, in this area, into line with that in other jurisdictions, such as the United Kingdom. Whenever there is a contract for the supply of a service that is made in the course of business, the Supply of Goods and Services (Jersey) Law, inserts an automatic warranty into the contract that the supplier will carry out the service with reasonable care and skill. This is the default position, but there is nothing in the law, itself, to prevent a supplier from expressly restricting the automatic warranty as to care and skill. However, under Regulation 3 of the Supply of Goods and Services (Jersey) Regulation 2010 any term that restricts the automatic warranty is rendered void. Concerned suppliers have brought it to the attention of my Department, that Regulation 3 goes significantly further than the position in other jurisdictions, such as England, Wales and Scotland, where there is no blanket restriction on the restriction of the automatic warranty, but restrictions are permitted where they are deemed to be reasonable. It has been pointed out that it is business common practice, in all jurisdictions, for suppliers of professional services, such as accountants, surveyors and lawyers to restrict their liability to a specified monetary amount which is considered reasonable. Indeed, it is believed that the existence of such contractual restrictions is necessary in order for suppliers to obtain adequate insurance, as insurers will not insure them for an unlimited amount. The situation is of particular concern to those professions, such as the legal profession, where it is not possible to practice through an entity, such as a limited liability company. Partners in such firms will be personally liable for an unlimited amount if they are unable to restrict their liability by contract. This places Jersey in an uncompetitive position compared to the U.K. or, indeed, Guernsey. It is therefore deemed prudent to amend Regulation 3 to permit suppliers to restrict their liability, where such a restriction is reasonable. This will bring Jersey law into line with other jurisdictions where suppliers are permitted to restrict the scope of similar automatic warranties is, so far, deemed to be reasonable. I propose the principles of these Regulations.

The Deputy Bailiff:

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

8.1.1 Senator A. Breckon:

Just a few brief comments. This was looked at by the Consumer Commission because there was a concern that we were, sort of, putting exemptions into something. But having said that, having given it consideration and looked at, insurance policies that do exist, there would be a liability of £10 million on somebody's, office policy that included contents, personal insurance and things like that. So, therefore, the inclusion of this is not seen as restricted. It appears to be common sense

and it is common practice on policies and, indeed, on industries. Heaven forbid we do not want hardships against lawyers and accountants and the like.

The Deputy Bailiff:

Does any other Member wish to speak? Minister, do you wish to reply on the principle?

8.1.2 Senator A.J.H. Maclean:

Just to thank Senator Breckon, and to maintain the proposition. Thank you.

The Deputy Bailiff:

Well, it is proposed the principles of the Regulation be adopted. Would all those Members in favour of adopting that proposition, kindly show? Those against. The principles are adopted. The Economic Affairs Scrutiny Panel, Deputy Higgins has had an opportunity to consider this?

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

We have not considered this, in fact I have been ill, so I have not been able to consider it, but we will not call this one.

The Deputy Bailiff:

You do not wish to call this. Very well. Then, Minister, we come to the Regulations. Do you wish to propose the Regulations?

8.2 Senator A.J.H. Maclean:

There are just 2 regulations. Regulation 1 makes the necessary amendment to the Supply of Goods and Services Regulation and Regulation 2 is the citation. If we could take them together? Thank you.

The Deputy Bailiff:

Are Regulations 1 and 2 seconded? **[Seconded]** Does any Member wish to speak? Then I put the Regulations to Members. Will all Members in favour of adopting these Regulations, kindly show? Those Members against. The Regulations are adopted. Do you propose the Regulations in Third Reading? Seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the Regulations in Third Reading kindly show. Those against. The Regulations are adopted.

9. Draft Mental Health (Amendment No. 3) (Jersey) Law 201- (P.55/2010)

The Deputy Bailiff:

We now come to the Draft Mental Health (Amendment No. 3) (Jersey) Law, in the name of the Minister for Health and Social Services and I ask the Greffier to read the citation throughout.

The Deputy Greffier of the States:

The Draft Mental Health (Amendment No. 3) (Jersey) Law 201-: a law to amend further the Mental Health (Jersey) Law 1969. The States subject to the sanction of Her Most Excellent Majesty in Council have adopted the following law.

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

As outlined in the explanatory notes, the amendment before you, in addition to clarifying certain points within the Mental Health Law, also aims to bring the current law more in line with the Human Rights legislation and the United Nations Convention for the Rights of the Child. There are, in total, 6 areas of amendment. I do not intend to go through these Article by Article as you

have a summary of the effects of the law changes before you. I will, however, describe the areas of change in this amendment. The first is a change of the age of a child, as defined within the law, from 16 years to 18 years. The second is the effect of the application for admission to the hospital, allowing for an independent appeal within 14 days for an observation order, and within 12 months for a treatment order. The third is the effect of a guardianship application making them clearer, and also allowing for an independent appeal within 12 months. The fourth is a provision as to the transfer of patients to allow them to make an application to the Mental Health Tribunal. The fifth is the discharge of patients' powers being removed from the Minister and transferred to the Tribunal. The modifications described rely heavily on the Mental Health Review Tribunal and, as such, the sixth and final area of amendment is dealing with the constitution and the procedure of the Mental Health Review Tribunal. This concludes the amendments proposed within the proposition. I would like to take this opportunity to thank Mr. Geoff Esnouf, retired administrator of Mental Health Services, for continuing with this project into his retirement and for making himself available to Members for their queries and questions prior to today. I would also like to ask Members to accept these proposed amendments, which will make a valuable contribution to the modernisation of the Mental Health Bill. I propose the principles.

[12:30]

The Deputy Bailiff:

Thank you. The principles of the proposed amendment law are proposed, are they seconded? **[Seconded]** Does any Member wish to speak?

9.1.1 The Deputy of St. Martin:

I know that Deputy Noel is very competent in dealing with human rights matters because I remember asking him questions about, I think it was P.174, the data protection when he brought that before the House. On page 3 it says: "In view of the Minister for Health and Social Services the provision of the Draft Mental Health Act (Amendment No. 3) (Jersey) Law 201- are compatible with the Convention Rights." Will the Assistant Minister inform the Members, what law, why is the law compatible with the Human Rights Convention and what Articles are affected?

9.1.2 Deputy R.G. Le Hérissier:

Yes, I congratulate the Minister and the Assistant Minister on bringing this forward. We are seeing the final playing out of this unbelievable situation where Members of the old Health Committee and then the Minister, used to make the final decision, which was utterly, utterly inappropriate, so it is very pleasing to see that going. Just 2 points, I did speak to Mr. Esnouf. The balance between medical and lay members on the Tribunal, what is the balance in any event, because that is, obviously, quite important in terms of the process of reaching decisions? I did ask this of Mr. Esnouf and he answered it, but it is worth putting in the public domain. I understand clients can be represented by lawyers and be represented by Advocates in the small "a" sense, in other words, mental health Advocates. Could the Assistant Minister make it clear what support is given for that to take place and does he think that if it was to become an over-involvement of lawyers, it could well do away with some of the more informal aspects of the Tribunal which make it work quite effectively in many respects?

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

Just a general point, I notice that we appear to be redefining a child as a person being under the age of 18 years, as opposed to, previously as being below 16. We appear to be getting ourselves at not just as 6s and 7s, but perhaps 16s and 17s. There seems to be a wide range of different ages at which certain things apply as a child, and certain things apply as a person acting as an adult. So, I would just ask the rapporteur, in summing up, to tell me, or to tell the House, the extent to which any investigations have been sought or undertaken to see whether or not, in effect, this new piece of

amended legislation is, in fact, in line with the general provision of trying to establish a single age at which you are deemed to be a child and, thereafter, an adult.

9.1.4 Deputy A.E. Jeune:

Very much on the lines of Deputy Duhamel, we are saying here that you are a child up until 18, and yet, we allow 16 and 17 year-olds to vote. Which of the 2 is not compatible with human rights, I wonder? Perhaps that can be addressed, thanks.

9.1.5 Deputy A.K.F. Green:

I note the thrust of a lot of this law is about appeals procedures and such like for the patients and I agree with that and welcome it. But I just wondered if the Assistant Minister could explain whether an appeal procedure exists for guardians? Because very often guardians, the ones that are responsible for looking after people that are mentally ill, are ignored. I just wondered if a course of action has been agreed by the Tribunal, whether there is in existence in the current law, or in the future laws, a plan for guardians to have the right of appeal against the course of action.

9.1.6 Deputy M. Tadier:

I think, certainly, I am going to comment on the 16 and 18 year-old thing. I have spoken to Members who work in the mental health profession in Jersey. I think, first of all, it is quite appropriate that in certain circumstances, there is a discrepancy between the ages, because we are talking here about the most vulnerable people in society in this context. I think that defining it as somebody under 18, it does capture a greater number and it is quite appropriate in certain contexts, and this being one of them, that we do not always just take a completely rigid approach. I do not think the comparison with voting, or smoking for example, is very helpful, because in those contexts there are people who want to vote, who want to smoke. Want to vote, let us take that particular example, can do that if they feel that they are capable, but here, we are talking about people who may be going through mental difficulties. I would say it is not really that much of a problem and we should not dwell on any discrepancy there. But the question I have does relate to the age and the redefinition. Currently we have 16 year-olds that need to go to the adult wing. I do not know if there are any there currently. But certainly from my conversations I know that we have had children as young as 14 being housed in mental health facilities along with adults. Something which is completely inappropriate, I think we would all agree and, certainly, which the nurses and doctors up there have flagged up to me. So I would say, on the one hand, it is perfectly fine that we have all the theory here, but in reality it is completely inappropriate if we have nowhere to put them. We would not think of putting people, children, in the same hospital wards as, perhaps, elderly patients. That is why we have a Robin Ward. I think that it is important that one flags up, at this point, that there should also be proper separation for children and adult treatments. So, perhaps, the Assistant Minister could comment on that. I have a question to do with point 5; it is to do with the new appeal provision that has been introduced. I would like if the Assistant Minister could explain a bit more about what that new appeal provision is and how it will operate. I would also like him to comment on community care orders and how they fit into this and whether community care orders could be used more appropriately so that people who do not have to be housed, perhaps after 6 months, could be reviewed and they could be kept outside but still issued with medication, because I think the current system is slightly inflexible. So, any of those points that the Assistant Minister could comment on would be greatly appreciated.

9.1.7 Deputy J.A. Martin:

I will be brief because Deputy Jeune has brought up a few things about ... we are where we are with all different laws, which is really is a part of this and I can understand where her question is coming from. We do know we have problems with Home Affairs being different ages, under Education, different laws and we are trying to work on this all together. A point about being a child, I think, was covered absolutely excellently by Deputy Tadier, we are talking about very vulnerable people

under the ages of 18. If Deputy Jeune has a problem with 16 year-olds that vote, that is her problem. If she feels that they are children; that does not really interfere with this change under the Mental Health Law. Really, I do not have much more to say to that, except that the other Assistant Minister will be summing up on most of the main points, but we do know we have some problems defining different ages under different laws. But to make them all uniform, will not be the answer either. It is as clear as that. Thank you.

9.1.8 Deputy G.P. Southern:

Could the Assistant Minister describe what advocacy services are available in this appeal process and state whether he feels that an increase, or a greater access, to advocacy is required following this change.

9.1.9 Senator J.L. Perchard:

I do welcome this law, particularly Article 6. One of the most difficult times that I had to endure as Minister for Health, and there were many, was visiting St. Saviour's Hospital, being asked to undergo my duties, or carry out my duties under the law, and determine an application on maintaining a person in the facility there. I struggled terribly with that responsibility and the fact that I, as a layman, should be asked to make a judgment, albeit, with the best advice possible. I know my predecessor, Senator Shenton, did struggle terribly, and I suspect the Deputy of Trinity has also struggled. So, I welcome this, this came about as a result of certainly ... the fast tracking of this is the result of my complete failure to comprehend why a politician should have been put in this predicament. I welcome it and ask Members to support it wholeheartedly.

9.1.10 Deputy P.V.F. Le Claire:

During my time on the Health Committee, I was, as Deputy Le Hérissier pointed out, at times called upon to sign people into the care of the Mental Health Services. Because I lived in town it was more frequent than not that out of the 7 members on the Committee I was the one that was called upon, when I was on the Health Committee prior to Deputy Martin, who is agreeing with me - it was when she was not a member, I do believe. Anyway, they used to come to my house and I used to sign them in. It was not a case of me making a judgment, it was a case of me making sure that the correct parts of the form that I was signing had been completed and the correct procedures had been followed. I was not making a determination about the detention, or retention, of a patient, I was just merely authorising the process had followed the correct procedures. So, I think we need to dismiss that, first of all. It was never a politician's signing into care, based upon their judgment. So, this new amendment comes forward and, you know ...

Senator J.L. Perchard:

I maintain what I said and ask the Deputy to understand there is a difference between what he did, his role, and what my role was under the law.

Deputy P.V.F. Le Claire:

I do not disagree with that, I was coming to that and I was going to say, I will say it now, I can appreciate very much how difficult it must have been for the President, and in Senator Perchard's case, the Minister's position, who would have to decide upon those issues at a later stage. I was talking about merely the time, sometimes 10.30 p.m., sometimes, 11.30 p.m. at night when health professionals would call me and turn up at my door with a bundle of papers to be signed. It was difficult for me because, obviously, I knew I was doing something, but I was not making a determination. Much more difficult, I was going to say, for the Ministers and the Presidents. But, nevertheless, we are putting into the hands the power of a tribunal the ability to dismiss the retention of an individual in the healthcare service, while removing that from the Minister. I would like the rapporteur, I am sorry it is coming so close to lunchtime, I would like him to explain how he envisages that system is going to work. What the sort of qualifications and experience the Tribunal will have? How these people are going to be detained, and who is going to be signing

them in at that period of time? Whether, or not the same procedures are going to be continued? I seek to apologise for those questions at this stage, but normally one would expect the Scrutiny Panel to have put these things in the round and, if not, to now call that in for their consideration. But, I certainly am not going to, with a broad brush, agree with everything that has been said by the Members about: “Oh it is great that we have got it out of the hands of politicians.” There are some places in the world, in previous history, where people used incarceration under mental health issues to persecute people. Everybody must keep that in mind, we must not, as politicians, make a medical determination, or a professional determination in respect of somebody’s mental capacity, but we certainly should make sure that under the transparency and the duty of care that we have to the community, that all the boxes are ticked.

Deputy M. Tadier:

I simply wanted to ask for the adjournment. I am sure that there have been various points and it may be ... I leave that to the Assistant Minister.

The Deputy Bailiff:

The adjournment is proposed. Do Members wish to adjourn at this stage? All those in favour? Very well, the Amendment is proposed. Do you wish to make that as a formal proposition, Deputy?

Deputy M. Tadier:

I would like to propose the adjournment.

[12:45]

The Deputy Bailiff:

The adjournment is proposed. All Members in favour, kindly show?

Deputy M. Tadier:

You should ask for the appel, perhaps?

The Deputy Bailiff:

The appel is called for. Those Members not in their seats, kindly return to them. The vote is on the proposition to adjourn at this stage. I will ask the Greffier to open the voting. If all Members have had the opportunity of voting I will ask the Greffier to close the voting and the proposition is rejected, 11 votes in favour, 31 votes against.

POUR: 11		CONTRE: 31		ABSTAIN: 0
Deputy of St. Martin		Senator T.A. Le Sueur		
Deputy R.G. Le Hérisier (S)		Senator T.J. Le Main		
Deputy G.P. Southern (H)		Senator J.L. Perchard		
Deputy J.A.N. Le Fondré (L)		Senator A. Breckon		
Deputy S. Pitman (H)		Senator S.C. Ferguson		
Deputy I.J. Gorst (C)		Senator A.J.D. Maclean		
Deputy of St. John		Senator B.I. Le Marquand		
Deputy M. Tadier (B)		Senator F. du H. Le Gresley		
Deputy A.E. Jeune (B)		Connétable of St. Ouen		
Deputy A.T. Dupré (C)		Connétable of Trinity		
Deputy J.M. Maçon (S)		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. John		
		Connétable of St. Saviour		
		Connétable of St. Clement		

		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy of St. Ouen		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy D.J. De Sousa (H)		

Does any other Member wish to speak? Then I call on the Assistant Minister to reply.

9.1.11 Deputy E.J. Noel:

Hopefully, I will be able to cover all the matters that were raised. If I may deal with Deputy Lewis' points first about how the Tribunal is constructed. The Tribunal has a legal Chair and that has to be a lawyer, one medical member; that cannot be an employee of the Health and Social Services Department so those will come from a pool of 5 G.P.s (General Practitioners) and one lay member. I am not going to do them in order of the matters raised. Deputy Green had a question about guardians. The guardianship is a form of community supervision order for persons with a mental disorder who are usually able to reside within the community. Guardianship does not allow for the compulsory treatment of patients against their wishes. Patients may, initially, be subject to a guardianship order of up to 12 months. The amendment makes more specific powers of the guardian, i.e. it makes it clearer and simplified. In addition, it allows the patient to make an independent appeal application to the Mental Health Review Tribunal at any time during the 12 month period of the guardianship order. Currently patients can only appeal during the first 6 months. So, this amendment is a significant improvement in their rights. At present a person who is below the age of 16, who is subject to a guardianship order, is unable to make an application to the Mental Health Review Tribunal. This age restriction is removed with this amendment. The matters raised by Deputy Duhamel, Deputy Jeune and Deputy Tadier concerning the age, I think that has been dealt with by my co-Assistant Minister. We are not going to have all our legislation in line. What we are doing here is actually bringing in this piece of legislation in the same line as the Children's Law. With regard to Deputy Southern's question on advocacy services, there is the same range of advice, both professional and lay, available to guardianships. At the age of 18, as it is requested, it is to come into line with the United Nations Convention of the Child. The amendment will have no effect on the way a child is being treated. A number of questions have been raised concerning the capacity with the Human Rights Law. I am not a lawyer, myself, despite the claims of the Deputy of St. Martin. I do not have a human rights background and I would ask the Solicitor General when I sit down if he could explain the human rights implications as requested by the Deputy of St. Martin. Deputy Le Claire's description of what used to happen, did used to happen some 5 years ago. The current structure is very, very different now and the makeup of the Tribunal is, I believe, quite a robust one with an independent lawyer with independent G.P.s from outside H. and S.S. (Health and Social Services) and with lay members. So, I think that covers things. I maintain the principles.

Deputy M. Tadier:

I think 2 of us, maybe, want to seek clarification. My point about the ages of the children was not to do with consistency; it was about how they would be housed. So, could the Assistant Minister address that issue, whether it is an issue and what can be done?

Deputy A.E. Jeune:

If I may, on a point of clarity from the Assistant Minister, when he said the medical input that would be on the Tribunal, I thought I heard him saying it would consist of General Practitioners. Is he saying there will be no person on the Tribunal who will be from the Royal College of Psychiatrists?

The Deputy Bailiff:

Are you prepared to answer those 2 questions?

Deputy E.J. Noel:

Yes, I am happy to. To answer Deputy Tadier's question, children under these amendments, will be treated in appropriate facilities. With regards to the medical membership of the Tribunal, there is nothing excluding the Royal College of Psychiatrists. What is excluded is any member of H. and S.S. staff; to keep it independent.

The Deputy Bailiff:

The principles have been proposed and seconded.

The Deputy of St. Martin:

With respect, we have not had the answer from the Attorney General, the Solicitor General, that the Minister said he was going to call on to explain why that law was human rights compliant and what Articles are affected. In fact, if the Assistant Minister looks at page 3, it says it has been signed by the Minister.

The Deputy Bailiff:

It is the Minister's function under the Human Rights Law to certify that, in his view, the legislation is compatible with the Convention. He has so certified. You can ask him the question, which he has not answered. If you have a specific question to ask of the Solicitor General, then we can certainly do that.

The Deputy of St. Martin:

My point was that this law has been signed to say it is compatible. All I am asking, of the rapporteur, is why is it compatible and what Articles are affected? It is quite simple, he must know because it has been signed. The Articles have been signed by the Minister. So, all I am asking for is a simple question.

The Deputy Bailiff:

Do you have anything to add, Assistant Minister?

Deputy E.J. Noel:

Not really, apart from it allows for greater freedom for the individuals that this law is governing.

The Deputy Bailiff:

Very well. The principles have been proposed. The appel is called for. I will ask Members to return to their seats and I will ask the Greffier to open the voting on whether to adopt the principles of the Draft Mental Health (Amendment No. 3) (Jersey) Law 201-. If all Members have had the opportunity of voting I will ask the Greffier to close the voting. I can report that the principles have been adopted, 41 votes in favour and one vote against.

POUR: 41		CONTRE: 1		ABSTAIN: 0
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Senator T.A. Le Sueur		Deputy of St. Martin		
Senator T.J. Le Main				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy 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 M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Do Members now wish to adjourn at this stage? The adjournment is proposed. That seems to be agreed. We will reconvene at 2.15p.m.

LUNCHEON ADJOURNMENT

[12:54]

[14:15]

The Deputy Bailiff:

Assistant Minister, we adopted just before lunch, the principles. Now do you wish to move the Articles and the law?

Deputy E.J. Noel:

Yes, I do.

The Deputy Bailiff:

Thank you. The Greffier reminds me that perhaps I did not ask the Health Social Security and Housing Scrutiny Panel, if they wish to scrutinise this legislation. Does the Vice Chairman give ... Thank you very much.

9.2 Deputy E.J. Noel:

As mentioned previously, there are 6 main areas of amendment. I propose to be taking those all together, if I may? I will just go through them in a bit more detail. As I mentioned previously, the first is changing the age of a child, as defined within the law. For the purpose of this law the age of the child is being changed, as mentioned previously, 16 years to 18 years. This does bring it in line with the United Nations Conventions of the Rights of the Child and merges with the ages set in the Children's Law. The second is the application for administration to hospital. When a patient is admitted under an observation order, they can be detained for up to 28 days. This amendment will allow an independent appeal to be made to the Mental Health Review Tribunal, instead of the Minister, within the first 14 days of being admitted. When a patient is admitted under the treatment order, they can be detained for up to a period of 12 months. Currently, they can make an independent appeal to the Mental Health Review Tribunal within the first 6 months only. This has been extended to be at any time during the 12 month period. The third amendment is the effect of the guardianship application. Guardianship, as mentioned previously, is a form of community suspension order for persons with a mental disorder who are usually able to reside within the community. Guardianship does not allow for any compulsory treatment of patients against their wishes. Patients may initially be subject to a guardianship order for up to 12 months. The amendment makes more specific the powers of the guardian, i.e. it makes them clearer and more simplified. In addition, it allows the patient to make an independent appeal application to the Mental Health Review Tribunal at any time during the 12 month period of the guardianship order. Currently, patients can only appeal again during the first 6 months. At present, a person who is below the age of 16, who is subject to a guardianship order, is unable to make an application to the Mental Health Tribunal. This age restriction is removed in the amendment. The fourth, being the provision as to the transfer of patients, is when a patient, who is subject to a guardianship order, has been transferred to a hospital for treatment for mental disorder. For the sake of clarity and the avoidance of doubt, this does not mean the patient being transferred to the general hospital for medical treatment. It is not just when someone is transferred to a treatment centre, it is also when they have been advised, or they find out, that they maybe being transferred to a treatment centre. Under this amendment they can, again, make an independent application to the Mental Health Tribunal to revoke the arrangement. That second element is not under the current legislation. The fifth amendment concerns the discharge of patients. Currently, the Minister for Health and Social Services can discharge a patient from their detention order, or, indeed, remove a guardianship order against the judgment of the consultant psychiatrist. The amendment removes these discharge powers from the Minister and transfers them to the Mental Health Review Tribunal for independent review. The modifications described rely heavily on the Mental Health Review Tribunal and, as I mentioned previously, the sixth and final amendment, deals with the Mental Health Tribunal. The Tribunal in future will receive applications from patients who are subject to observation orders. These have a duration of 28 days. These appeals must, therefore, be heard in a timely fashion and

the following amendments have been made to facility this. Firstly, the maximum number of medical and laypersons who comprise the Tribunal panel has been raised from 5 to 8 to assist availability. The Tribunal comprises of a legal Chairman, who has to be a lawyer, one medical member being, for example, a G.P. but not an H.S.S.D. (Health and Social Services Department) staff member, and one lay member. Secondly, typically, the panel member will hold the post for 5 years. When a member reaches 72 years of age, they will be asked to terminate their position as a member of the panel. This is the same age that exists for Jurats. The date when a panel member ceases to hold office has been changed to 31st December of the year that they are due to terminate their post. So this is merely an administration aid to ensure that we are advertising and recruiting new panel members once a year as opposed to piecemeal throughout any particular time. The third area that is being amended in this third amendment is that the deputy Chairman of the panel is to be given the same powers as the Chairman and the Vice Chair, should they both be unavailable to preside over the Tribunal. Again, for Member's information, currently the deputy Chair does not have the right to adjourn meetings or make rulings with the same powers that the Chair and the Vice Chair have, so this is to bring it to a better consistency. An amendment has also been made to allow a patient to make a second application to discharge under the Mental Health Review Tribunal if a previous application has been withdrawn. This is an anomaly under the current legislation whereby that facility is not available. The second application must, however, be within the same time periods as prescribed within the law. I maintain the provisions.

The Deputy Bailiff:

Articles 1 to 9 are proposed, are they seconded? **[Seconded]** Does any Member wish to speak?

9.2.1 The Deputy of St. John:

Under Article 1, the age of this coming about being moved from 16 to 18, will this have any effect on other laws? Because currently we know that a person can vote at 16, they can get married, they can have a relationship with a partner and so on. Given that we are moving this up the scale, will we see this happening in other areas of the law? Possibly the Assistant Minister may know the answer but if not could the Attorney General advise us if this is going to be party to other laws at a later time?

9.2.2 The Deputy of St. Martin:

The Deputy of St. John has beaten me to it but I did particularly ask the rapporteur about their being Human Right compliant and there was a particular reason, because if Members look at page 12, schedule 1, 8(e), the Deputy of St. John has alluded to it. The fact that once you become 72, as far as you are concerned you are on the scrap heap, as indeed it makes reference on page 5, paragraph 10, that a Jurat has to stand down once they reach 72. Well, that may well be because of the Jurat Law, I think it is 1959. But here we are introducing brand new legislation and in the year 2010 and we are being discriminatory. I understood the whole purpose of trying to do away with discrimination was to ensure that legislation that did come to the House was not discriminatory. I would ask that 8(e) be voted separately so that those Members who wish to vote against this particular Article could do so. I think it is wrong that someone has assumed that once you are 72 you are no longer able to sit in the Tribunal. I do not know if Members are aware of that but I think the Deputy of St. John was alluding to the fact it is in what other areas? It may well be, it will be before you reach 55 you will be too old to become a States Member. Who knows? I am 56 next birthday. **[Laughter]** But I would ask that maybe an explanation be given by the rapporteur and convince me as to why that once you are aged 72 you no longer can be a member on the Tribunal. But also that would he agree that 8(e) can be voted on separately. Thank you.

9.2.3 Senator F.D.H. Le Gresley:

When the Assistant Minister sums up, I wondered if he could kindly clarify about the role of the Chairman of the Tribunal which I think he said had to be a lawyer of the court, and also whether the

deputy or Vice Chairman has to have that same role, in the event that the Chairman is not available. I would like some clarification, if I may. Thank you. **[Approbation]**

The Deputy Bailiff:

And that is without speaking about your constituents. **[Laughter]**

9.2.4 Deputy M. Tadier:

On similar lines, could the Assistant Minister clarify what he means by “lawyer”? Does an English Solicitor count, or does it have to be an Advocate? With regards to Article 3, can he explain the benefit of moving from the 6-month period to a 12-month period, what kind of value is added? It seems to me that, in fact, it may be negative in that it reduces the flexibility in that regard. I would simply ask that be taken separately. I have already spoken about the age, I think it is quite appropriate that people in the age of 16 to 18 are treated as children for this purpose. I do not have a problem with that but I think to put the minds at rest of those who have not raised objections, it would be sage for that to be taken also separately. Those are the only parts.

The Deputy Bailiff:

Does any other Member wish to speak? I call on the Assistant Minister to reply.

9.2.5 Deputy E.J. Noel:

The Deputy of St. John picks up the point about the change of legislation from 16 years to 18 years and the effect on other legislation within the Island. Well I believe that will be a matter for this House to decide as and when various Ministers come forward to amend various pieces of legislation. In this case, we very much want to make sure that we comply with the United Nations for the Rights of the Child and this brings this legislation also in line with our Children’s Law. With regard to the Deputy of St. Martin’s request for the age of 72 years to not be introduced, I believe there are certain people way past the age of 72 who would be capable. However, this was a request made by the previous Bailiff to bring this in line with the Jurats. H. and .S.S. were happy to do so and I believe it is a sensible, common sense cut off period. I am afraid I have missed Senator Le Gresley’s point about the Chairmanship so if he would like to repeat his request I will deal with it.

Deputy M. Tadier:

Can I seek clarification from the speaker, if he would give way? Just about the comment that he was given direction by the Bailiff to keep the 72 years. That sounds strange, could you tell us which Bailiff this was and the circumstances under which this political direction arose?

The Deputy Bailiff:

I think he said requested rather directed, but still please answer.

Deputy E.J. Noel:

It was not a direction, it was a request by the previous Bailiff. If I could just ask Senator Le Gresley to repeat his question?

[14:30]

Senator F.D.H. Le Gresley:

I am sure that this may be a ploy to make me speak twice. My question of the Assistant Minister was reference to the Chairmanship of the Tribunal. In an earlier address to the States Assembly he mentioned that it needed to be a lawyer and I was asking the question whether the Vice Chairman also had to be a lawyer and another colleague also inquired whether it was a lawyer who was qualified to practice in Jersey or could it be somebody qualified to practice in England only? Thank you.

Deputy E.J. Noel:

I can answer the first part of that. The Chair, the Vice Chair and indeed the deputy Chair, all have the same legal requirements throughout for consistency there. I am not clear, maybe the Solicitor General could help me, whether or not it covers just Jersey Advocates or indeed English Solicitors as well.

Mr. H. Sharp, H.M. Solicitor General:

The position is set out in schedule 1 to the 1969 Law and the position is that the Bailiff appoints both the Chairman and Vice Chairman and they must be either an Advocate or Solicitor of the Royal Court of not less than 5 years standing.

Deputy E.J. Noel:

The final point that was raised by Deputy Tadier is moving the appeal process from a 6-month period to the full 12-month period. I disagree with the Deputy, it does create more flexibility. It means that an individual can have the full 12-month period to appeal against whatever order that they are being treated under, as opposed to currently where they only have the first 6-month period to appeal under. I maintain the proposition.

The Deputy Bailiff:

Assistant Minister, it is a matter for you that you were asked if you would be prepared to take the votes on some of the Articles separately.

Deputy E.J. Noel:

I would have preferred to take them *en bloc* but I am happy to take them individually.

The Deputy Bailiff:

Well it is a matter for your judgment.

Deputy E.J. Noel:

I am willing to take the Articles individually if that is what Members wish to do. Just the 8(e) ...

The Deputy Bailiff:

I think it was only 8(e).

Deputy M. Tadier:

I do not require Article 3 to be taken separately so I am happy to ...

The Deputy Bailiff:

It is only 8(e), very well. It is, I think, a standalone provision so we can take it separately. We will first of all take a vote then on Articles 1-7 and Article 8, all sub-paragraphs except sub-paragraph (e) and Article 9. The appel is called for. If Members would kindly return to their seats. The vote is on whether to adopt all the Articles in the draft law except paragraph (e) of Article 8. I will ask the Greffier to open the voting. Have all Members had the opportunity of voting? I will ask the Greffier to close the voting. I can announce that those Articles have been carried 42 votes in favour, no votes against and no abstentions.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				

Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

We now come to a vote on Article 8(e), is the appel called for again? The appel is called for. I will ask the Greffier to open the voting. Have all Members had the opportunity of voting? I ask the Greffier to close the voting. I can announce that Article 8(e) has been adopted: 36 votes in favour and 9 votes against.

POUR: 36	CONTRE: 9	ABSTAIN: 0
Senator T.A. Le Sueur	Deputy of St. Martin	
Senator T.J. Le Main	Deputy R.G. Le Hérisssier (S)	
Senator B.E. Shenton	Deputy G.P. Southern (H)	
Senator F.E. Cohen	Deputy of Grouville	
Senator J.L. Perchard	Deputy K.C. Lewis (S)	
Senator S.C. Ferguson	Deputy of St. John	
Senator A.J.D. Maclean	Deputy T.M. Pitman (H)	

Senator B.I. Le Marquand		Deputy D.J. De Sousa (H)		
Senator F. du H. Le Gresley		Deputy J.M. Maçon (S)		
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

The Deputy Bailiff:

Assistant Minister, do you propose the law in Third Reading?

Deputy E.J. Noel:

I do.

The Deputy Bailiff:

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

10. Vote of No Confidence: Chief Minister (P.76/2010)

The Deputy Bailiff:

We now return to the first item of Public Business which was P.76, a vote of no confidence in the Chief Minister and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion that they have no confidence in the Chief Minister.

10.1 Deputy G.P. Southern:

Thank you, and may I first thank the House for allowing me the breathing space to bring this motion in one go this afternoon, and a very serious debate it is. I have been very concerned that we appear to be rushing into a whole series of public services cuts without sufficient debate, nor explanation from Ministers as to exactly what their cuts mean and exactly what their justification is for the proposed changes. So this afternoon I have brought, I suppose, the ultimate - the thermonuclear weapon - the motion of no confidence, in order to ensure that we get the issues out in the public and thoroughly debated before we go any further. It seems to me that already we have had several delays in receiving materials. I think the cuts themselves are probably a month behind schedule. The advent of the proposed alternative tax measures are also equally a month behind and this makes the Scrutiny process extremely difficult. Of course, we will be debating these in September in detail but we have to bear in mind that August inevitably is a dead month when Scrutiny work is very difficult to do. So, the 4 questions I think that concern the confidence this House may or may not have are the following: is the House confident that there lies a proper, strategic, long-term vision behind what is before us? Do the measures that have been proposed by the Ministers, can we have confidence that they sufficiently protect essential frontline services? Because that was a promise that was made on several occasions by various Ministers: "We will protect frontline services." Are they timely - can this House be confident that they are the right measures at the right time? In particular that refers to are there signs of recovery? Because the first rule of this sort of work is do not cut until you have got evidence that you are back in recovery. Finally, can this House be confident that the cuts called for in this schedule that we have seen are, in fact, proportionate? Are they appropriate and proportionate? I think the answer to all of those questions is no. But if you have doubts about any of them, I think you should support the no confidence motion. So let us see where we start from. I start from the position shared by many politicians and others in society that Jersey's public services are a vital bedrock in sustaining the local economy and the community, both in good times and now, during what we are told is the worst economic recession in living memory. They ensure essential investment in infrastructure and support for business and can mitigate the worst social and economic consequences of the downturn. But as public services come under increasing pressure to cut costs and jobs, I believe that the view that spending cuts are the first and prime option needs to be robustly challenged. For Jersey to emerge successfully from the current recession, in a strong position for the future, we need to strengthen and sustain our public services. I think Peter Body, the economic correspondent of the *Jersey Evening Post*, put it most succinctly when he said: "The interminable row over States spending is not about protecting jobs for civil servants and manual workers, although some people might consider that important. It is not even about improving efficiency in the public sector, because the fact that cuts have to be made proves that there is not much fat." I think that is an important, significant statement there. The fact that we are making cuts, I believe, to frontline, central services suggests that there is not much fat on the beast. Year in, year out, efficiency saving after efficiency saving after efficiency saving we are ultimately, I think, a fairly efficient machine and yet we are being called to make cuts. He then goes on to say: "What it is really about is providing health, education, welfare, security, public infrastructure, public transport and a host of other services members of the public want and in many cases desperately need." I can hear a voice that is just droning on. I will not name the Member. "Before we had public services we had the very rich who could look after themselves thanks very much, and we had the poor who did without." That is what we are talking about, the function of public services. Now, the first thing he points to in that paragraph was the link to jobs and employment: "Make no mistake about it" he says "if you are going to make cuts to public services, that means job losses." The question is: do we really want to add to job losses at this particular time? The proposals before us, we have already examined, contain some 67 - almost 70 - job losses. If we were to scale that up to the 10 per cent cuts eventually that are going to be proposed, we are talking of the order of perhaps 300, 400 jobs which might be lost. Is that really what we want to do, to add to the mounting list of the

unemployed? For it is still high and if Members glanced this morning at the latest figures they would see some 1,060 actively seeking work registered in Jersey. A slight drop on last month and the trend seems to be down. But seasonally adjusted, because now is the take off of the employment season, we have seen more or less the same level - the same level - throughout the last 5 to 6 months. So there is no sign of recovery there. Talk to anybody and they will tell you about the jobs market out there - very few and far between, the jobs simply are not there. Yet, we are already talking about another 70 jobs and more to come. I believe that is a highly - very highly - risky strategy. What happens, of course, is if you lay people off, if you make people redundant, then you have got a twofold effect - you do not receive their tax and social security contributions, so your revenue goes down and your expenditure goes up. You have to support them through income support and/or other means. Now, calculations in the U.K. suggest that for every redundancy we are talking about losing £9,000 of tax revenue and social security contributions and some £12,000 of benefits increase and overall around £21,000 per redundancy is what it costs the Government. Now, the figures here will be somewhat different, but I would suggest of the same order and magnitude. That is a cost - what does that do? That reduces the amount of money in the economy, that brings the economy down and that is the risk we run. There can be no doubt that the best way to tackle public deficit in the long term is via recovery and that means planning for a budget deficit in the short term until recovery is firmly underway.

[14:45]

Cuts in public spending would only have an effect on future competitiveness and would impact on the most vulnerable and needy in society. As argued by David Blanchflower, respected economist and former member of the Bank of England's Monetary Policy Committee, lesson one in a deep recession is you do not cut public spending until you are into the boom phase. It is a clear lesson most economics and most economists have learnt. We know from history that without effective government intervention, the cost of recession is borne hardest by those who lose jobs and by vulnerable and poor who depend most upon those services. It is very interesting to reflect, in these times, on the words of the Chief Minister, at whom this no confidence motion - as the head of this Council of Ministers - is directed. He had a number of things to say on 8th December 2008 when he put himself up to be elected Chief Minister, and he said, for example: "Although Members may have differing views, the one thing that unites us is our passion for Jersey." I could not agree more: "And more than that, a determination to make Jersey an even better place with a greater emphasis on social integration and family values." Social integration, and yet here we are - some time down the line - 18 months later, and we are proposing to scrap our anti-discrimination laws and put them on the backburner. Is that a way to engender social integration? I would argue not. He then went on to say: "One of the things I am most proud to have achieved in my political life is long term planning." As we examine these initiatives, these proposed cuts, I think we will see a complete absence of long term plans involved. He then said: "I should like to make my mark as Chief Minister." By jingo, I think he may well do so: "The period ahead calls for experienced leadership, I believe that is what I offer. Calmness and long term vision are not by themselves enough. A Chief Minister also needs to engage, listen, respond and lead." Engage, listen, respond and lead. Hence the opportunity that I am presenting today for Members to make sure that the Chief Minister engages, listens and responds. He then went on to say: "We need to support and enhance all sectors of the industry. Be it finance, tourism, agriculture, e-commerce, retail or whatever." As we will see, when we get to the detail, that particular need I do not believe is being met now. Equally, he said: "At present the States owns a great deal of property so that the maintenance budget is spread too thinly." We will see what else is in store in the cuts on maintenance in various sectors. "I want to create a strategic direction which all Members can take part in setting and which a majority of Members can then sign up to, while that is a strategic process and direction is agreed." So he is referring here to the Strategic Plan: "And we must see what is proposed in the light of the strategic aims of the Strategic Plan. I would look to the official Scrutiny process to make sure that it is properly delivered." This is this Chamber acting as Scrutiny. "As States Members we have to

build up public trust by engaging in more meaningful discussions with the public.” Well I think we are starting to hear what the public thinks of many of the suggested cuts. He then went on to say, in response to Deputy Tadier: “As to having Government more accountable, accountability is not the prerogative solely of accountants. Accountability is something we all have to take seriously in whatever we are doing. Yes, I do want Ministers to be more accountable. I want all of us to be more accountable to the people we serve, the people who elected us.” So this debate today is about that accountability and I expect to hear from each and every Minister some justification for what they propose. In response to me, who said: “Are we going to be governed by accountants?” The Chief Minister said: “I certainly hope so.” One of the points I will make is that the series of cuts that are being proposed are so politically inept they could only have been composed by a group of accountants who simply wanted to look at where they can save £2,000 here, £20,000 there, et cetera. But, more specifically, in terms of the here and now, one can turn to the comments of the Chief Minister to my proposal in P.76 and he says: “The likelihood is that this shortfall in funding is a long term structural issue which will require strong and sustained action to address, and for this reason the Council of Ministers supported the need for an early and lasting solution.” So already we are pointing to a structural issue. Where is that structural issue? We will address it later, I think. The only structural change we have made to our tax and spend regime is Zero/Ten, a conscious choice to move to Zero/Ten moving some £80 to £100 million off business and on to the ordinary working people of the Island. The other structural change that everybody is waving around, and I will address it later, is the ageing demographic, the ageing of society which we have to account for as a big load which is on its way towards us, and I will look at that later. Now, in terms of his solutions, he is saying: “The first part of the solution is indeed the Comprehensive Spending Review, the aim of which is to reorganise the way public services are delivered in order to make best use of public money and put expenditure on a sustainable path in the medium term.” I suggested to Members that this, as proposed, is not a reorganisation, it is not medium term, it is not about the way public services are delivered. That is yet to come. We do not know what that looks like because the long term, the medium term, is not here. We still do not know what it is like, and we will not learn about that now. Initially we were told we would get the second part of the plan, the 3-year plan, by July. I think we will not see anything of it until September. I know some departments have already been told: “Do not worry, September will do.” So we might be debating these plans, these cuts, with very recent information on where we might be going, and this is fundamental criticism, I believe, that we do not know where we are going, why should we be making these steps? He then says: “If some of the cost cutting proposals can be approved we should all be working to that aim, and while the target for 2011 is relatively modest, we should still be looking for the best way to deliver it.” Seventy potential job losses, £12 million of cuts, relatively modest. Frontline services in the hospital, in our schools, going. That is not relatively modest, that is heavyweight. He then goes on to say: “Reductions in public expenditure and increases in taxes should not generally be undertaken when the economy is weak.” The words of the Chief Minister, presumably, in order to fight off this no confidence debate. He will come to us today and prove that the economic recovery is on its way, because the economy is already not in its weakened position. Until he does so, I think no confidence is the order of the day. Finally, he says: “The second part of the Business Plan, incorporating 2012 and 2013 cash limits, will be debated in December in the full knowledge of the whole context of tax and spending.” Well, thank heavens for that. Come December we will know where we are and the entirety of the package will be there for us to approve or not. But by Jove we are going to have difficulty amending anything by the time that comes around. He then finally went on to say, and I will just make mention of this briefly because it is one of the failings of this particular Council of Ministers: “The Council of Ministers has agreed on the proposed level of savings for 2011. Staff in all areas affected are being fully consulted.” Well I have not heard the squeals of satisfaction from the shop floor that people are being consulted. Nor have I heard teachers or nurses or anybody else for that matter saying: “I am happy, we have been fully consulted.” People have not been consulted. This is top down management. That statement, I believe, is completely misleading. But I return to the business

editor, Peter Body, of the *J.E.P.* and he goes on to say: “I tend to approach the issue from a slightly different angle. I do not believe it is a question of what we can afford, I believe it is a question of what we should be able to afford.” He goes on to say: “The question that needs to be answered is what level and quality of public services can an Island of the size and with the wealth of Jersey expect to provide their citizens? It should not be too difficult a question to answer. All it requires is a serious benchmarking exercise so that we know whether our public service matches, exceeds, or even falls short of what similar jurisdictions provide. Once you have answered that fundamental question, you can argue about how those services might be provided and how they might be paid for. Similarly, it is not States spending we have to worry about, it is excessive spending. But none of the existing benchmarks suggest our spending is excessive compared to other jurisdictions.” So let us just have a look at those benchmarks. For example, net government expenditure including capital expenditure as a percentage of G.N.I. (Gross National Income): Isle of Man 33 per cent; Guernsey 22 per cent; Jersey 17 per cent. Who are the high spenders? It is not us. Government payroll per head of population, how many people have we got doing this business while supplying public services: Isle of Man 10 per cent; Guernsey 8.7 per cent, Jersey 7.1 per cent. A smaller workforce delivering our services. So we are not overstaffed, we are not overmanned and we are already relatively efficient compared to our nearest rival. Again, comparison with government expenditure as a percentage of G.N.I. for Jersey and O.E.C.D. (Organisation for Economic Co-operation and Development), and I take the comparison here with Luxembourg in particular which has similar per capita G.N.I. to us. It is an equally wealthy society. General expenditure: Jersey 26 per cent; Luxembourg 51 per cent. Education spend: Jersey 3.3 per cent; Luxembourg 3.8 per cent. Public health: Jersey 5.1 per cent; Luxembourg 8.6 per cent. Social benefits, other social benefits: Jersey 6.9 per cent; Luxembourg 17.3 per cent, presumably because they have an unemployment benefit there which is quite substantial. So we are a low tax, low spend economy. There is room for manoeuvre, we should not be making massive cuts. Peter Body then goes on to say: “The C.O.M. (Council of Ministers) would argue that we cannot afford all we have got so we have to live within our means. That obviously strikes a chord with anyone watching what is happening in the U.K. and in Europe with the introduction of severe austerity packages because the government wants the U.K. to live within its means.”

[15:00]

He goes on to say: “If Jersey had such a huge deficit, owed so much money, had such high taxes, and so many people had to work, then perhaps some austerity might be justified in the Island too.” But even on the Minister for Treasury and Resources’ own admission, Jersey’s problems are nowhere near as severe as the U.K.’s or just about anywhere else. The U.K. budget deficit of 11 per cent of G.D.P., Germany around 5.5 per cent of G.D.P., the U.S. hovering around 9 per cent of G.D.P. What is our deficit? 1.6 per cent. So while Europe is cutting and slashing like mad, that may be justified, they have got serious deficits. Do not believe we are in the same position. The Minister for Treasury and Resources himself has described the threatened budget deficit as “minute” and that is a quote: “Minute compared with other jurisdictions.” That is the reality. So are these sort of cuts proportionate, again the answer, I believe, is no. Peter Body finishes up saying: “Yes, we should certainly put a cap on future spending. Perhaps we should even make some cuts by changing the way public sector operates. But phase these in over time, 5 years not 3, to give it time to work properly.” He is suggesting proper, long term restructuring, reorganising and not what we have got on the plate for the moment. He then went on, what sort of revolutionary is Peter Body: “We could even borrow a modest amount as exceptional circumstances sometimes require exceptional remedies. But do not let us damage services provided to the public of the Island, perhaps irreparably.” Those are serious heavyweight words coming from a serious heavyweight journalist who is now renowned for his tax and spend devil-may-care attitude to public sector. Now, I just want to at this stage quote from Paul Krugman, Professor of Economics and International Affairs at Princeton, who talks about the German economy and the way in which people are responding, governments are responding, to the current recession. He calls it the price

of posturing, and I will read if I may some of his statements here, because I think Members may find that it rings a bell with some of the statements that we are hearing here on the Island. He is talking about the German economy: “Suddenly, creating jobs is out. Inflicting pain is in. Condemning deficits and refusing to help a still struggling economy has become the new fashion everywhere, including the United States where 52 Senators voted against extending aid to the unemployed despite the highest rate of long term joblessness since the 1930s. Many economists, myself included, regard this turn to austerity as a huge mistake. It raises memories of 1937 when F.D.R.’s (Franklin D. Roosevelt) premature attempt to balance the budget helped plunge a recovering economy back into severe recession. Despite these warnings, the deficit hawks are prevailing in most places and nowhere more than in Germany where the government has pledged 80 billion in tax increases and spending cuts, even though the economy continues to operate far below capacity. What is the economic logic behind those government moves? The answer is, as far I can tell, that there is not any.” He debates a conversation between a German and an American economist and he calls the German a hawk and the American an ugly American. So the German hawk says: “We must cut deficits immediately, because we have to deal with the fiscal burden of an ageing population.” Ageing population thrown in, this unknown, this heavyweight thing that we have got to deal with. Ugly American says: “But that does not make sense. Even if you manage to save 80 billion euros, which you will not because the budget cuts will hurt your economy and reduce revenues, the interest payments on that much debt would be less than a tenth of 1 per cent of your G.D.P. So the austerity you are pursuing will threaten economic recovery, while doing next to nothing to improve your long run budget expectation.” He goes on to say: “The real motivations for the obsession with austerity lies somewhere else. German deficit hawkery seems to be sincere, but he has nothing to do with fiscal realism. Instead it is about moralising and posturing. Germans tend to think of running deficits as being morally wrong, while balancing budgets is considered virtuous. Never mind the circumstances or economic logic. ‘The last few hours’ said Angela Merkel recently ‘were a singular show of strength.’” Does that ring bells Members? I believe it does. Balance budgets - virtuous. Running deficits - wrong. It is exactly the thinking that prevails in Jersey, whether or not it makes economic sense. Showing strength, or what is perceived as strength, is what it is all about. German politicians seem determined to prove their strength by imposing suffering, and politicians around the world are following their lead. I do not believe we should be showing that similar strength. So we come to the strategy of the Chief Minister, as expressed in his Strategic Plan 2009-2014, and I am grateful to Deputy Vallois for pointing the way as one who does hold people to account in this House: “Go back to the Strategic Plan” she always says: “Have a look at the aims and see how it fits.” So we need to protect the most vulnerable from the worst impacts of the downturn. Here we have Strategic Plan, Aim 1: “Support the Island community through the economic downturn, and to ensure provision of essential public services as a stated aim within that. 2. Maintain a strong, environmentally sustainable and diverse economy. We will lay the foundations of a genuinely diverse economy, we will continue to work to diversify the economies and we will recognise the contribution made by tourism and agriculture industries and demonstrate this commitment by making grants available for investment in tourism infrastructure.” What do we have? How is that being delivered? It has been delivered by cut EDS 5, reduction for route development, destination marketing, £175,000. Reduction in grants to events - £130,000. A third of £1 million gone. Reduce grants and area payments to industry - £118,000. £120,000 gone. But in order to promote diversity, look here, additional support to Jersey Finance Limited. I do not know how much of the £750,000 is going into that direction, that list of things is directly to J.F.L. (Jersey Finance Limited). We are increasing our dependence upon Jersey Finance and reducing our spend elsewhere. So diversification has gone. Reform the public service to improve efficiency. We shall work with the public sector to maximise efficiency of all departments and in doing so reduce costs and encourage cross-departmental working. But I remind you again, whenever you hear the word “efficiency”, think jobs. Increased efficiency means doing the same with fewer jobs. Already we have seen 70 jobs so far, we may well see 350 that go in the second phase. The bottom of this column: “Work together with a third sector, the charitable sector, to deliver efficient and

effective public services.” H. and S.S. S22 cut says: “Recurrent reduction of all H. and S.S. third party provider S.L.A.’s (Service Level Agreements) - £140,000.” £140,000 cut from the budget for these third party providers. Again, another cut in direct contradiction of Strategic Plan aims. Here is a nice one: “Ensure sustainable public finances” in the strategic document, and what they say is: “Examine whether borrowing is an alternative and an optional way forward for long term capital projects.” Borrowing for long term capital projects. Remember the Energy from Waste plant, the incinerator, we decided, this Government decided, to spend it all at once, £67 million on 2009 out of the coffers. No hint of borrowing, no paying for it over 20 years which was the original plan. Here we have: “Limit population growth. Implement new mechanisms to control the population through migration policy.” The Chief Minister’s office is in charge of that; what do we see? I remember working on the migration policy back in 2005 and it went back and forth and went back and forth and went back and forth. I think Corporate Services is still working on it now, but they have not got a substantial document in front of them to assess. So how efficient are we being on that particular field? A complete failure, it seems to me. “Protect the public and keep our community safe.” At a time when we are reducing the police force, we are reducing customs. “Reduce the harm caused by drug and alcohol abuse to individuals and families, and the economic social well-being of a wider community through a multi-agency approach fundamental to ensuring a safe society. Focus on the reasons for and harm caused by alcohol and illegal drug use and deliver permanent and sustainable reductions.” What have we got there? “Home Affairs: reduction in police staff, police overtime - 3.8; Customs and Immigration, staff reductions - 2.” Again, directly going the opposite direction to the Strategic Plan. “Enhance support services to vulnerable children, families and others at risk. Protect the safety and welfare of vulnerable children, Education, Sport and Culture. Restructure the special education needs service and the way emotional behavioural support is delivered to primary school children.” Emotional behavioural support - 2 posts going. So is that operating in the right direction? No, that is less support going to those people. “Improve the health and emotional wellbeing of children including healthier lifestyles.” We have got E.S.C. cut one, £120,000 from P.E. (Physical Education) enhancements at a time when we are obese, and we have also got E.D., of course, a nice healthy lifestyle choice. Drink your fizzy drink, your carbonated, sugared, hyper fizzy drink because we are taking away your school milk. Sound infrastructure - again, repair bills, maintenance bills, what have we got? Health and Social Services: “Reduce non-essential engineering maintenance, et cetera, some portion of £362,000.”

[15:15]

Resources, where is that, resources are RES-S6: “Re-profile the 2011 building maintenance program - £244,000 cut.” Again, completely in the opposite direction. Now, this House passed this Strategic Plan with much debate and much amendment and what we are facing now are moves in completely the opposite direction. Finally, we will go on to that one I think: “Maintain academic success. Support young people to help achieve their potential.” Here we have under this gem of a label: “Redefine the core business of schools and colleges at Education, Support and Culture.” A cut of total of £298,000 which includes removing the foreign language teaching assistance, the part timers, who do so much to bring our language skills up to scratch. I will finish shortly by just reminding myself, when I first came into politics in 2002 I met my first budget at the end of the year, when budget meant budget. They were also about what you are spending as well as what you are raising, and lo and behold, what did I have to do? I had to defend school milk, it got its funds eventually and I have had to do that 3 times since and lo and behold, when do we ever learn, here we go again. Same old arguments, same old stuff and what is deeply, deeply ironic I think, funding for language assistance. I had forgotten it was 2002, all those years ago. Change of heart by Education means that money will be reallocated for language assistance and who was that Education President? Then Senator Len Norman, and yet here we are again, he is now Constable Norman, and sitting beside him we are looking at the same sort of things. It is interesting to note, at the time, although Senator Norman had agreed to accept the amendments as the debate neared its

end, when the vote came he and Senator Anne Bailhache and Deputy Jacqui Huet abstained. But before the result was announced, Senator Norman asked to change his vote and the others followed. Talk about a discerning choice. In the days when you could change your vote, Senator Norman then could not make up his mind which way he was voting or what he was voting for. I hope he has got a clearer vision now because we are in even more dire straits than we were back in 2002 when, again, we were just going into a recession equivalent to what is happening now. So, I finish by saying, right, can this House have confidence that these cuts are proportionate and reasonable? I believe the answer is no. Can this House have confidence that they are timely and that recovery is in evidence? I wait to hear the evidence from the Chief Minister that it is safe to do so, I do not believe it is so. So I believe, no. Can the House be certain that they are protecting essential frontline services? Absolutely not. I have not mentioned the cuts in Health, and its direct delivery of mental health services, I have not mentioned yet, although some of us will, a direct challenge to providing long-term funding for those who fall ill through diabetes, for example, which is a direct attack on those people. Are we protecting essential frontline services? I do not believe we are. Finally, is there any sign of a strategic long-term vision behind what has been presented to us in the recent 2 weeks? I think the answer is absolutely not. I urge Members to support this motion of no confidence.

The Deputy Bailiff:

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

10.1.1 Senator T.A. Le Sueur:

I really do not intend to make heavy weather over this proposition, as I believe it is totally misplaced **[Approbation]** and without merit but I do have to make a few comments and maybe even correct a few misunderstandings. It is probably human nature for States Members to try to provide as many services to the public of the highest possible standard for the lowest possible cost and that is, indeed, a very desirable objective but it has to be tempered with financial reality. Public services cost money and for the foreseeable future we are in a situation where, largely as the result of a worldwide recession, there is not enough money coming in year by year to pay for the range of current services. Not this year, not next year, nor any future years within our range of forecasting. I note a comment from Deputy Southern in his opening remarks: “The only structural change has been that of Zero/Ten.” Has he been blissfully unaware of the fact that the world has suffered an economic downturn over the last few years? That in Jersey, as in elsewhere, we are no longer getting the revenue we used to but our spending still increases year on year, much more than the rate of inflation? In this sort of situation policy makers, and I believe that I and the Council of Ministers need to be policy makers, have 2 options. Either we can sit and bury our head in the sands and hope it will go away, or we can take early and positive action. It is easy to bury one’s head in the sand and hope it will go away, the opening remarks again of Deputy Southern: “The best solution is to wait, wait and see. Wait for an economic recovery.” No, the best solution is to take action and take action now. **[Approbation]** Our forecast show deficits for the foreseeable future and the figures may be slightly out. No one knows exactly but the general trend is that we are going to be living beyond our means and it is not just me that says so, it is not just the Minister for Treasury and Resources who says so (although we do), but it is the view of outside experts; people like the Fiscal Policy Panel, the Comptroller and Auditor General and, indeed, the Deputy has referred to other countries around the world like Germany. Not only do they say that we are living beyond our means but they agree that we need to take swift remedial action. We are quite lucky in Jersey, unlike some places, that we are in a much better position to take that remedial action immediately, because unlike many other countries, Jersey is not in debt, in fact, we were careful to put money away in the good times into the stabilisation fund. That was a policy we introduced in the good times and now we see other countries trying to copy us. That means that we can take immediate action now to deal with the deficit while we plan for the future, and that is just what we have done. Over the next 2 years we shall be spending most of that stabilisation fund

dealing with the short-term deficit but it only deals with the short term deficit. We have got a much more serious long-term issue which we have got to face; which we have got to face straight away and which we are facing. We have got to make sure that in the years ahead our income at least matches our outgoings. Indeed, I would like to do more, because I want to be able to put money back into the stabilisation fund for when the next downturn comes, as it no doubt will. That may take a little bit of time to achieve but at least we should get back to balanced budgets as soon as we can. I do not under-estimate the size of that problem, nor do my Ministers. I think that other Members may be starting to grasp also the size of the problem as the bigger picture emerges of the size of the potential tax increases which might be necessary if we do not cut our spending properly. As I say, we need to be quite clear about the size of the problem we are facing; a problem which I and my Ministers are determined to solve with Members' support. That is why since the start of the year I have been anxious to involve all States Members in understanding and sharing the problems we all face. We have had presentations, workshops and explanations but sometimes it seems as though the problem is too big to deal with. It is not too big to deal with and we in Jersey are in a better position than most to deal with it. As I say, it is not a problem unique to Jersey; in my comments I mention some of the other countries facing problems as serious or, in many cases, far more serious than ours. Their remedies are going to have to be far stronger than ours. In many cases they also have huge debt which they have to service. Our problem is manageable but it is, nevertheless, serious. I say we need to tackle the problem urgently. It is no simple matter to identify and deliver the whole solution immediately but first we have to identify our solution and we have to take an early overview of the size of the problem we are facing and establish a general direction of travel and that is why we have set a target of reductions of spending which, by 2013, would amount to a reduction of £50 million a year on current budgeted spend. Just to put that into perspective; that is not £50 million less than we are spending now, that is £50 million less than we originally planned to spend in 2013. Even with that reduction we will still be spending more in cash terms in 2013 than we are spending today. It is hardly those swingeing cuts that is going to create doom and gloom and the end of the world that the Deputy is so worried about. It is a challenging target but in my view it is achievable over a 3-year timescale. Bit by bit we shall find all the answers and that is why, although I can paint a general picture, I cannot at this stage identify precise long-term changes. What I can do and what I have been trying to do for some months now, as is the Minister for Treasury and Resources, is to identify the general direction of travel. What I can also say, reasonably confidently, is that in order to achieve a £50 million overall reduction, there will need to be some more fundamental changes in the way we consider and deliver some of our services. In particular, there are issues about staffing, pay, and other conditions of service which I believe can offer significant opportunities in the years to come but which we all have to have close dialogue with our employer representatives. Those benefits were identified some little while ago by the Comptroller and Auditor General. I will speak later about the role of the States Employment Board in helping to deliver this. I would also point out that the basis of settling pay awards for 2010 and 2011 also included, as a fundamental point, the need for a review of terms and conditions. That, for example, was particularly pertinent in respect of the teaching unions and their agreement to settle their claims. As I say, there will need to be some fundamental changes in the way we provide our services if we are to achieve the sort of cost reductions we need and these will take time to evaluate and implement and that is why we need to start the process immediately.

[15:30]

They will hopefully provide solutions which we can begin to roll out by 2012 and 2013, although some, indeed, may take a little longer before they can be fully effective. But the fact that we cannot flesh out the precise nature of those savings should not deter us from considering the general need for them. The reality of the situation should be starkly obvious; we are running a deficit. Either we cut spending or we increase taxation or we do a bit of both. If we cannot reach our target of £50 million savings cuts, then we need to raise more taxes. If we can do better than £50 million, we can raise less in taxes. I may be wrong but I suspect that the Deputy believes that we should actually be

raising more in taxes and not have the same level of spending cuts. Well, we shall need to raise more in taxes but I believe that the more we increase taxes, the less competitive the Island becomes. In the long run, as businesses choose to go elsewhere rather than Jersey, it is the Jersey resident population that will suffer. One Member is suffering of thirst at the moment. Seriously, I believe, as also my fellow Ministers believe, that there has to be a balance between tax increases and spending cuts but that has to be a realistic balance. At the present time, Ministers have not even finalised their proposals for what should go into the Business Plan. Scrutiny Panels are still looking at some of the suggested savings but the general need to make savings seems to be understood by most, if not all, Members. I have spoken to States Members and I am aware of the concerns that many of them have about different aspects of some of those proposed cuts. I do understand their concerns and if there are better ways of doing it, that is the whole purpose of presenting them early, presenting them to Scrutiny, presenting them to States Members so that we can get the best possible outcome when we present the ultimate proposals in the Business Plan. I spoke to my own Scrutiny Panel yesterday and one of the facts which came out of that was that some of the shorthand descriptions that we see for these cuts can be misinterpreted if you are not careful; you need to probe behind the headlines. We need to understand, for example, when we talk about reducing a G.S.T. (Goods and Services Tax) bonus, that that bonus has not been fully taken up by any means in the past couple of years. But I do not want to go into specific examples, because at the moment they are no more than suggestions and I am sure that the Scrutiny Panels will indeed probe deeply. If there are better solutions, then my Ministers and I will be more than willing to listen to them but I am not going to take up Members' time this afternoon trying to refute every one of these comments made by Deputy Southern. At the end of the day the final decision will only be made when we lodge and debate the Business Plan. So, consequently, even for that reason alone, a vote of no confidence in the Chief Minister, based on proposals which have not yet been finalised let alone debated, strikes me as being premature and ill-conceived. **[Approbation]** However, the Deputy, in his report to the proposition, quotes a second reason for his dissatisfaction and that relates to the activities of the States Employment Board. I note he did not raise that in his speech; either he ran out of time or maybe felt a bit conflicted and would prefer somebody else to speak about that. But he claims that the Employment Board and, in fact, the States, mishandled the policy of reducing the budget for pay for 2009 in the light of the changing economic circumstances. I would counter that by saying that the States did exactly the right thing by taking early action in the light of fresh information showing the extent of the economic downturn. Not to do so would indeed have been failing in our duty. But indeed I will remind the Deputy of 2 things. Firstly, it was the States as a whole which agreed to the so-called "pay freeze" for 2009 and it was the States which interrupted the handling of pay negotiations by debating individual Members' propositions; propositions which were ultimately both defeated. Secondly, that the Deputy himself has already brought a vote of no confidence against the States Employment Board over the handling of the pay negotiations. He seems to have a penchant for votes of no confidence but I remind him that that proposition was debated in October last year and was roundly defeated. Now he seems to want a second bite of cherry. Since that debate, through its negotiating structure, the Board has delivered the agreed policy, not just for 2009 but for 2010 and 2011, reached after proper consultation at a rate of 2 per cent for each of those 2 years, coupled with a requirement to review future terms and conditions. Over the past 6 months, I am pleased to say that most, if not all, employee groups have now seen the economic reality and have appreciated that the offer on the table was fair and was reasonable. I know that the Deputy has connections with many trade unions and perhaps particularly with Unite or with the National Union of Teachers. I am pleased that members of both these unions now seem to have agreed to the 2010 and 2011 awards along with most other groups. But the Deputy also talks about the lack of consultation about voluntary redundancies. It is not surprising, since the policy on voluntary redundancies remains as it has been for many years now; there has been no change. Many people, both in the States and outside, consider our voluntary redundancy terms extremely generous and they may well be correct but before we make any changes to them, I do confirm that we would consult fully with the Union representatives. But that

is for the future and is not relevant in any way to a current vote of no confidence. Finally, the Deputy refers in his report to the failure to deal properly with suspensions and raises 2 particularly high profile cases. Perhaps he raises those 2 cases because they are symptomatic of the fact that there have been relatively few long-term suspensions of States employees and these are really the only 2 of substance. There is an agreed policy procedure in respect of suspensions and I do accept that in the case of the hospital consultant, which the Deputy raises in his report, there have been shortcomings which I accepted at the time of the publication of the GoodwinHannah report. But those shortcomings need to be set in the context of a long police and criminal investigation into a very tragic incident which has affected the judgment of all concerned and, more importantly, it was done only after the Employment Board had taken clear legal advice, so it was hardly what the Deputy describes as a “systemic failure” of the Board. The second case which the Deputy refers to in his report is that of the suspended Chief Officer of Police. As I tried to make it clear in my comments, neither the States Employment Board nor myself have any role to play in the suspension of the Chief Officer of Police, which is a matter which lies entirely in the hands of the Minister for Home Affairs. I have absolute confidence that he will act entirely within the procedures laid down for such events and in the fullness of time **[Approbation]** that suspension will be seen to be fully justified. Any concerns which the Deputy or other Members may have about their suspension procedure will be dealt with as a result of the inquiry which I instituted and the terms of which I notified to the States earlier this year. An investigation is being carried out by an independent Q.C. (Queen’s Counsel) who, I understand, is likely to have completed his inquiries and should be presenting his report to the States next month. Incidentally, in his report the Deputy alleges that the States Employment Board has failed - indeed, he says “failed immovably” - to contain the ever-increasing rise in staff suspensions. This is completely untrue. Suspensions over the last 4 years have been running at an average of 18 per annum. Last year that figure was reduced to 13 and, so far, in the first 6 months of this year, there have been 2; hardly an “ever-increasing rise”. In his report the Deputy makes various other allegations as though they were matters of fact rather than his personal opinion. I deplore that, but I am going to put it down to over-enthusiasm rather than any desire to mislead and I do not want to dwell on details such as that. What is important is that we look at the broader picture and what the Island needs for a bright and sustainable future. That is what I and my Council of Ministers want to provide and we know that just as elsewhere it will not be a painless exercise. It is, however, one which, with the help of all States Members, we are determined to deliver and to deliver successfully. I urge all Members to dismiss this misguided vote of no confidence. **[Approbation]**

10.1.2 The Deputy of St. John:

I suppose it is the time for Members to give the Chief Minister a kicking if they so wish but I am just wondering if Deputy Southern has got it wrong at this time, given that we are here and we have all been given until September to look at our Business Plan, yet the bulk of his comments this afternoon in his speech have been around the Business Plan, which is still out for debate. I think it is wrong that he should have been ... there were other areas that he could quite easily have chosen; Energy from Waste plant, the overspend or the transfer of the cash into euros. There were a number of areas that you could have given him a kicking on and it could have stuck. I do not think he has made an argument at this moment. But while I am on my feet, I have got to say: “Chief Minister, you have got to do better. You have got to do better.” You have got to unite the whole Chamber, because unfortunately in many areas it is not united and I believe you understand where I am coming from; we mentioned this at a meeting we had last week and this was mentioned. We have to find a way of getting Members working much closer together. We have to find a way of making sure that Scrutiny is working 100 per cent with their various ministries and currently I am hearing that it is not. We saw it this morning with the resignation of a Senator and Chairman, although I do not know the reasons he has resigned but it will come out in due course, I am sure. Minister, you are going to have to get your own Ministers to be far more open with fellow States Members, because it is all well and good us asking questions here but if they are going to be kicked

into touch by the Ministers, it all reflects badly on yourself. You, through the Chair, Minister, I would expect to start wielding a whip with your own 10 fellow Ministers and actually pull them into line. It is all well and good; the Minister appears to have got his Assistant Ministers whipped into line, because I just look at the one that was appointed this week sitting across the Chamber. In fact, he is not here at the moment but he has not opened his mouth today, which is unusual. The Minister appears to have got his Assistant Ministers in line but not his Ministers. Possibly he needs to start with his Minister for Treasury and Resources being far more open with Members.

[15:45]

Far more open instead of the Minister for Treasury and Resources playing cat and mouse. That said, I have heard nothing today, nothing whatsoever that I can support Deputy Southern with. Nothing unfortunately, because the Chief Minister will be getting a kicking, I am sure, this afternoon but it is not to say those people who give him a kick are not just trying to get the Chief Minister to fall into line and be far more helpful. This morning was a prime example, when he did not have things at his fingertips about the Emergency Council which he should have as he is Chairman of that particular board. I would hope that he will make sure that we are brought up to speed with emergency issues within the Island. That said, I have got to look at the proposer of this vote of no confidence. He has chosen the Business Plan for his plank, which, as I already said, has not yet been debated. He is talking about a vote of no confidence in the Chief Minister. I would strongly ask and I would advise the proposer to withdraw this **[Approbation]** and in asking him, I will give him the reasons. Last week, on 16th June, we had an election and the public spoke, because this, in fact, had been in the public domain, in the media prior to the election **[Approbation]** that he would bring a vote of no confidence in the Chief Minister. The public spoke in a positive way of the way forward; what they want for our Island. If they had wished that a vote of no confidence be brought in the Chief Minister, I am sure considerably more people would have voted in favour of the Deputy for the Senatorial seat and this was not the case. **[Approbation]** Therefore, I believe the public of Jersey have spoken that they want to keep Senator Le Sueur as a Chief Minister and I would not be one of those people that would want to go against the wishes of the people of Jersey when we saw such a big vote in favour of our new Senator and the proposer of this came fifth within the vote. Therefore, I will be supporting the Chief Minister. Although I do have my differences with him from time to time, it is the people out there who have spoken and I will support them. Thank you. **[Approbation]**

Deputy A.E. Jeune:

Excuse me, Sir, may I just correct what I perceive as an inaccuracy in something that the Deputy of St. John just said.

The Deputy Bailiff:

You will be able to speak in a moment, Deputy, when I call on you. The Deputy of St. Martin.

10.1.3 The Deputy of St. Martin:

I hope this afternoon we are not here to give anybody a kicking, because I certainly am not; although I am a signatory of the proposition there is no way that we should be giving anyone a kicking and I certainly do not intend to. I have got to say this on my feet to the proposer, I did expect him to cover or at least mention the fact that there was a Suspension Board issue and I would be covering it, however, he obviously omitted to say that in his speech so probably ... he is nodding in agreement, so he probably agrees that he ought to mention that I was going to cover that, but it might have been helpful as well had the Chief Minister known that that was to come. The reason is I was a signatory to this, because I have been concerned about the role of the States Employment Board and, as Members know, I have spent considerable time addressing the issues of suspensions of States employees. Although considerable attention has been given to 2 particular high profile suspensions, the effect of that attention and the States accepting propositions arising or

from proposals from propositions, we now have a system in place which is human right compliant and has led to a major reduction in a number of suspensions and I am rather disappointed to hear the Chief Minister get up and take the plaudits for the fact that here we have ... in fact, had he been really accurate he would have produced the written answer that was given to the Members on 9th March; a written answer to questions I had asked. I had asked for the numbers of suspensions that we have had in the year 2006, which are 13. The year 2007, 17, hence the reason in the report that says about the ever-increasing number because in the year 2008 we had 29 suspensions, the ever increasing role of the suspensions, so Chief Minister, that was not quite right. There has been an ever increasing and had the Chief Minister had the courtesy of producing the answer he had given to States Members, he may not have made that answer. In actual fact it was as a result of proposition not from the Chief Minister but from a States Member ... the fact is that propositions have been brought to this House which have curtailed the suspensions. In actual fact, the States approved my propositions in about April/May last year and by that time there were 13 suspensions for the year 2009. This particular answer was given on 1st March and as from August last year to 1st March there are none, and again the Chief Ministers knows, because I checked again only yesterday, to ask how many there were from March to now. None. That is the effect of someone taking action. Not the States Employment Board, whose Chief Minister is here this afternoon trying to take the credit for it. It is thank to States Members supporting a proposition to get rid of the horrible suspension issues. So, Chief Minister, I would have expected more of him. I am not going to dwell on the proposition because there are other issues in there to consider because I, along with other Members, have lost confidence in the way the Chief Minister has handled the suspensions of the Chief Police Officer and the hospital consultant. The Chief Minister resisted calls for reviews into the circumstances leading to the suspensions of both employees but under pressure agreed to alternative quick fix reviews, both of which have run over time and over budget. The Solace report which was released on 25th May, 4 months late and over budget, was like the Verita report, was of the view that the length of suspension for the consultant should not have been allowed to overrun, however the hospital consultant suffered 3 years of suspension which lead to him being de-skilled. His career torn to bits and no doubt, or I think very doubtful, whether he will ever be able to continue as he was before. That is the fault, no fault of his own, he is exonerated from Solace and Verita and that must be down to the fault of the States Employment Board of which the Chief Minister is the Chairman. Apart from the human tragedy we have also got the cost, the financial cost, which, to my mind, is nearer £2 million not the £700,000 which is in the Solace report. It did not go unnoticed by the media even though it was when the Solace report was produced from 25th May after a States sitting, so a good time to bury bad news, but when one sees what the *J.E.P.* had to say: "Hospital management failings to nurse's tragedy in the operation." Then we have the front page, 26th May, Chief Minister admits to turmoil at Health. Where does the buck stop? The Chief Minister. The editorial: "Times of Turmoil at the Health." Again it is quite critical of what went on. But I will just conclude on the 2 last paragraphs of the editorial: "Commenting on the report and the suspension, the Chief Minister, Terry Le Sueur, spoke of turmoil in the Health Department." Then it says: "A further question must be this. How has this turmoil been permitted to exist without political intervention calculated to restore acceptable conditions? Deputy Bob Hill says that palpable mishandling of all that has happened in relation to the Day case is reason enough for Senator Le Sueur to offer his resignation. This might be overstating the scale of political failure but the Deputy's demand is indicative of the strength of feeling on this specific matter and the wider issues of unacceptably long public suspensions." I do not enjoy reading that because I do like the Chief Minister, but at the same time I have got to give criticism where I feel it is right. I do not think the Chief Minister has handled the suspensions very well and certainly I am not alone in that. The other thing about it, of course, is that we have the issue about an apology. I think it is on 27th May, 2 days after the report had been circulated to States Members, I circulated an email to all States Members, including the Chief Minister, saying that I was going to ask at the next States meeting for the Chief Minister to apologise to the suspended consultant and consider his resignation. The reasons I wanted Members to be aware of

my concerns was before I went on a week's holiday because on my return I intended to lodge a vote of no confidence on the Chief Minister on his handling of the suspensions issue. However, on my return, I had discovered that Deputy Southern had already given notice of his intention to do so therefore rather than me do it I agreed to be a signature to his. However, as far as I am concerned, it matters not who the signatories are. It is what they are saying that really counts and I hope that Members are listening to what is being said, and I am really concerned about the handling of the suspension issues and, I believe, the evidence is overwhelming. As a result of my question we learnt that an apology was drafted by the Chief Minister, an apology to the hospital consultant who has endured 3 years plus of his life being in tatters. I have seen the apology. In fact, I have it and I personally think it is a disgrace. I really am disappointed with it. There is no expression of regret for the suffering endured by the consultant. I am disappointed. In recent weeks we have seen the Australian and the British Prime Ministers making public apologies to those men and women who were taken out of their homes as children and taken out to Australia. We have recently had the current Prime Minister apologising for the Bloody Sunday killings. None of those incidents occurred on their watch. None. But they had the courage to apologise for wrongdoings. What a pity that we cannot have an apology from the Health Minister, nor the Chief Minister. Following the Constable of St. Helier's debate on the suspension way back January 2009, the Chief Minister must have been obvious of the concerns that had been expressed by any number of States Members into the way in which the Chief Police Officer had been suspended. Yet, it appears that he, and the Minister for Home Affairs, have allowed the matter to run on and we have got today to look at the written answer to question 11, and we will see now that we spent near enough to £1 million trying to investigate the mishandling of Haut de la Garenne. In actual fact, it is now costing more to investigate what allegedly went wrong with the Chief Police Officer than what we spent on the investigation of Haut de la Garenne itself. Is that good management? In my book it is not. Here we also have the Chief Minister's involvement with the dismissal of the Chief Police Officer because this was a neutral act, yet when the Police Chief asked for the dates in which certain letters were drafted the Chief Minister did not act in a neutral way. What did he have to hide? Who was he trying to protect because at the end of the day the Chief Police Officer found out at the Complaints Board. It took 9 months plus. Where was the Chief Minister? Where was the neutrality? Where was the leadership? Not there.

[16:00]

So there we are. If you have any confidence in the way the Chief Minister has handled that, so be it. However, he has made some comments and I would like to address them. Maybe I can ask Members to look to page 6 of the Chief Minister's comments. He says: "The S.E.B. (States Employment Board) is well aware that there have been 2 high profile suspensions to senior officers within the States which has caused much anxiety among States Members and attracted adverse media publicity." I can assure you it has captured a bit more high anxiety to 2 other people, the Chief Police Officer and the hospital consultant. No mention of them. **[Interruption]** Each case has been extremely complicated and both have involved significant levels of external investigation, in one case a full trial had to run its course through a process. Again, had the suspensions been handled in the first place correctly we would not have had those long suspensions. The fault lies simply because there was no risk assessment carried out before the suspensions were underway and no doubt it would not have mattered because even though there were systems in place to ensure that both the hospital consultant and the Chief Police Officer should not have been suspended in the manner they were and people rode roughshod through it. At the same it is quite clear that the suspensions were not carried out in a proper manner. So the fault lies again not with the 2 people suspended, but very much down to the States Employment Board, the Chief Minister, because he is the Chairman. It goes on: "It was as a result of these investigations that delays occurred, however in the case referred to within the Health and Social Services it is recognised that had they followed the recommended procedure, the length of time the consultant was suspended" et cetera, so here we do have an admission, at long last, that something did go wrong. Well, great, but what a shame it

could not have been recognised any time during the course of those 3 years. Why did it take the result of a review which had been strongly resisted by the Chief Minister? The next paragraph goes on: "The matter concerning about the investigation of the Chief Police Officer" et cetera, there are a number of issues raised here: "Under the Disciplinary Code the Chief Officer is entirely a matter for the Minister for Home Affairs", et cetera. I accept that. However, we have got to ask what supervision of oversight is there of the role of his Ministers, the Deputy of St. John is not here, but he was mentioning earlier about his concern about the Ministers and, indeed, I see Deputy Jeune, but also about Assistant Ministers. I do not think he has any control over them at all, but there we are. Again, this has been allowed to rumble on right the way through until we have now got the Chief Police Officer retiring next month and so little has been done. We have also had the Chief Minister's involvement, the dates of letters, the Chief Minister's not acted neutrally. He actually defended the matter at the Complaints Board. We have also seen the issue of the Chief Police Officer's affidavit where he has made strong concerns about the Chief Executive Officer yet what has the Chief Minister done about it? It would appear nothing. Of course, the Chief Minister opposed the reviews. So much so, we now have the police force and, I think, Senator Le Marquand will agree with me, the police force is now in limbo. It cannot appoint a Chief Police Officer simply because of the mishandling of the suspension of the Chief Police Officer. Could we have done better? It says down here: "The S.E.B. role has been restrengthened by the addition of 2 new ministerial members." Hooray. I wonder who opposed that? The Chief Minister. However, we now have 2 Non-executives, which is great. However, of course to make sure that there is still control within the States Employment Board there are 3 Ministers. But, again, no thanks to the Chief Minister. I am not going to labour the point because I know that this afternoon really it is not going to go very well for the proposition, however, I think it is very important to put the record straight that, I am afraid, as far as the States Employment Board is concerned, the handling of suspended people or employers, no thanks can be given to the Chief Minister, and I think it is cheap this afternoon that he should come here and take the plaudits for things that he has not done. However, I would ask that Members take heed of what I have had to say and reconsider their thundering applause for the opposition to Deputy Southern. It may well be that there is far more credit in the proposition had it come through rather on the suspension issue than the financial one. But it matters not, as I have said. The message is clear. As far as I am concerned I do not have confidence, I am afraid, in the way in which the Chief Minister has handled the suspensions. It no doubt should no longer be a problem because of the way of the system. However, I will be supporting the proposition and I hope that maybe a few of those people who have been foot stamping may reconsider their way. If they feel they cannot support it because they may offend the Chief Minister, by all means abstain because I remember people doing that when they had a vote of no confidence against Senator Walker some years ago. I thank you for your time.

The Deputy Bailiff:

Deputy Jeune, did you wish to speak?

10.1.4 Deputy A.E. Jeune:

I did, but initially the reason I stood up was firstly to ...

The Deputy Bailiff:

You can only speak once.

Deputy A.E. Jeune:

I will do it all now, Sir. It was to correct something that the Deputy of St. John said in relation to the Chief Minister keeping his Assistant Ministers in line. I can assure you, here is one that probably gives the Chief Minister a lot of grief. Sometimes I even feel sorry for him because I think I may be being a bit too harsh, but there you go. But much of what the Deputy of St. John said was what I wished to say, and I will not repeat that. However, what I do want to say is we do

not have party politics. We are predominantly independents and was it Martin Bell, a U.K. independent M.P. (Member of Parliament) who said that he believed we had a very good system here with independents. I find that the Ministers at the moment, in this very turbulent time, are working their socks off to balance the books and that is fortunate for the people of Jersey. It is also fortunate that we do have some accountants in the Council of Ministers, and I am pleased to note it was reported in last night's *J.E.P.*, assuming that they have correctly quoted the Chief Minister, in saying that the Chief Minister was aiming higher rather than lower in his attempt to ensure we have enough money in the States coffers in the future and I fully support that. I think at this stage that is quite enough that I have said because, as I say, the Deputy of St. John has said most of it.

10.1.5 Deputy A.K.F. Green:

Similarly, the Deputy of St. John covered a lot of what I wanted to say. But I would like to just pick up a couple of points. First of all the reference to Guernsey. I am told that Guernsey spends more per capita than we do. Well, Guernsey is in a bigger mess than we are, as I understand it, and they do not have a strategic reserve to fall back on. But while looking at Guernsey, I wonder sometimes why we have sacred cows and I feel a bit guilty saying this as an ex-servicemen, but we have a T.A. (Territorial Army) unit which seems to be sacrosanct to cuts and I wonder sometimes if we ought not to be looking at that because we do not get treated any better for the support that we give the U.K. than our counterparts, Guernsey, Gibraltar or other places. It seems to me when you come to reciprocal health agreements and other things we get treated just as badly as the others, even though we may contribute more. I think we ought to be looking at that. Other sacred cows like the J.C.R.A. (Jersey Competition Regulatory Authority) ought to be looked at. I do not understand why these things are not looked at but this is not the time to change Chief Minister, change Council of Ministers. We have got one heck of a job to do. We have got to control our spending. We cannot continue to spend and continue to tax and continue to spend. We have got to get it under control and that is where we all come in. As individual Members we all have to come in. If there are bits that we are not happy with, if we have got better ideas, bring them forward. What I would have liked to have seen today, although we could not do it, I know what I am going to say is cloud cuckoo land, I am not so sure I would like to see a vote of no confidence in the Chief Minister. But I will say this to the Chief Minister; I would like to see a vote of no confidence in your advisers, Chief Minister. You will need to widen your circle of advisers or at least get rid of some of them because, quite frankly, some of the advice coming forward, particularly around the handling of the pay awards, particularly around the handling of the suspensions, is not good advice and I think you need to look at, if I was to give some advice to the Chief Minister, you need to look at who is advising you. I think I have said enough. People probably gather I am not going to support this. This is not the time to change. We have got to pull together. We have got to get this under control. It might be time to change some of the cuts that have been proposed and come up with alternatives but unless we get our spending under control we are lost. We are sunk. We will be like Greece.

The Deputy Bailiff:

I am prepared to say from the Chair, I do not think "one heck of" is a very parliamentary expression, Deputy.

Deputy A.K.F. Green:

I do beg your pardon.

10.1.6 Senator T.J. Le Main:

I am going to enjoy following the last speaker because I agree with what he is saying. I am standing here today for Jersey. My children's Jersey. I need to make sure that it is the same lovely viable place for my grandchildren. Not a bankrupt banana republic with a broken economy. We have a serious ageing population to address. Whatever the proposer says, all countries in this

financial meltdown are living in a real world of containing rising costs, curtailing often a bloated public sector, often with expensive pensions, et cetera, and rid itself of providing services which quite honestly can be done by non-governmental sources. We cannot just continue as we have done. What has been proposed by the Minister for Treasury and Resources and the Council of Ministers, is realistic and necessary. Yes, it is going to be really painful and difficult but there is a huge deficit looming for 2012 plus and drastic action has to be taken now. Not tomorrow: now. We have to cut back on expenditure. The majority of people that I speak with totally agree with the current policies of doing everything possible to reign in public spending before raising new taxes. I am fed up with continued threats from the J.D.A. (Jersey Democratic Alliance) and others, a minority in this Assembly, in crying continuously vote of no confidence, vote of no confidence. As soon as they disagree with something it is a vote of no confidence. Well, perhaps, they should look at themselves and ask why they were so trashed in the last election where their 6,000 public sector workers who were going to support them, where were they? It is time for these Members to get real, live in the real world. But with their daft ideas I hold no hope. It is time that the proposer and this ill-informed motion realise that the private sector employers and employees are looking for leadership in bringing forward policy that will deliver real public sector savings. Policies that continue to encourage private sector investment in business, job creation, and a good effective place to compete competitively on the world stage so as to continue to make Jersey a special place to live, work and for Jersey people to raise their families with a good standard of living. So the policies being promoted by a minority of Members of the J.D.A., Time for Change, et cetera, have no place in my view in this Island. It is not me saying that. The public have spoken as well at the last election. The Unite Unions spent many thousands of pounds of hard working people's contributions on a failed and miserable campaign to elect a person they sponsored.

[16:15]

Can I say, this abject failure by the J.D.A. was because they live in a fool's paradise of believing they speak for the majority in all the utterings in media exposures. This minority in this Assembly must realise that the public do not support or agree with their failed policies. Can they not understand that the vast majority of the Jersey electorate do not want the J.D.A. to represent them? I urge Members to support the Chief Minister, the Council of Ministers, their policies are the policies that are going to save this Island and be in the forefront of everything else.

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

The Deputy of St. John opened up this debate with gusto, as far as I am concerned, inasmuch as that much of what he said I totally agree with. But the point of the issue is for a debate such as this to come forward, is the fact that it is our own fault. We cherry pick. We had Clothier that came here and we cherry picked. We kept coming up with alternatives and knocking out the package that makes it work and that is where the system has gone wrong. So what we have got is the system that the States agreed to. Unfortunately, we keep hearing the argument, and if you are on P.P.C. you get to be in the frontline of listening to the arguments, of it is them and it is us. I am sorry, but we only have one Island and this is a lovely Island to live in. It is a lovely place to live and no, not everybody is as wealthy as the other ones, and we have got to look after each other. There are a lot of people out there all wanting to try and do it for us and whether it is O.E.C.D. or whether it is, et cetera, et cetera, it does not matter. We do not need to go into the detail. What we need to do is recognise that we are going through a very, very potentially hard time. There is going to test ... I think the buzz word is "challenges" is it not? Is to test the skills of everybody and what we have got is we have got people on one side of the House spending all their energies on trying to destroy the other side of the House. Now 3 weeks ago, or roundabout 3 weeks ago, I went to the Regional Conference in the Isle of Man, as a last minute delegate and led the party that went over and it probably was the most successful Regional Conference, as far as I am concerned, and I have been to 3 of them over the years, that was appropriate. The reason it was appropriate was although we were discussing new technology and all the latest equipment and facilities that are available in the

high tech world; the one thing that we learnt over there, and the Constable of St. Peter and I and others recognised, was that they have a ministerial system but the people that are on Scrutiny are also, in many parts, Assistant Ministers. They have 3, 4, 5 Assistant Ministers under a Minister and they are given real responsibility and charge of real sections of the community. They take it very seriously. But the main thing that happens is they feel inclusive. They are part of the machinery that makes government work and therefore they are very proud and they are very knowledgeable as to details which the Minister would not be aware of, but there are 5 or 6 within each of the departments and they still have a Scrutiny but they do not have a Scrutiny for this and a Scrutiny for that and a Scrutiny for whatever. They have a Scrutiny and it might not be as big or as maybe argue effective, I do not know, but they have Scrutiny all the same that when there is need for something to be scrutinised the people that are not on that particular department, that particular ministry, can become scrutiny officers and scrutinise it for whatever is the necessity. That will come forward because propositions have been put in to that effect. P.P.C. will, through the support of other that are not necessarily on the P.P.C., go into it and it will come back to this House. I hope it comes back to this House in good time for bringing it in for the next States Assembly at the end of 2011. In the meantime, can I please ask ... the Deputy of St. John has already asked, can we set aside this vote of no confidence and actually get together and start working for the purpose that the public expect us to do and that is govern the Island, get ourselves into a position that we avoid getting ourselves in a mess, in a financial situation, and that we can come out at the other end stronger and better than what we went into it, and I think that is all I need to say at the moment.

10.1.8 Deputy M. Tadier:

Really this proposition is not rocket science. You either have confidence in the Chief Minister or you do not. It is strange to hear certain sections of the Assembly stand up and say: "Really, Chief Minister, you must do better on this. You must do better on that", through the Chair of course, and then stand up and say: "But we will give you our support" because if you are going to make comments like that you do not have confidence in him. Deputy Green, it is very difficult to bring votes of no confidence in advisers. Ultimately it is the Chief Minister who has to take political responsibility. If one does not have confidence in the advice that he has been given then ultimately the buck has to stop with the Chief Minister, who has political responsibility. It is very simple. Either one has confidence or one does not. I am pleased to follow the diatribe that we just heard from the former Minister for Housing because what I would say to him is we can take a lesson from this vote of no confidence because I think the public not only does not have confidence ... it is not so much a question of whether we or they have confidence in the Chief Minister. It is more a point that they have lost all confidence and all hope in Government and that is why we see such massive abstention rates at election time. In an email that the Senator sent to me but also in comments that he has made just a moment ago in the House, he talks about none of these groups, whether it is Time for Change, we did not actually field a candidate as such. I know the J.D.A. have their candidate, but we cannot take any real [Aside] ... No that was not a candidate for Time for Change although I supported him. [Members: Oh!] But anyway this is by the by. The point I am making is that on such a low turnout you cannot take any conclusions when one vote is being cast. In an email that was [Interruption] ... If we can have some decorum please, Senator. This is a new area of politics so I hope that you learn some lessons from that.

The Deputy Bailiff:

The Deputy is entitled to make his speech.

Deputy M. Tadier:

In the email and in his comments earlier, the Senator did suggest that we take a look at last week's election result and that should tell us the reality. Certainly what I take from that and what I have said in the reply is indeed what it does tell me is that Mr. - now Senator - Le Gresley found popular support for his manifesto, which included suggestions for progressive taxation, a higher rate for

higher earners, a review of the 1(1)(k)s, which he said he was supportive of at the St. Lawrence hustings, and to look at capital gains and to set up a registration scheme for landlords, something that in your time at Housing, as I quote from the email, you had no interest in. I hope I have not misquoted the Senator in any of those. He is nodding his head. Then I go on to say that these are policies on which I agree with the new Senator and certainly I will be giving my support. It is a shame that Senator Le Main cannot support progressive taxation because he will continue with the old shroud waving that these people are going to leave the Island if we try and tax them a little bit more ... I am happy to give way.

Senator T.J. Le Main:

I did not say that at all. I do support tax changes if they are not regressive. I do. I have not spoken anything about tax changes at all in my speech.

Deputy M. Tadier:

It seems that we have found a new consensus in that because it sounded from the previous speech that I know that the J.D.A., myself, other progressives in the Assembly favour progressive taxation which means taxing the wealthy and it means introducing things like capital gains tax. If the Senator is willing to support that then I do not know why he is attacking policies from the other part of the Chamber. I hope we have put that one to bed for now. I have got a real list here so I will go through it. Deputy Southern has a perfect right to bring a vote of no confidence. As has been suggested, we do not have a party political system, therefore that is the perfect reason for having a vote of no confidence. It is good every now and again. Of course these things should be used sparingly but I believe this is a proper context to bring a vote of no confidence. It is quite correct to test the mood of the Assembly, even if the motion is not ultimately successful and it does provide a forum in which grievances can be aired. That is quite appropriate and we have seen that already today. One area I think, if we are going to look at it in collective responsibility, is the document which has been produced and sent out: the fiscal strategy review. Quite promising initially when you look at it superficially, it does not even talk about certain measures, if you look at page 3. This is the public consultation on personal taxation. We have a table there of 4 possible recommendations. Increase G.S.T. by 2 per cent. Raise the ceiling on social security to £115,000. Why there has to be a ceiling at all is a question for another day. Put the domestic rates up by 3 per cent or increase income tax to 30 per cent on income over £100,000. First of all, these are limited options. There is no mention of capital gains tax there which could come into play. There is no mention of inheritance tax. Other taxes which are all possible. So right at the beginning we have this public consultation which is being narrowed, which is being funnelled into a particular direction, and we have seen that time and time again, have we not, in the past when we have apparently open consultations but actually it is being managed all the way through. Then we have the table which is set out into columns of fairness, economic efficiency and competitiveness. So already we are being told that G.S.T., okay, so it is mildly regressive. I do not know why we have the term "mildly" in there. We know that there is no exemptions on food, as you do have in the U.K. It is interesting to note in the U.K. they are putting theirs up to 20 per cent but of course they do at least have the safeguards that the essential items are not going to be charged V.A.T. (Value Added Tax). We do not have that in Jersey. Then we are spun immediately saying: "But it is okay, it is only mildly regressive, but the economic efficiency and competitiveness, they are both positive points." It goes on that raising social security is progressive, but there are 2 negative points there so already we are leading the public by the nose, et cetera. Spin, spin, spin. I am surprised that the Council of Ministers can stand up straight with all this spin. Meanwhile we are told that the Island is so rich, we are so successful, and I believe we are in the top 4 or 5 in the world in terms of G.D.P. (gross domestic product). Yet we are so rich that we cannot afford to keep our historic sites open and keep hospitals and basic services running. So what do we have to do? We have to have the Minister for Education, Sport and Culture to come to us to ask for more money, even though he voted for the Business Plan and the Strategic Plan, because in an Island so wealthy we cannot

afford to have castles and hospitals. We have to choose between language learning in French in Jersey. We are considering getting rid of language assistants. I had a woman who phoned me up last night, who is a language assistant, and I cannot believe this really. In Jersey, in supposedly a French speaking Assembly, and we are considering cutting the French assistants. That seems very grave. Diabetics, that is the other one. A constituent phoned me up. She was absolutely seething that we were even considering cutting medication costs for some diabetics. Really, is Jersey so poor or rather is it so rich that we cannot afford to keep these things going? We talk of financial realities but the Zero/Ten, let us look at that now. It is not because of the economic downturn, as has been suggested, that Zero/Ten is being reviewed now. It is because Zero/Ten is fundamentally flawed. We were told that right back at the beginning, it cannot be right, either morally or economically to have foreign companies who trade in Jersey getting zero per cent tax when companies alongside them are getting 10 per cent tax. It is not acceptable locally, I believe, and it is certainly not acceptable to the E.U. and that will become apparent. Let us not try and pretend it is due to the economic downturn.

[16:30]

It was interesting listening to Radio 4 at lunchtime because I think there is a parallel to be made here. We see a Liberal/Conservative Government in the U.K. and we see one in Jersey. The talk there was all about pain, let us share the pain. But in fact, no let us not share the pain. I mean society, certainly Jersey society, is wealthy enough for nobody to have to feel any pain. We know that the cuts should come from those who can afford to make the cuts first. Certain people are being asked to tighten belts when other people should be asked to lose weight. Sorry, this is slightly a stream of consciousness but I believe it has to be because it is quite right that the cuts in themselves are not the only reason that one could bring a vote of no confidence in the Chief Minister. Of course we have got a report which focuses on the cuts, and that is quite right. I believe there will be other opportunities also to discuss the budget and the cuts, but there are, if we look at the proposition, because that is what we are debating, whether we have confidence, and there may be a whole host of reasons - Deputy Green and Deputy Rondel have flagged up some of those areas already. Does anybody else find on this side perhaps that it is very difficult to get a straight answer out of the Chief Minister or also out of other Ministers? I alluded earlier that trying to get a straight answer out of the Minister for Health about how much one of the top paid civil servants in the Island was getting, and she said: "I am afraid we cannot give you that answer because it is confidential." Of course I think it did come out anyway because Deputy Le Hérissier had managed to put a question in under the equivalent of the Freedom of Information or whatever passes for that at the moment. So there we have a Deputy of the States of Jersey who was being forced to use the code to try and get information which should be given to States Members directly. This is a complete nonsense and in the meantime the Chief Minister, the head of the Council of Ministers, just sits back and thinks this is perfectly acceptable even though in the Strategic Plan we have a commitment to greater accountability and transparency. What about accountability when it comes to the euro debacle? We forgot to hedge the euro and that had a negative impact. We lost who knows how many millions on that. Nobody can give a straight answer and perhaps we will not know yet; £8 million is being suggested in front of me. Do we have any advance on £8 million? But anyway, there is no accountability there at any level, neither from a civil servant, neither any political responsibility from the Chief Minister, who was then the Minister for Treasury and Resources, even though it is acknowledged that a mistake was made and that the euro should have been hedged. Meanwhile, a flabbergasted public look on and we wonder why people do not vote. We wonder why we have 70 per cent of abstentions plus at the last election. It is because they realise, or they suspect, that voting does not change anything because we do not hold ourselves to account, and that is quite true. At least this is an opportunity that Deputy Southern is giving to us to hold the Chief Minister to account. I could go on. A couple of more comments and I will not keep Members too much longer. We never hear anyone saying in the States Assembly: "We could not personally put personal taxes up because then young people might leave the Island" because of

course it is not just the wealthy who are potentially mobile and can get capital flights, which I think I do not think we are anywhere near that. We can certainly look to find the optimum level of taxation. I would hope people agree. But young talent is escaping and haemorrhaging from the Island everyday and we are having to bring in people to fill those jobs, and I have nothing against immigration. I think it is absolutely healthy how we bring people in from around the world, but that is the fact of it. I know many of my intelligent young friends from university are now living abroad because they either cannot find jobs or they do not have opportunities culturally or economically in Jersey, so they have left and they can go elsewhere. So we really need to be looking for fairness in society. I think fairness also featured in the Strategic Plan, did it not? A great equality, although that was not to be an overarching theme. It had to be a non-overarching theme so that if we did not want it ... if they want it to be certain occasions where equality was not so important we would take it out and the arch would fall down, so to speak. Deputy Southern links with the trade unions, is that not terrible? But I suggest that the Council of Ministers have great links with the boards of directors and I am sure that a quick look through the interests would show many directorships, either honorary or whatever, in those books. So, let us not make it sound bad that some politicians have links with workers at the coalface. I think that is to be encouraged even though in this kind of red baiting ultra-conservative Assembly that will obviously not be well looked on. Then we had the shenanigans with the States Employment Board. I am not talking about the suspensions here. What I am talking about is the proposition which came through which the Deputy of St. Martin was involved in. First of all we have a loaded board, so normally it would seem fair to have 2 from the Non-executive, 2 from the Executive, that is what the Deputy of St. Martin proposed. Of course that was not good enough. The Chief Minister had to make sure that he always had a majority on the S.E.B. so he could have his way. Fair enough, he got his way. Then he went one step further, one step too far for most Members in this House, to try and suggest that the quorum had to be 2 Ministers to one Back-Bencher and that was seen for the nonsense it was and unfortunately the Chief Minister was late in listening to advice, although I think he may have back pedalled on that one in the end. This is the problem. We do not have enough consensus in this House. Deputy Fox should not be under the illusion that we can manufacture consensus somehow. This is politics. You will get differing voices from different sides of the House. We all think we are doing the right thing for the Island but the trouble is because we have different opinions we automatically and logically must think that people who do not follow our particular way, even though they think that they have the best interests for the Islands, what they believe will necessarily lead to something which is not good. That is why we have party politics in the U.K., the Conservatives, Labour, Liberal Democrats, will all tell you that they have the best interests of the country, but that is healthy democracy. So rather than expecting this to get less and less we have to expect it to get more and more, and I think that is probably going to be good for Jersey and the public will have to choose between which ideology or ideologies they wish to embrace. But the days of consensus politics and the myth, I think that is going out the window because it really is a nonsense so let us not try and go back to those days. Just finishing off, let us give a couple of comments to the public. Yesterday on my Facebook I was looking for inspiration for a speech so I just said to the public, obviously only those who are on my Facebook, not all of whom are necessarily my supporters. I did ask: "Can anyone think of reasons we might have for not having confidence in the Chief Minister." One comment: "There is no inspiration coming from the Chief Minister." I would agree with that one. "What about the pledge to unify the States and make it more inclusive?" Again, I quite agree. Although we cannot have a completely inclusive States, as I have said before, it is not necessary to have dialectal politics, what do we see on the Council of Ministers? We just see a completely homogenous and right of centre group who are there to protect the interests of finance essentially, and not those of the ordinary people in Jersey. Lastly, I have got a quick note here. The private sector employees, which I think Senator Le Main mentioned, we are all in this together, Senator, whether we are in the private sector or in the public sector. Those in the private sector do not necessarily have the same voice. We cannot always compare like for like because many of our teachers, our nurses, our hospital staff and prison staff have made a sacrifice

in order to enter the civil service. They have often had to forego bonuses. You do not get a bonus for being a nurse. You do for being a banker. So there is obviously a trade-off there along the line. They know that they made that sacrifice and then to come in afterwards and say: "Well, actually, we are going to have to look at this perk that you have got there, we are going to have to look at your final pension", it is normal that they should find that because we are not comparing like for like. I am not saying there are not improvements to be made. Of course there are efficiency savings to be made anywhere, but we should not be comparing like for like. The bottom line is that the private sector depends on the public sector. It depends on good services. How on earth can we improve society by creating job losses, by forcing people into unemployment, to force them down to social security, to increase supplementation at a time when we should be supporting them? So I would say, it is quite simple, if you have explicit and complete confidence in the Chief Minister, obviously vote against this. If you do not have confidence, if you think that there are changes that need to be made, then clearly vote in favour.

The Deputy Bailiff:

Can I remind Members of the content of Standing Order 104: "A speech by a Member of the States must be relevant to the business being discussed." This is a vote of no confidence in the Chief Minister and inevitably Members will feel able to go very widely in that respect, but if I might ask that it should be brought back to the Chief Minister's alleged failings, that is really what the vote of confidence is all about, so it is important that it should be related back to the Chief Minister otherwise we can spend a very long time discussing almost anything. I call on the Deputy of St. Mary.

10.1.9 The Deputy of St. Mary:

I would like to start by welcoming the new Senator. I am sure he was welcomed at the beginning but I was unavoidably delayed and just wonder how he feels being turned into a political football on the first day of arriving with everyone attributing thoughts to him, and I hope he has his own thoughts and sticks with them. My feelings about this proposition, I suppose I am a reluctant supporter of this motion. I signed it. **[Laughter]** Maybe that needs to be rephrased. What I mean is that we do have, as Deputy Fox pointed out, a feeling in this House that we are all working for Jersey together. That poses, of course, immediately a problem when you are faced with a no confidence motion. But, if it is better for the Island that the Chief Minister is no longer the Chief Minister, and I do not say it is easy being the Chief Minister but, as far as I know, he did want the job. So, if it is better for the Island that he is no longer Chief Minister then so be it. On the same side myth, we are all on the same side, well I wish we were. In a sense we are, of course. We are all batting for Jersey. We will be literally in 2 weeks' time some of us. But why, if we are all on the same side is vital information withheld in major debates? Why, if we are all on the same side are States and States Committees deceived and why is the public manipulated? I will substantiate those claims as we go along. But, in brief, what I am going to say, and I think it is good that Deputy Southern has brought this proposition, and it is about the cuts and it is about the S.E.B. But in discussing those things we should go into why the Ministers and the Chief Minister, who is their Chairman and leader, are going down this route. What is at the heart of all this? I boiled it down to the issue of not listening, and we did have a sad example recently in an email about the waterfront swimming pool where 10 years ago the Jersey Swimming Club said: "We want to run this. We will do something" and they were just not listened to. That is just one example. It goes back a bit, but there are plenty more which relate directly to the Chief Minister. That is a big issue. If the Government is not listening then what worth is consultation and how can you build trust? I just want to point out to Members that on the cover of the Strategic Plan there is this image of the 2 hands clasped at Corbière and just bear that in mind when we are thinking about a government that does not listen. Also, the effect, the constant spin, as was mentioned by the previous speaker. Constant spin in our dealings with the public has on the relationship with the public. That is the first sort of area I am going to go to. The second is why does the Council of Ministers behave like

this? Why do they not listen? Why do they feel the need for this constant spin? Underlying that, what are the values? I think the values deep down are wrong and that is why these cuts have come to be. I think there is something there that we need to look at.

[16:45]

Finally, the drive to follow narrow policies, regardless of the public's needs and aspirations, leads to deception or lying or amnesia on a grand scale. The Strategic Plan has this wonderful image on the cover with a lovely photo, and then it has the strapline of the Strategic Plan. When I read that strapline in the very first consultation document I thought: "Ah, now that is what it is all about" and if I can just borrow from my neighbour the said document. It says: "Working together to meet the needs of the community." Amen to that. Together with the photo of the 2 hands clasped, and that was the rescue at Corbière of course, which it is about. The clear implication is that the Government and people are working together. Working together to meet the needs of the community. If you are working together, that involves genuine listening and genuine consultation. In that phrase at the end is the heart of it. The needs of the community. Working together to meet its implementation. The needs of the community. So what effort did the Council of Ministers put into finding out what the needs of the community were? What would that effort have looked like? We do not know because it did not happen. We have heard talk of leadership in this debate. Now leadership in the old days was Napoleon marching across Europe with his armies but now it means something different, and in modern times I believe it means taking on board the diversity of the community that you serve, listening to the different elements and trying to find a consensus, and you will find it as researchers have shown, if you go to deep levels and find out what we share and what our shared needs are. But this process of the cuts, in contrast, has been chopped down and what happens is that the Council of Ministers decide the cuts, then we consult: "Who do you want to see go or which service ... what is your reaction to this service cut?" But surely, the first question has not been answered of what the needs of the community are, how we want to live, what the work is that needs doing. I do believe in co-operation and not conflict and coercion, which is effectively how the management operates. It all flows from asking the right question, and the question was implicit in that strapline of the Strategic Plan but it was not posed, and the answer was not listened to because the question was not asked. My second example of not listening is the C.S.R. In the budget speech, I do not have the quote to hand, but in his budget speech the Minister for Treasury and Resources said that he wished to encourage a public debate on the cuts. Well, I did not spot any consultation or any listening. What I spotted was a barrage of propaganda in the *J.E.P.* Headline after headline. "£50 million cuts." "Adapt or Die." "12 per cent rise in G.S.T." "P.A.C. (Public Accounts Committee) 10 per cent cuts now". That was not a headline but that was their proposition. "Ministers late with their cuts." Interestingly there were different sources for all these headlines. There was Corporate Services, there was P.A.C., and there was the Minister for Treasury and Resources and the Council of Ministers but the impression was we have to have these cuts, that is what is coming first and taxes were also mentioned, I have to admit. But the 12 per cent rise in G.S.T. was a particularly shocking example of the misuse of spin because it depended on the 30 per cent increase in net revenue expenditure in 5 years which the Minister for Treasury and Resources referred to in an answer in the House, I think, in April and it made a lot of news coverage, but it is simply untrue. The 30 per cent over the last 5 years, two-thirds of that 30 per cent cannot be counted as net revenue increase. Let us have a look: pay awards and inflation, £60 million. If you are going to keep up with inflation, if you are going to pay for things and a pencil costs ... this biro cost 35p today, but that is a trivial example. But pay awards and inflation £60 million and extraordinarily counted in with this 30 per cent increase in net revenue expenditure was a transfer from capital to revenue of £13 million, and a transfer of welfare from Parishes to the centre of £11 million. Those are just accounting moves. That is £24 million of this total that is pure accounting. It is nothing to do with an increase in any kind of expenditure. To use figures like that and then expect the public to have any kind of faith in us just does not do. As I said, two-thirds of that 30 per cent cannot, in any sense, be rated as net revenue income and I have the figures

here in the written answer given by the Minister on 20th April. Now, on the back of that 30 per cent, which itself made media coverage even though it was not true, the Corporate Services asked the Comptroller and Auditor General to do a prediction of what would happen if the 6 per cent per year increase carried on. But there was no 6 per cent increase. So that was manipulation of the Comptroller and Auditor General. We have heard the Chief Minister, in his reply to this debate, saying that he had independent advice from the F.P.P. (Fiscal Policy Panel), and from the Comptroller and Auditor General but we find that under this regime ... and I must say I cannot really hold the Chief Minister responsible for what Corporate Services get up to but he did say that he had independent advice or that the Council of Ministers do, that we all do, from the Comptroller and Auditor General. Yet he is being used and out came the headline: "12 per cent rise in G.S.T. if we carry on this path on which we are set." But it just was not true. It was not even based on something remotely factual. So that is the kind of propaganda that I object to and which the public do find pretty noxious. How can they relate to us like that? The third example is population and this is well-documented; the Imagine 2035 exercise. The figures were manipulated. The public's opinion was manipulated and the Chief Minister defended it in this House. But what happened? The public said they wanted some net inward migration on the basis that that would lead to a steady population. That was the actual deal that they said yes to but this was spun that they wanted inward migration. They wanted more people coming in. They did not. They wanted a steady population. But the figures were used, again, against what people said. All these things, this consistent pattern does nothing for the relationship between the people and the Government, in this case the Council of Ministers, when it is an important issue, when it is a "sacred cow" issue. It is not across the board. The transport consultation for the sustainable transport policy, I believe, was fairly done because that is not a sacred cow. But when we come to population, when we come to the C.S.R. and when we come to the incinerator, then it is not up for real discussion. We will manipulate and propagandise our way through. It destroys trust and it gives the impression of a group of people with a fixed agenda. When Deputy Fox rightly says: "We should be inclusive; we should work together", how can we do that when that is the strategy being adopted? "Working together" says the strapline. Working together; I wish it was so. Why do they behave like this? Why does the Chief Minister preside over this manner of carrying on? Why do they not listen? On all these issues: because the public might come up with the wrong answer. It might be what we do not want to do. That is not working together with people and it is not being open and it is not being inclusive. So how can you have one Island like that? It is a serious issue with the present regime. Now, the direction in which the Council of Ministers wishes to go is, I believe, fundamentally flawed. The Strategic Plan reveals what the aim of policy is and it is not the stated aim but it is *en passant*. You see it buried as an assumption on page 3 of the Strategic Plan 2009. This is in their report, the fourth paragraph: "Therefore, the early part of the plan's implementation will focus on dealing with the economic downturn and returning to long-term prosperity." Returning to long-term prosperity. That is the assumption that underlies the entire policies of this Council of Ministers, back to prosperity, but that is not the fundamental issue. The fundamental issue is whether our needs are being met and whether our quality of life, as Senator Le Main so picturesquely described it, is being maintained. It is not about how much money there happens to be in our pocket. That brings me on to the Council of Minister's policy of trying to run a low-cost society and the Chief Minister said it in his speech, replying to Deputy Southern: "We really have to be wary of spending money on public services, although it would be nice to have excellent public services at a low cost." The fact is you cannot run a modern society on low tax. We have tried. That is what we have been doing for 20 years and the chickens have now come home to roost. We have a backlog of something like £0.5 billion in various kinds of capital expenditure. We have a sewerage system that entirely needs replacing; £7.5 million a year backlog in housing maintenance; we have got property maintenance at £120 million backlog and so it goes on. This is all due to shoving it off until tomorrow on the basis of a low-cost ideology. I will just give one example of why the public simply will not accept this. There was a headline, I think quite recently, in the *J.E.P.*, 300 cases of food poisoning last year or I think it was ... it was in a year, 300 cases of

food poisoning. There it was in the first few paragraphs: “Yes, we are going to do something about it. This is unacceptable. We do have to have a regulation of eating places and better training for employers who will then train their employees,” and so on. The fact is it is not a do-nothing ... do nothing in that situation of 300 cases of food poisoning is not an option. The figure came from the social survey, I now remember. An astonishing number of people had had diarrhoea or other nasty symptoms of food poisoning and, therefore, there was an issue that something had to be done about. That is not the only one. These issues come over the horizon and we, the Government, are expected to deal with them and to deal with them at no cost is not possible. So this low-cost society, in a complex world, is not possible. The Fiscal Stimulus package, shows how impossible this low-cost ideology is. I have here the written question, the answer to Deputy Vallois on 8th June, the last sitting and there is listed the Fiscal Stimulus package expenditures. If you go to civil infrastructure, £6.5 million and every single one of those is a “has to be done”. If it had not been for the fiscal stimulus package we would have had to find the money and the money would not have been in a fat pot that had been built over in the fat years. It just would have been in the pot; the other pot, the Consolidation Fund. So we would have had to find that money. We would have had to renovate Victoria Avenue because it would have fallen apart and Queen’s Road surface water separation and Cheapside urban renewal. I think these things do have to be done. Construction and maintenance, we have backlog maintenance on States properties, heating installations on social housing estates, window and door replacements and so it goes on. These are, again, things that in a modern society you just find the money. So I do not think the low-cost option is very clever. There are 2 examples of the values that I think have gone adrift with this attitude of: “Let us not spend any money.” The first is the Town Park. Now, we had to battle to get this through. When I say “we” I mean a broad coalition of Members who think that people in town deserve to be able to see trees and flowers and enjoy their sandwiches in the sunshine. But, leaving that aside, after the Town Park went through the Ministers came up with a plan to build all over it.

[17:00]

Now, that is an example of how far away they are from the aspirations and the needs of the public. It is well-documented the effect that green areas have on people’s lives; on their psychological health and on their physical health. Why not? The values are expressed in the mantra that comes from the Council of Ministers: “We can only do it if it costs nothing.” We had that for the Waterfront and we had that for the Town Park, in fact the whole of Hopkins. The premise is: “We can only do it, we can only improve this, we can only improve that, if it does not cost anything.” My second example is the hospital, the little garden that is in the courtyard in the hospital. Sometimes I meet my wife for lunch in the hospital canteen, the hospital restaurant I suppose, and next to it is this little oasis. People go out there and have a cup of tea and a smoke sometimes and chat with their friends. I just looked at that garden and I thought how valuable that little space is. It is beautifully done, beautifully laid out. I am a bit of a gardener myself and I just appreciated the value of that green space and ...

The Deputy Bailiff:

This is relevant to the Chief Minister’s ...

The Deputy of St. Mary:

It is absolutely relevant to the cuts because in the cuts we see Health and Social Services cut; 518: “Reduce gardening and non-essential engineering maintenance.” Now, God help us about non-essential engineering maintenance. I do not know what that is. Maybe it is maintenance on things that are not needed any more, which is bizarre beyond bizarre. **[Aside]** But to reduce gardening. You see what I mean about values and where we are headed with this ideology of: “We can only do it if it does not cost anything.” My question to the Council of Ministers and my insistence that we do have to find a better way is, do these things matter or is it only about money? Finally, it is about the honesty that we see here in our Chief Minister. The problem with doing things against the grain

constantly of what the public expect and ask for and of what Members here are wanting to hear is that your honesty itself can be compromised, with the States and with the public. I have spoken about the spin that the public are subject to but what about the spin we are subjected to? I have a little list of just ways in which the Assembly has been deceived in the last year. Bob Hill was misquoted. The actual words ...

The Deputy Bailiff:

Deputy, it would be wrong to make a statement that the Assembly has been deceived unless you are able to justify it.

The Deputy of St. Mary:

I can justify it, Sir. Unfortunately I do not have that proposition comments report on me because research is rather difficult with the website setup. It is going to be improved.

The Deputy Bailiff:

Perhaps can I suggest you withdraw the words and talk about the Assembly being misled.

The Deputy of St. Mary:

Misled, right. The Assembly was misled when Bob Hill ... sorry the Deputy of St. Martin. I am sorry. The comments of the Council of Ministers on a proposition being brought by the Deputy of St. Martin quoted what he said. He said: "The Deputy said such-and-such." When I checked, because it sounded very odd what he was quoted as saying, he had not said it. I, myself, was misrepresented in the population debate in more or less the terms: "Who would Deputy Wimberley put on the boat to control the population?" Well, there are 2,500 people going in and out every year. So I was not intending to put anyone. But that is the level of misleading; the lengths to which this Council of Ministers are prepared to go when it is a shibboleth, when it is a sacred cow. There are other minor examples which I will not go into but the 2 major examples which are really serious ... and I hope that the Members will pause when they hear the extent of these 2 examples. The first is the population debate and remember we are talking about whether we have confidence in the Chief Minister. In the States Strategic Plan there was an appendix about the population policy and on page 11, about the inward migration proposal, paragraph 5.2 in the appendix - it is appendix 2, I believe - it just says population policy on the eleventh page, first bullet about the inward migration proposal: "The population reaches just under 97,000 by 2035." Unfortunately it does not. It reaches 99,500 because the figures were manipulated and ... wait a minute, sorry. I am just ...

Deputy R.G. Le Hérissier:

But how were the figures manipulated? I am a bit confused.

The Deputy of St. Mary:

The Statistics Unit did a paper which is stamped "Confidential" but it is not confidential any more. It was done, I think, for the Migration Panel but it is history now. I read this very carefully but, of course, most Members would not have seen this: *Jersey Population Model 2009*. But I did refer to it in the debate at the time and I sent a note round to Members. It is astonishing what you read here and, again, the issue is credibility. It is: "Can we have confidence in the Chief Minister?" What the Stats Unit wrote in their document, *Jersey Population Model 2009*, and the projections underlie that 97,000 figure for 2035: "The base line for the projections is the 2001 Jersey Census. The 2001 population structure is then aged to year end 2005 and scaled to the population estimate for that point in time." So what they did was they took the census figure for 2001. They added the increments which they know have happened to 2005 and they adjusted the cohorts by age for 2005. Then on a different page in their document: "Central assumptions start net inward migration in calendar year 2009." So what happened to 2006, 2007 and 2008? They were airbrushed out of the figures. They were 800, 1,100 and 700 but they were airbrushed out because that meant that the

97,000 figure would be 97,000 and not 99,600, which is too near 100,000 for comfort. So they simply manipulated the figures. They deceived the States with that figure which was in the report and part of the case they made. So that is on population which, of course, is a big, big issue. It drives half of the problems that we have. All this pressurising people to live in town. All this problems with having to put flats here and there and why can we not have more space, protecting the countryside; all boils down to population and the figures were wrong. Then the second one is the euros. Now, the incinerator and the euros has been referred to by a couple of Members but now comes the full gruesome story and it is pretty bad. I think Members will make up their own minds as to whether they can possibly have confidence in someone who has said what he said to the Public Accounts Committee. We will start at the beginning. It is all in the Comptroller and Auditor General's report. What you learn from reading that carefully is that the issue of currency fluctuations was known about since February, at least, in 2008. So: "A sizeable risk," said Babbie Fichtner on 13th February. On 17th March, Deloitte sent an email to the director of the waste strategy in T.T.S. which confirmed that options around currency hedging was one of the principal areas to be dealt with by Deloitte. There were many, many references to the issue of currency. So what do we read in P.73 which Members discussed in July? P.73 is the enabling proposition. P.72 said: "We want to build an incinerator." P.73 provided the money. What the Minister for Treasury and Resources, who of course is now the Chief Minister ... what his report said was - and I have to quote it and I will emphasise the key words: "The engineering and procurement construction contract is partially subject to currency risk with certain agreed payments being quoted in euros. The States, therefore, has a currency exposure to the rate of exchange between the euro and sterling." So the States has a currency exposure to the rate of exchange between the euro and sterling. That would make any States Members' ears prick up: "How big is this exposure and what is the risk?" The next paragraph literally carries on, I am not leaving any gaps: "This exchange risk will be eliminated upon the signing of the contract with the preferred bidder at which time the euro/sterling conversation rate will be deemed to freeze for the purposes of the contract payments. All contract payments will be in sterling." This exchange risk will be eliminated upon the signing of the contract. The euro/sterling rate will be deemed to freeze for the purposes of the contract payments. That is all right then because the exchange risk will be eliminated. But was it all right? Two days before this proposition was lodged ... remember I have just read out what appeared in the proposition; eliminated, deemed to freeze. Now, what the Minister for Treasury and Resources at the time, who is now the Chief Minister, was sent 2 days before the lodging of P.73 ... Strategic Investments Manager, T. and R. (Treasury and Resources), sent to the Minister for Treasury and Resources a briefing paper asking the Minister to consider the draft proposition of the Minister for Transport and Technical Services to procure an Energy from Waste plant and to agree a preferred funding solution and to lodge a report and proposition which was attached in draft form. Right. So an officer of Treasury and Resources sent to his Minister, 2 days before lodging a proposition involving £100 million, a briefing paper and with it a draft of the report and proposition and he sent it on Sunday; Sunday, 18th May. No one is telling me that the Minister for Treasury and Resources did not read that; did not read the final draft of his own report and proposition of a project costing £100 million. So his own officer sends him a briefing paper. The briefing paper summarised the overall scope of the project, dah-de-dah. Then it points out that a sensitivity analysis has been carried out indicating the extent of exposure and it quotes different exchange rates and if the pound falls to 115, the exposure is £6.3 million. The C.A.G.'s (Comptroller and Auditor General's) report quotes the report of the Strategic Investments Manager at Treasury and Resources to his own Minister: "This section concludes [and I am on page 29 for anyone who wants to look this up in the C.A.G.'s report] the cost of the risk, being circa £1.97 million now, price of the option [that is the option to hedge], and a worst case scenario being £6 to 7 million with no option in place for the entire period to 31st October 2008." He is talking about the period from lodging, 20th May, to the date of signing the contract.

[17:15]

Worst case scenario £6 to 7 million, cost of hedging £1.97 million; in writing to the Minister 2 days before lodging this huge report and proposition. In fact the Strategic Investment Manager was not far off. The actual cost was £5.25 million. That was the fluctuation before the contract was signed. So how could the Minister write what he wrote in the report: "The exchange risk will be eliminated upon the signing of the contract with the preferred bidder at which time the conversion rate will be deemed to freeze"? Then there is another paragraph which I will quote for completeness: "The Treasury has conducted a sensitivity analysis of the currency exposure and obtained expert advice on anticipated currency fluctuations. As with all States capital projects, the Treasury will monitor and manage the fluctuations risk. The cost of any currency fluctuations will be met from the capital projects reserve boat in the event this increases the cost of the project." In the event; not very likely but if it happens then it is covered by the strategic risk reserve. But he just had advice that it was going to increase and the worst case was £6 to 7 million. So the Chief Minister left out a huge piece of vital information from that debate back in July 2008. How Members are supposed to make judgments on that basis I do not know. But worse is to come because when quizzed by P.A.C. (Public Accounts Committee) on 13th July 2009, this is the Chief Minister at P.A.C. and this is a transcript of the hearing: "Senator Shenton: 'When did you first become aware that there was a problem with regard to the currency hedging issue?' Senator Le Sueur: 'Some time early in December. I cannot give you an exact date but certainly early in December.' In fact, after a bit of discussion, it turned out that the fact that the exchange rate was fluctuating was known to be in November. Well, it had to be because there were a lot of emails flying around in the 3 days coming up to the actual signing. But here we have it, November. Early in December was the Senator's first shot and in fact he had had a briefing paper and the report and proposition in draft 2 days before lodging with details of the risk and how much it would cost to hedge that risk. I do not know but I am not sure that that tale inspires confidence in our Chief Minister. I do not like saying this. There may be various reasons why he said that to P.A.C. I cannot use the word "lied" but it is fairly appropriate. You can put whatever you like on it and, as I say, there are reasons. People are under pressure, people make mistakes. But that was a big mistake. It rather goes with the Jersey College for Girls' mistake; trying to sell that for slightly less than it was worth. So, in conclusion, Senator Syvret has gone. He has now got more time to live his own life, he tell us. So maybe now it is the Chief Minister's turn and I am sure he would be delighted to have more time to relax. I do not know what his favourite hobby is but we always get to know afterwards. **[Aside] [Laughter]** We could see the 2 extremes of the political spectrum vanishing into the sunset in the same fortnight. But, seriously, we do need a government that is intelligent and open, that builds a platform for real listening and, therefore, building consensus and it does trouble me that we have to have debates like this. It is awful. But the Island would be better served by a broader-based, more respectful, listening government that created the Island that Deputy Fox and Senator Le Main seem to want in their dreams. We live in the real world, fine. Well, let us be honest with each other rather than ... it is not even playing games. It is misleading the public and misleading the States and it is not appropriate. We need to grow out of this. We need to be honest. There are many other examples I could have given and, please, can we sweep it clean and maybe have a better C.O.M. in future. Thank you.

10.1.10 Deputy P.V.F. Le Claire:

It is not very often that I get annoyed in here but I am getting annoyed in here because if there was a problem with representation in Jersey by people who feel that the less well-off and the most vulnerable in Jersey need better representation then this is absolutely not the way to go about doing it. This is absolutely not the way to go about doing it. **[Approbation]** I am going to not support this proposition and support the poor people of Jersey and the people that are in need by standing by the Council of Ministers - who, from time to time, I do not like as a body because of the answers I get - because of the fact that we are in a world of pain financially, globally, economically and transformationally. The Council of Ministers, as independent Ministers, have difficult jobs to do and, in varying degrees, are working, in my view, as best as they can. The vote of no confidence

and ... I do not know why we do not start talking about penguins, some of the things we have heard today. The vote of no confidence is about the Chief Minister today and, I am sorry ... Deputy Southern is in and out like a cuckoo sometimes. I am sorry he is not here to listen to this but I really think that he should have withdrawn this proposition. **[Approbation]** It is absolutely completely evident it is going absolutely nowhere. **[Approbation]** I have had to sit there listening to frustrated ... I would not describe it quite that way but certainly some issues that, while I have some sympathy with some of the population issues, et cetera, I just do not think this is the right way to do this. I recently asked the Chief Minister to provide me, along with other Ministers, breakdowns of their departments and I did not get an answer. Does that mean I bring a vote of no confidence? No, it means I bring other questions. There may be a vote of no satisfaction but what do you do? **[Laughter]** If I did not like certain aspects of the Comprehensive Spending Review, did I get involved as much as I could have done? Am I getting involved as much as I can do? Am I looking to change it, like I have done with the lifeguard at Havre des Pas swimming pool, in a positive way that allows Members to speak about changing it and tweaking it, the nuances of it? We have got the British Government probably at this time, if not finishing, going through the changes which might influence this Island's economy in drastic ways today. We can see whole swathes of our economy affected because of the speech that is being made and where are we at a time when confidence is needed? Sitting in the States Assembly talking a load of rubbish. **[Approbation]** I am so sorry because, you know, it is going to be seen like it is a vote against the poor if you do not vote against Senator Le Sueur. Well, I am sorry, it is not a vote against the poor to support Senator Le Sueur today. It is a vote to say: "Look, who is the best man for the job right now when we need to get our act together and move forward because we are all going to be in difficult circumstances? Who is the best man for the job?" Not the one you like the most. Who is the best man for the job? I am sorry to say normally the person who challenges a vote of no confidence is the alternative and while I have respect for Deputy Southern's abilities in mathematics, et cetera, and his work ethic and everything else, his championing of the poor people's issues, I urge him to get back on to his usual work. Resurrect the school milk in a proposition like I have done with the lifeguards. No doubt he will win that again like he has won it ... he will get my support for that. But let us get back to reality. The election is over. The day is over. This whole vote of no confidence, in my opinion, is over.

The Deputy Bailiff:

If no other Member wishes to speak, I will ask the Chief Minister if he wishes to reply.

10.1.11 Senator T.A. Le Sueur:

I will be very brief. I thank the people who have spoken. I have listened to what they have said and taken it on board. I thank equally the 40 who had the tact not to speak unnecessarily which I think has made the debate at least a little bit shorter. In an effort to finish this this evening, I intend to say no more other than to thank Members who have spoken and to take notice of what they said **[Approbation]** and to urge Members, if they need any further urging, to reject the proposition.

The Deputy Bailiff:

I call on Deputy Southern to reply.

10.1.12 Deputy G.P. Southern:

I would like to thank everybody who contributed to the debate, even Deputy Le Claire who thinks it is a waste of time, and especially Senator Le Main in his usual rumbustious style. But I want to return back to the central core of what I feel is unsatisfying today. What are we talking about here? We are talking about cuts to services that the vulnerable and poor are entirely dependent on. We are talking about the need to make those cuts be so deep when, as the Minister for Treasury and Resources himself says, our budget deficit is minute compared to others. What we are really talking about here is ... I will return to Peter Body's article. What we are really talking about here

is providing health, education, welfare, security, public infrastructure, public transport and a host of other services members of the public want and, in many cases, desperately need. That is the reality and what we are talking about is taking away some of those essential front-line services from those people. Are there really 3 physiotherapists sitting around making cups of tea with nothing to do and nobody to help back on to their feet? I do not believe there are. Is it really necessary to remove a part-time manager of a post which is about community service and keeping young people who go off the tracks out of prison? Should we really be doing that? Is that we set out to do? Should we be removing a post from the Child and Adolescent Mental Health Service which we have just committed to boost through Williamson funding, et cetera, et cetera? The answer is we are. Are those services not needed or are we simply to ignore this sheer plan that we set out to deliver because times are getting difficult? Are we to ignore that central theme, working together to meet the needs of the community? I believe we should be meeting the needs of the community. I believe that this package and this Council of Ministers and this Chief Minister is failing to deliver that package and deserves to have a motion of confidence against them. With that, I maintain the proposition and call for the appel.

The Deputy Bailiff:

Very well. I invite Members to return to their seats. The appel is called for. The vote is on whether the Assembly has no confidence in the Chief Minister. The Greffier will now open the voting. All Members have had an opportunity of voting. I will ask the Greffier to close the voting. I can announce the proposition has been defeated; 9 votes in favour and 38 votes against

[17:30]

POUR: 9		CONTRE: 38		ABSTAIN: 0
Deputy of St. Martin		Senator T.A. Le Sueur		
Deputy G.P. Southern (H)		Senator P.F.C. Ozouf		
Deputy S. Pitman (H)		Senator T.J. Le Main		
Deputy M. Tadier (B)		Senator F.E. Cohen		
Deputy of St. Mary		Senator S.C. Ferguson		
Deputy T.M. Pitman (H)		Senator A.J.D. Maclean		
Deputy M.R. Higgins (H)		Senator B.I. Le Marquand		
Deputy D.J. De Sousa (H)		Senator F. du H. Le Gresley		
Deputy J.M. Maçon (S)		Connétable of St. Ouen		
		Connétable of St. Helier		
		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. John		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérissier (S)		
		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		

		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		

The Deputy Bailiff:

It is now 5.30 p.m. and, in accordance with the Standing Orders, I invite Members to indicate whether they wish to continue or to ...

Male speaker:

I propose we adjourn now.

The Deputy Bailiff:

The adjournment is proposed. All Members in favour? The States stand adjourned, therefore, until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:31]