

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 1st FEBRUARY 2011

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS	9
1. Nomination of Deputy Trevor Mark Pitman of St. Helier as a member of the Privileges and Procedures Committee.....	9
1.1 Connétable J. Gallichan of St. Mary (Chairman, Privileges and Procedures Committee):	9
2. Nomination of Deputy Deborah Jane De Sousa of St. Helier as a member of the Corporate Services Scrutiny Panel.....	9
2.1 Deputy T.A. Vallois of St. Saviour (Vice-Chairman, Corporate Services Scrutiny Panel):	9
.....	9
PETITIONS	9
3. Deputy Geoffrey Peter Southern of St. Helier presented a petition to the Chief Minister requesting the dismissal of the Minister for Treasury and Resources	9
3.1 Deputy G.P. Southern of St. Helier:	9
QUESTIONS.....	10
4. Written Questions	10
4.1 DEPUTY A.K.F. GREEN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING LEGISLATION FOR CYCLE HELMETS:	10
4.2 DEPUTY A.K.F. GREEN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING LEGISLATION FOR THE PROVISION OF DISABLED TOILETS:	11
4.3 SENATOR A. BRECKON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING BUSINESS ARRANGEMENTS BETWEEN THE J.E.C. AND NEWTEL:	11
4.4 SENATOR A. BRECKON OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING A COMPLAINT TO THE JERSEY COMPETITION REGULATORY AUTHORITY:	12
4.5 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE SIGNATURE ON TREASURY CHEQUES:.....	13
4.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE NEW DAIRY AT TRINITY:	13
4.7 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING WORK PERMITS:.....	14
4.8 SENATOR J.L. PERCHARD OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE ODEON CINEMA BUILDING:.....	19

4.9	SENATOR J.L. PERCHARD OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE INCINERATION OF METAL CANS AND TINS:	19
4.10	DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING ALLEGATIONS OF ABUSE OF THE INCOME SUPPORT SYSTEM:.....	20
4.11	DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE PROTECTION OF TENANTS IN HOUSING TRUST PROPERTIES:	21
4.12	DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE ELECTION OF SENATORS: 21	21
4.13	DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING INCREASES IN TAXATION RATES:.....	22
4.14	DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX RATES FOR WEALTHY RESIDENTS:.....	23
4.15	DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE ENERGY POLICY GREEN PAPER:	24
4.16	DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING CONPOSTING COSTS: 24	24
4.17	DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COMPILATION OF ACCIDENT STATISTICS:	25
4.18	DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE OVERALL COST OF THE INCOME SUPPORT SYSTEM:.....	26
4.19	THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING INSURANCE ASSISTANCE FOR FAMILIES TRAVELLING TO THE U.K:.....	27
4.20	THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING PARKING AT THE AIRPORT:.....	27
4.21	THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HOME AFFAIRS REGARDING SUSPENDED POLICE OFFICERS:.....	28
4.22	SENATOR F. du H. LE GRESLEY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING ACTUAL EXPENDITURE AGAINST BUSINESS PLAN KEY OBJECTIVES:	29
4.23	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE GRANTING OF A POSTAL LICENCE TO TNT:	30
4.24	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX REVENUES:.....	31
4.25	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CHARGES ON ZERO-RATE COMPANIES:.....	31
4.26	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE CREATION OF SUSTAINABLE JOBS:	32
4.27	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CANCELLED OPERATIONS:	33
4.28	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING SUSPENDED STAFF:.....	36
4.29	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING STAFF AT JERSEY AIRPORT:	40

4.30	THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COLLECTIVE INVESTMENT OF FUNDS:	46
4.31	THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE USE OF INSECTICIDES:.....	47
4.32	THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COMPETENCE OF CIVIL SERVANTS:.....	49
4.33	THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING THE USE OF COINSULTANTS:.....	50
5.	Oral Questions.....	50
5.1	Deputy D.J.A. Wimberley of St. Mary of the Minister for Economic Development regarding reputational damage to Jersey's tax regime:	50
	Senator A.J.H. Maclean (The Minister for Economic Development):.....	50
5.1.1	The Deputy of St. Mary:.....	51
5.1.2	Deputy G.P. Southern:.....	51
5.1.3	The Deputy of St. Mary:.....	51
5.2.	Deputy G.P. Southern of the Minister for Treasury and Resources regarding the new European Union Savings Tax Directive:	52
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	52
5.2.1	Deputy G.P. Southern:.....	52
5.2.2	The Deputy of St. Mary:.....	52
5.2.3	Deputy M. Tadier of St. Brelade:.....	53
5.2.4	Deputy G.P. Southern:.....	53
5.3	Connétable D.J. Murphy of Grouville of the Chief Minister regarding the cost of the new post in Brussels:	53
	Senator T.A. Le Sueur (The Chief Minister):.....	53
5.3.1	Deputy R.G. Le Hérisier of St. Saviour:	54
5.3.2	Deputy A.E. Jeune of St. Brelade:.....	54
5.3.3	The Deputy of St. Mary:.....	54
5.3.4	Deputy G.P. Southern:.....	54
5.3.5	Deputy P.J. Rondel of St. John:	55
5.3.6	Senator J.L. Perchard:.....	55
5.3.7	The Connétable of Grouville:.....	55
5.4	Deputy M. Tadier of the Minister for Economic Development regarding the Zero/Ten tax policy:	55
	Senator A.J.H. Maclean (The Minister for Economic Development):.....	55
5.4.1	Deputy M. Tadier:	56
5.4.2	Deputy G.P. Southern:.....	56
5.4.3	Deputy G.P. Southern:.....	56
5.4.4	Deputy T.M. Pitman of St. Helier:	56
5.4.5	Deputy M. Tadier:	56
5.5	The Deputy of St. John of the Minister for Home Affairs regarding the disposal of a container full of fireworks:	57
	Senator B.I. Le Marquand (The Minister for Home Affairs):	57
5.5.1	The Deputy of St. John:	57
5.5.2	The Deputy of St. John:	57
5.6	Deputy M.R. Higgins of St. Helier of the Minister for Economic Development regarding the loss of local trade to non-resident labour:	58
	Senator A.J.H. Maclean (The Minister for Economic Development):.....	58
5.6.1	Deputy M.R. Higgins:.....	58
5.6.2	Deputy M.R. Higgins:.....	58
5.6.3	Deputy G.P. Southern:.....	58

5.6.4 Deputy G.P. Southern:.....	59
5.6.5 The Deputy of St. John:.....	59
5.6.6 Deputy M.R. Higgins:.....	59
5.7 Deputy T.M. Pitman of the Minister for Home Affairs regarding anti-social misuse of cars and motorbikes at the Albert Quay:	59
Senator B.I. Le Marquand (The Minister for Home Affairs):	59
5.7.1 Deputy T.M. Pitman:	60
5.7.2 Deputy T.M. Pitman:	60
5.8 Deputy F.J. Hill of St. Martin of the Chief Minister regarding Jersey Human Rights training:.....	60
Senator T.A. Le Sueur (The Chief Minister):	60
5.8.1 The Deputy of St. Martin:.....	60
5.8.2 The Deputy of St. Martin:.....	61
5.8.3 The Deputy of St. Martin:.....	61
5.9 Deputy P.V.F. Le Claire of St. Helier of the Minister for Health and Social Services regarding cancer statistics:.....	61
Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):.....	61
5.9.1 Deputy R.G. Le Hérisier:	62
5.9.2 The Deputy of St. Martin:.....	62
5.9.3 The Deputy of St. John:	62
5.9.4 The Deputy of St. Mary:.....	62
5.10 Deputy R.G. Le Hérisier of the Chief Minister regarding the appointments process for the Assistant Minister responsible for External Relations:.....	63
Senator T.A. Le Sueur (The Chief Minister):	63
5.10.1 Deputy R.G. Le Hérisier:.....	63
5.10.2 The Deputy of St. John:.....	63
5.10.3 Deputy T.M. Pitman:.....	64
5.10.4 Deputy R.G. Le Hérisier:.....	64
5.11 Deputy S. Pitman of St. Helier of the Minister for Treasury and Resources regarding contingency plans should there be a ‘double-dip’ recession in the U.K:	64
Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	64
5.11.1 Deputy S. Pitman:	65
5.11.2 Deputy M.R. Higgins:	65
5.11.3 Deputy M.R. Higgins:	66
5.11.4 Deputy G.P. Southern:	66
5.11.5 Deputy G.P. Southern:	66
5.11.6 Deputy A.E. Jeune:	66
5.11.7 Deputy M. Tadier:.....	67
5.12 Deputy A.K.F. Green of St. Helier of the Minister for Transport and Technical Services regarding the removal of the charity scrap metal skip at the Bellozanne recycling site: .	67
Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services)	67
5.12.1 Deputy A.K.F. Green:	67
5.12.2 Deputy A.K.F. Green:	68
5.12.3 The Deputy of St. John:.....	68
5.13 Deputy M. Tadier of the Minister for Housing regarding plans to build 4 new homes on green areas in Les Quennevais Park and Le Clos des Sables:	68
Deputy S. Power of St. Brelade (The Minister for Housing):.....	68
5.13.1 Deputy M. Tadier:.....	68
5.13.2 The Connétable of St. Brelade:.....	69
5.13.3 Deputy A.E. Jeune:	69
5.13.4 Deputy M. Tadier:.....	69

5.14	The Deputy of St. John of the Chairman of the Comité des Connétables regarding the new standardised rates form for all the Island Parishes:.....	70
	Connétable J.L.S. Gallichan of Trinity (Vice-Chairman of the Comité des Connétables - rapporteur):.....	70
5.14.1	The Deputy of St. John:.....	70
5.14.2	The Deputy of St. John:.....	71
5.14.3	Senator P.F.C. Ozouf:	71
5.14.4	The Deputy of St. John:.....	71
5.15	Deputy M.R. Higgins of the Minister for Social Security regarding the scale of the unemployment problem in Jersey for those aged under 25:	71
	Deputy I.J. Gorst of St. Clement (The Minister for Social Security):.....	71
5.15.1	Deputy M.R. Higgins:	72
5.15.2	Senator J.L. Perchard:	72
5.15.3	Senator J.L. Perchard:	73
5.15.4	Deputy M. Tadier:.....	73
5.15.5	Deputy M. Tadier:.....	73
5.15.6	Deputy G.P. Southern:	74
5.15.7	Deputy T.M. Pitman:.....	74
5.15.8	Deputy M.R. Higgins:	75
5.16	Deputy G.P. Southern of the Minister for Treasury and Resources regarding the proposed territorial business tax:.....	75
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	75
5.16.1	Deputy G.P. Southern:	75
5.16.2	Deputy G.P. Southern:	76
5.16.3	Deputy G.P. Southern:	76
5.17	The Deputy of St. Martin of the Chief Minister regarding the withdrawal of part (d) of the Terms of Reference for the Napier Report:.....	76
	Senator T.A. Le Sueur (The Chief Minister):	76
5.17.1	The Deputy of St. Martin:	77
5.17.2	The Deputy of St. Martin:	77
5.17.3	The Deputy of St. Martin:	77
5.17.4	Deputy R.G. Le Hérisier:.....	77
5.17.5	Deputy R.G. Le Hérisier:.....	77
5.17.6	The Deputy of St. Mary:.....	78
5.17.7	Deputy M. Tadier:.....	78
5.17.8	Deputy M. Tadier:.....	78
5.17.9	Deputy M.R. Higgins:	78
5.17.10	The Deputy of St. Martin:.....	79
5.18	Deputy T.M. Pitman of the Minister for Transport and Technical Services regarding charges for short-term parking in Patriotic Street car park for out patients at the Hospital: 79	
	The Connétable of St. Brelade (The Minister for Transport and Technical Services):.....	79
5.18.1	Deputy T.M. Pitman:.....	79
6.	Questions to Ministers Without Notice - The Minister for Treasury and Resources..	80
6.1	Deputy P.V.F. Le Claire:	80
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	80
6.2	Senator B.E. Shenton:.....	80
6.3	Senator F. du H. Le Gresley:.....	80
6.3.1	Senator F. du H. Le Gresley:.....	81
6.4	Senator A. Breckon:	81
6.5	Senator J.L. Perchard:.....	81

6.5.1	Senator J.L. Perchard:	82
6.6	Deputy G.P. Southern:	82
6.6.1	Deputy G.P. Southern:	82
6.7	Deputy T.M. Pitman:	82
6.7.1	Deputy T.M. Pitman:	83
6.8	Deputy R.G. Le Hérisier:	83
6.8.1	Deputy R.G. Le Hérisier:	83
6.9	Deputy A.K.F. Green:	84
6.10	The Deputy of St. Mary:	84
7.	Questions to Ministers Without Notice - The Chief Minister	85
7.1	The Deputy of St. Martin:	85
	Senator T.A. Le Sueur (The Chief Minister):	85
7.1.1	The Deputy of St. Martin:	85
7.2	Deputy P.V.F. Le Claire:	85
7.3	Deputy M. Tadier:	85
7.3.1	Deputy M. Tadier:	86
7.4	Deputy G.P. Southern:	86
7.4.1	Deputy G.P. Southern:	86
7.5	Deputy T.M. Pitman:	86
7.6	Deputy D.J. De Sousa of St. Helier:	87
7.7	Connétable D.W. Mezbourian of St. Lawrence:	87
7.8	Senator A. Breckon:	87
7.9	Deputy P.V.F. Le Claire:	87
7.10	Deputy C.H. Egré of St. Peter:	88
7.11	Senator J.L. Perchard:	88
7.12	Senator F. du H. Le Gresley:	88
7.12.1	Senator F. du H. Le Gresley:	88
7.13	The Deputy of St. John:	88
	STATEMENTS ON MATTERS OF OFFICIAL RESPONSIBILITY	89
8.	Statement by the Chief Minister in respect of the Historical Child Abuse Committee of Inquiry	89
8.1	Senator T.A. Le Sueur (The Chief Minister):	89
8.1.1	Deputy S. Pitman:	90
8.1.2	Deputy S. Pitman:	90
8.1.3	The Deputy of St. John:	91
8.1.4	The Deputy of St. John:	91
8.1.5	The Deputy of St. Martin:	91
8.1.6	Deputy M.R. Higgins:	91
8.1.7	Senator J.L. Perchard:	92
	PUBLIC BUSINESS	93
9.	Shadow Boards and Ministerial Boards: approval by the States (P.170/2010)	93
9.1	Deputy P.V.F. Le Claire:	93
9.2	Shadow Boards and Ministerial Boards: approval by the States (P.170/2010) – amendment (P.170/2010 Amd.)	94
9.2.1	Senator A.J.H. Maclean (The Minister for Economic Development):	94
9.2.2	Deputy P.V.F. Le Claire:	94
9.2.3	Deputy M.R. Higgins:	95

9.2.4 Senator B.E. Shenton:.....	95
9.2.5 Senator A. Breckon:	96
9.2.6 Deputy T.M. Pitman:	96
9.2.7 The Deputy of St. Mary:.....	96
9.2.8 Deputy G.P. Southern:.....	96
9.2.9 Senator A.J.H. Maclean:.....	97
LUNCHEON ADJOURNMENT PROPOSED.....	99
LUNCHEON ADJOURNMENT.....	99
9.3 Shadow Boards and Ministerial Boards: approval by the States (P.170/2010) - as amended.....	100
9.3.1 The Deputy of St. Mary:.....	100
9.3.2 Senator B.E. Shenton:.....	102
9.3.3 The Deputy of St. John:	103
9.3.4 Senator P.F.C. Ozouf:.....	103
9.3.5 Deputy G.P. Southern:.....	105
9.3.6 The Connétable of St. Mary:.....	106
9.3.7 Deputy P.V.F. Le Claire:	106
10. Standing Orders: additional signatories on propositions (P.174/2010).....	110
10.1 Senator P.F. Routier:	110
10.2 Standing Orders: additional signatories on propositions (P.174/2010) - amendment (P.174/2010 Amd.).....	112
10.2.1 The Deputy of St. John:.....	112
10.2.2 Deputy P.V.F. Le Claire:.....	113
10.2.3 Deputy G.P. Southern:	115
10.2.4 Deputy T.M. Pitman:.....	116
10.2.5 The Deputy of St. Martin:	117
10.2.6 Deputy K.C. Lewis of St. Saviour:	119
10.2.7 Senator P.F. Routier:.....	119
10.2.8 Deputy M. Tadier:.....	120
10.2.9 The Connétable of St. Mary:	121
10.2.10 The Connétable of St. Lawrence:.....	121
10.2.11 Deputy J.B. Fox of St. Helier:.....	122
10.2.12 Senator J.L. Perchard:.....	122
10.2.13 Deputy M.R. Higgins:.....	123
10.2.14 The Deputy of St. Mary:.....	124
10.2.15 Deputy A.E. Jeune:.....	125
10.2.16 The Deputy of St. John:	126
10.3 Standing Orders: additional signatories on propositions (P.174/2010) – second amendment (P.174/2010 Amd.(2)).....	128
10.3.1 Deputy P.V.F. Le Claire:.....	128
10.3.2 Deputy M. Tadier:.....	129
10.3.3 Deputy J.A. Martin of St. Helier:.....	129
10.4 Standing Orders: additional signatories on propositions (P.174/2010) – fourth amendment (P.174/2010 Amd.(4)).....	131
10.4.1 Deputy T.M. Pitman:.....	131
10.4.2 Deputy G.P. Southern:	132

10.4.3	Senator P.F. Routier:.....	132
10.4.4	Deputy J.A. Martin:	132
10.4.5	Senator A. Breckon:.....	133
10.4.6	The Deputy of St. Martin:	133
10.4.7	The Deputy of St. Mary:.....	133
10.4.8	Deputy J.A. Hilton:	134
10.4.9	Deputy T.M. Pitman:.....	134
10.5	Standing Orders: additional signatories on propositions (P.174/2010) – third amendment (P.174/2010 Amd.(3))	135
10.5.1	Deputy G.P. Southern:	135
10.6	Standing Orders: additional signatories on propositions (P.174/2010) – resumption	136
10.6.1	Senator F. du H. Le Gresley:	136
10.6.2	Deputy G.P. Southern:	137
10.6.3	Senator A. Breckon:.....	137
10.6.4	Deputy M. Tadier:.....	138
10.6.5	The Deputy of St. John:.....	139
10.6.6	Deputy R.C. Duhamel of St. Saviour:.....	139
ADJOURNMENT		142

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

[09:39]

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Nomination of Deputy Trevor Mark Pitman of St. Helier as a member of the Privileges and Procedures Committee

The Bailiff:

Then we come to appointments and first of all a nomination of member of the Privileges and Procedures Committee. Chairman?

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

I did announce at the last meeting that following the resignation of the vice-chairman I would be looking for one more panel member and I asked for expressions of interest. After discussing the matter with my committee, I am pleased to nominate Deputy Trevor Pitman for the position.

The Bailiff:

Is that nomination seconded? **[Seconded]** Any other nominations? Very well, I declare that Deputy Trevor Pitman is elected as a member of the Privileges and Procedures Committee.

2. Nomination of Deputy Deborah Jane De Sousa of St. Helier as a member of the Corporate Services Scrutiny Panel

The Bailiff:

Then is there also to be a nomination of the Corporate Services Scrutiny Panel? Is the chairman not here?

2.1 Deputy T.A. Vallois of St. Saviour (Vice-Chairman, Corporate Services Scrutiny Panel):

The chairman is away at the moment so as vice-chair I would like to nominate Deputy De Sousa as a member of the Corporate Services Scrutiny Panel.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations to the Corporate Services Scrutiny Panel? Very well, then I declare the Deputy De Sousa as elected as a member of the Corporate Services Scrutiny Panel.

PETITIONS

3. Deputy Geoffrey Peter Southern of St. Helier presented a petition to the Chief Minister requesting the dismissal of the Minister for Treasury and Resources

The Bailiff:

Deputy Southern, will you be presenting your petition?

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

Just a note that there are 10,413 signatures ratified by the Greffier on that petition.

Senator P.F. Routier:

Would it be possible for the petition to be read out because I am not sure what the petition is about?

The Bailiff:

The petition will come before the Assembly in the ordinary way because there is a proposition which has been lodged in support of it and it will be referred to the Chief Minister for comment.

Deputy G.P Southern:

I am quite willing to do so to elucidate the Minister who seems to have been asleep for the last month.

The Bailiff:

Very well.

Deputy G.P Southern:

The petition very clearly says: "In response to the worldwide recession the Council of Ministers have taken a number of actions and proposes more in 2012 which in combination, in the opinion of the petitioners, unfairly penalise ordinary working people and their families, especially those on low to middle and fixed incomes. These actions include severe cuts to frontline public services such as health, education and policing, mass redundancies imposed upon the public sector, the threat of a 2-year wage freeze and major reductions in employee terms and conditions, the proposed raise of G.S.T. (Goods and Services Tax) to 5 per cent, the refusal of the Minister for Treasury and Resources to use the Strategic Reserve to mitigate the impact of the recession. We, the undersigned, petition the States as follows - to request the Chief Minister to bring a proposition asking the States to dismiss the Minister for Treasury and Resources."

QUESTIONS

4. Written Questions

4.1 DEPUTY A.K.F. GREEN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING LEGISLATION FOR CYCLE HELMETS:

Question

Could the Minister outline the progress made to date in relation to the preparation of appropriate legislation for the compulsory wearing of protective helmets for cyclists under 18 and when the Minister envisages he will be in a position to bring forward draft legislation?

Answer

Initial discussions have been held with suppliers of cycle helmets, early research on suitable helmet standards has been undertaken and the Department has outline options for progressing legislation.

Further to this, it is my intention to ask the Working Group on Cycling that I established, to offer some guidance to myself and the Department on where any legislation should apply, to whom, who would enforce and with what sanctions before formulating the relevant drafting instructions. Although that group held an initial meeting last year, it has not reconvened as my Department is to prepare a paper explaining the various legislation relating to cycling along with the issues and options. That paper is in the process of being prepared and once it is ready for presentation, I and the Department hope to benefit from the guidance of the group.

If it is accepted that the compulsory wearing of cycle helmets is restricted to public roads, cycle tracks and roads in parks, it may be feasible to bring forward draft legislation within the next six months, assuming suitable resources are available in the relevant Departments that would have to progress the draft amendments to legislation. If it is expected that cycle helmets must be worn in

anyplace, whenever and wherever a person under 18 years old is riding a bicycle, I believe this will require new legislation, significant resources and take considerably longer to progress.

4.2 DEPUTY A.K.F. GREEN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING LEGISLATION FOR THE PROVISION OF DISABLED TOILETS:

Question

Could the Minister outline the progress made to date regarding the preparation of appropriate planning legislation for the provision of changing places (disabled toilets) and when the Minister envisages he will be in a position to bring forward draft legislation?

Answer

I am pleased to say that I intend to issue, before the summer recess, a consultation paper outlining changes to the technical guidance I have published in support of the building bye-law requirements relating to access and use of buildings which will include provision for Changing Places sanitary accommodation in public buildings.

Subject to the outcome of that consultation I anticipate requirements for such facilities will be in place by the end of 2011.

After reviewing the current legislation, it is clear that the scope of the current building bye-law requirements relating to access and use of buildings is such that I can facilitate this change by revising the technical guidance I have published in support of those bye-law requirements, rather than bringing forward new legislation.

4.3 SENATOR A. BRECKON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING BUSINESS ARRANGEMENTS BETWEEN THE J.E.C. AND NEWTEL:

Question

Can the Minister as representative of the shareholders confirm the financial position and business arrangements between the Jersey Electricity Company (JEC) and Newtel Holdings and, in particular, can the Minister state –

- (a) how much was invested in Newtel Holdings and in what year?
- (b) how much of this was written off and in what year?
- (c) whether the JEC extended a line of credit for services provided to Newtel and, if so, for how long?
- (d) was there an outstanding amount and, if so, why was this allowed to happen?
- (e) was any money repaid and if so, what amount and how?
- (f) for what purpose was the credit extended?

Does the Minister consider that there is a chance of recovering any of the outstanding monies invested in Newtel and, if so, how and when?

Answer

I have corresponded with the JEC on this matter and received the following answer:

“We are limited in the access we have to information pertaining to Newtel as it is a private company with minority shareholders – even if this was available we would need to be careful not to prejudice minority shareholders, as further transactional activity may be in progress. Historical information that is available can be sourced via the Jersey Electricity published accounts over the last 13 years or so.

What we can say is that the JEC’s investment in Newtel was an important catalyst for the installation of fibre optic within the CIEG electricity grid which was put in place in 2000. This has benefited Jersey Telecom and other telecom operators who have either directly or indirectly used the cable for the benefit of consumers. We can also confirm that the JEC has a long-term agreement with Newtel to provide access to the fibre optic network and annual payments are made by Newtel.”

4.4 SENATOR A. BRECKON OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING A COMPLAINT TO THE JERSEY COMPETITION REGULATORY AUTHORITY:

Question

Can the Minister advise whether a formal complaint has been made to the Jersey Competition Regulatory Authority (JCRA) by Clear Mobitel about the anti-competitive behaviour of the Jersey Electricity Company and Newtel Holdings and, if so –

- (a) when was the formal complaint made?
- (b) why has the JCRA not made this matter public?
- (c) is the complaint still being investigated and, if so, by whom and within what timescale?

Does the Minister have confidence in the JCRA as an independent body that will investigate all matters without fear or favour?

Answer

It would be inappropriate to comment on any specific complaint before the JCRA which has been set up by the States of Jersey as an independent competition and regulatory body to investigate such matters independently. However, I understand that-

- (a) Clear Mobitel announced on 16th December 2010 that it had lodged a complaint with the JCRA in regard to Jersey Electricity Company and Newtel Holdings.
- (b) The JCRA does not as a rule publicise or comment upon complaints received. By their nature the majority of complaints require the JCRA to investigate matters which are commercially confidential and may involve mediation between parties which may not be helped by publication of any details.

- (c) While I understand that this complaint is still being considered by the JCRA, it is a matter for the JCRA to consider the timeframe within which such investigations are carried out. I have every confidence that the JCRA will seek to resolve any issues in a timely and effective manner.

I also have every confidence that the JCRA will investigate this matter to the extent required in accordance with the powers available to it under the Law and take whatever action that might be necessary arising from its investigation without fear or favour.

4.5 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE SIGNATURE ON TREASURY CHEQUES:

Question

As the former States Treasurer left his post some considerable time ago, can the Minister advise whether cheques are still being issued by the Treasury still signed by the former Treasurer and, if so, why?

Does the Minister accept that this could cause concern to creditors and others and send out a message that Jersey as a finance centre is not up to speed in the international field?

Answer

The Treasury issues cheques to suppliers using a controlled automated process, including the automated printing of signatures on cheques. As soon as the new Treasurer was appointed, work started to program a new signature into the automated system.

This programming will be completed and new cheques will be in issue in February. In the meantime, to minimise cost and disruption, the previous Treasurer's signature has remained in place as part of the automated process.

This is simply part of the administrative arrangements being implemented to reflect the recent appointment of a new Treasurer of the States and there is no reason for it to cause concern to creditors.

4.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE NEW DAIRY AT TRINITY:

Question

As the new dairy at Trinity is up and running, can the Minister advise whether there has been positive feedback from the industry regarding its operation?

Could members be advised the total amount of financial aid provided by taxpayers to meet the construction and fit out of the dairy?

Was all of the machinery within the new dairy purchased new or second hand (please specify) and, if second hand, is it fit for purpose?

Have contracts with Tesco been as fruitful as expected and, if not, has the dairy requested further help to support the industry financially?

Answer

1. The JMMB have invested over £12.5m to create a modern dairy facility at Trinity in which to process the majority of the milk produced in the Island for now and in the future. A considerable range of equipment has been installed, to provide the local consumer with a wide choice of dairy products and it has taken time to fully commission all the processing machinery. The Jersey Milk Marketing Board (primarily milk producers) have been informed regularly of this progress and have made comments in a positive and constructive manner.
2. Jersey Dairy applied to the Rural Initiative Scheme (RIS) for assistance towards the cost of specific equipment, required for the production of value added milk products for their export markets. The application estimated the cost of this equipment at £60k and the RIS Panel offered a grant of £48k. The actual spend on a shrink wrapper, Inkjet coder, metal detector and art work for packaging was £45,075.20 and this was claimed in September 2010. No further States assistance was provided towards the £12.5m cost of the new dairy.
3. The equipment in the new Dairy has either been transferred from Five Oaks, purchased new from a supplier or purchased refurbished second hand, with an appropriate warranty from the supplier. It is estimated that there are well over 100 separate pieces of equipment involved in the processing of the milk received at Trinity. The Managing Director of the Dairy has indicated that he would be happy to show the Deputy around the new facility to demonstrate that it is fit for purpose.
4. The opportunity of exporting added value dairy products to the UK has been a key stated aim of the Jersey Milk Marketing Board for some time. It is only now, with a modern facility which meets the exacting standards of mainland supermarkets, that this has become a reality. Jersey Dairy is currently in contact with a wide range of customers, including Tesco, to achieve the above aim. Jersey Dairy has not requested further additional financial support to supplement income from their export markets.

4.7 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING WORK PERMITS:

Question

Can the Minister provide for members a detailed breakdown (by sector and by country of origin) of those individuals currently working in Jersey on work permits; the number of dependents they have and whether any of those dependents have the right to work by virtue of their relationship to the prime work permit holder?

Can he also provide these details for the whole of 2010?

Would he agree to take personal oversight or appoint a political lead, to ensure that all requests for non EU labour to fill jobs have had a serious consideration of potential on-Island employees by cross referencing with Social Security, considering that 1,700 people are currently unemployed in Jersey at present?

Answer

Powers conferred by the United Kingdom Immigration Act 1971, as extended to Jersey by the Immigration (Jersey) Order 1993, allow the Minister for Home Affairs to make rules to govern the employment in Jersey of persons from outside the European Economic Area.

The Immigration (Work Permits) (Jersey) Rules 1995 are administered by the Customs and Immigration Service under delegated authority of the Minister for Home Affairs. Work permits are issued to a specific employer for a limited period where it can be demonstrated that particular qualifications or skills are in short supply in the resident and permit free European labour market. Employers may show that appropriate advertising has taken place locally and it has failed to attract candidates with suitable qualifications and experience. However, employment opportunities advertised exclusively at the Social Security Department would be insufficient to meet the extensive advertising requirement of the Work Permit Rules.

Work permit holders may be accompanied to Jersey by their dependants only where a work permit is issued for a period of 12 months or more. Work permit dependants are permitted to take employment in Jersey.

The Customs and Immigration Service liaises with the Economic Development Department to establish the level of skills gaps and shortages within the Island.

The Minister is confident that the criteria for issuing work permits to non-EEA nationals in Jersey are being correctly applied by the Customs and Immigration Service and that cases requiring political oversight are referred for his consideration.

The Customs and Immigration Service is currently undertaking a review of the work permit policy and is due to report back to the Minister with its findings by the end of February 2011.

The Minister will, in the light of that report, and after any further appropriate consultation, review the current operation of the Work Permit Rules.

The breakdown, by sector and nationality, of work permit holders and their dependants in Jersey at end of December 2010 is shown in Tables 1 and 2 below.

The breakdown, by sector, of work permits issued in Jersey during 2010 is shown in Table 3 below.

Table 1

Number of Permit Holders and their Dependants by Sector (31 December 2010)

Sectors	Total No. Work Permit Holders	Total No. Work Permit Dependants
Finance	171	114
Hospitality	73	9
Information Technology	38	16

Health	35	31
Legal	23	14
Other (Education, Sport, Telecommunications, Engineering)	17	21
Total	357	205

Table 2

Number of Work Permit Holders and Dependants by Nationality (31 December 2010)

Nationality	Number
Argentine	3
Australian	37
Bahamian	1
Bangladeshi	2
Barbadian	1
Botswana	3
Canadian	15
Chinese	3
Croatian	1
Egyptian	3
Filipino	54
Georgian	1
Ghanaian	4
Hong Kong SAR	4

Indian	173
Israeli	5
Jamaican	4
Jordanian	2
Kenyan	67
Malawian	11
Malaysian	13
Mauritian	10
Moroccan	1
Namibian	1
New Zealander	13
Nigerian	1
Pakistani	19
Russian	3
Saudi Arabian	1
Singaporean	2
South African	52
Sri Lankan	6
Tanzanian	1
Thai	3
Trinidad/Tobago	1
Ugandan	13
USA	12
Zambian	5
Zimbabwean	11
Total	562

Table 3

Breakdown, by sector, of Work Permits issued in 2010

Sectors	Total No. Work Permit Holders
Finance	125
Hospitality	72
Information Technology	43
Health	38
Legal	15
Entertainment	17
Other (Education, Sport, Telecommunications, Engineering)	23
Total	333

4.8 SENATOR J.L. PERCHARD OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE ODEON CINEMA BUILDING:

Question

Now that the Minister has decided to maintain the listing of the former Odeon Cinema building on the Historic Buildings Register, what does he intend to do to ensure that the building does not further deteriorate and blight its surroundings?

Answer

The decision to retain the status of the Odeon Cinema as a Listed building was solely related to the heritage value of the building: my consideration in this matter was restricted by law, to whether the special architectural and historical interest of the building had ceased to exist.

I was not able to consider the future use of the building when making this decision. I was simply required to decide whether, based on the evidence of its historical and architectural quality, its heritage value should be recognised through the retention of its status as a Listed building.

I have not been formally asked to consider the future use of the Odeon Cinema: there is no current planning application which sets out any proposals for it.

I have, however, made it clear that the continued Listing of the building does not predetermine any decision about its future. I would consider the submission of a planning application for the development of this site and the adjacent land to help regenerate this area of the town which has been neglected and has lacked investment for a considerable time already.

As a Listed building any application would be required to demonstrate that the use of the existing Odeon Cinema building had been properly and thoroughly explored. I have also made it clear, however that I would also give careful consideration to proposals to demolish the building where there was a clear and convincing case to do so. This would, at the very least, need to demonstrate a development scheme of exceptional architectural quality.

4.9 SENATOR J.L. PERCHARD OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE INCINERATION OF METAL CANS AND TINS:

Question

Will the Minister provide an estimate as to how many metal cans and tins were loaded into the Island's incinerator last year and what plans, if any, does he have to reduce the number in 2011?

Answer

Metals in the domestic waste stream are usually described as 'metal packaging' which includes all drinks cans, food tins, foil trays, aerosols etc. Waste stream analysis has generally found that cans account for around 50% of metal packaging.

The waste model developed for Jersey's Waste Strategy predicts that approximately 960 tonnes of cans arise as waste annually. In 2010, 84 tonnes of cans were recycled through the Household Recycling Centre, bring bank network and Parish kerbside recycling schemes leaving around 860 tonnes of cans in residual waste for incineration. Typically a tonne of drinks cans comprises of 50,000 cans giving an estimated total delivered to the plant at over 40,000,000 cans.

If every Parish provided household kerbside recycling schemes, the model predicts that at least half of all the waste cans would be collected for recycling. The Transport and Technical Services Department would never expect to receive all waste cans through the recycling collections and bring banks but the new Energy from Waste plant currently being commissioned is already separating metal from residues after the process which will considerably increase the proportion of metal recycled.

There is a major opportunity to increase the number of cans that are separated for recycling and we are confident that we will see an increase in the tonnage collected this year. We are continuing to make recycling easier by working with the Parishes that have not yet introduced kerbside recycling schemes and further expanding our bring bank network and Household Recycling Centre. We also plan to run a public awareness campaign focused specifically on metal packaging recycling later in the year.

4.10 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING ALLEGATIONS OF ABUSE OF THE INCOME SUPPORT SYSTEM:

Question

Will the Minister clarify how a complaint from the public relating to an alleged abuse of the Income Support system is investigated and confirm that any such complaint is investigated to ascertain whether an allegation is valid or not.

Would the Minister advise how long such an investigation takes from the receipt of a complaint?

Answer

All complaints relating to potential abuse of the Income Support system or benefit fraud in general are investigated. Often errors are quickly identified as genuine mistakes rather than abuses, which can be rectified. However, in the event that fraud is suspected investigations are conducted in accordance with PPACE (Police Procedures and Criminal Evidence (Jersey) Law 2003), and RIPL (Regulation of Investigatory Powers (Jersey) Law 2005).

All information received by the department is treated in the strictest confidence and can be given anonymously. Because of confidentiality requirements informants cannot be advised regarding the outcome of any investigation.

During 2010 the department obtained additional resources to increase the manpower of the fraud team to include 3 additional Investigations Officers to enable a more pro-active approach towards combating fraud. Alongside this the department is introducing a new fraud phone hot-line to encourage the public to provide information. This will be launched and publicised during February.

Investigations are prioritised based upon the quality of the information provided, the likely risk of the fraud occurring, and the potential value of any overpayment. The main emphasis of the fraud team is to ensure that any monies fraudulently obtained are repaid so that there is no loss to the tax payer.

The time taken to conclude an investigation from receipt of a complaint varies depending on the nature and complexity of the case. A simple case may be a few hours work, but something much more complex, and of a greater monetary value, that could be referred for criminal prosecution can take months from beginning to end. Decisions to prosecute rest with the Attorney General. All

cases are reviewed regularly throughout the investigation to ensure that time and effort is spent appropriately, and that the investigation is proportionate to the alleged fraudulent activity.

4.11 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE PROTECTION OF TENANTS IN HOUSING TRUST PROPERTIES:

Question

What powers, if any, does the Minister possess to ensure tenants within Housing Trust properties are protected from persistent anti-social behaviour from neighbours; further still, what sanctions, if any, can he impose on Housing Trusts that do not protect tenants' rights?

Answer

Our housing trusts have developed in what is a largely unregulated sector and the short answer to the Deputy's question is that there are presently no specific statutory powers which allow me to intervene in such cases. This lack of regulation and accountability is something which has concerned me for some time and as many members will know is a matter that I am committed to addressing as a key work stream of the ongoing project to transform the manner in which social housing is delivered and regulated. I will set out how I propose to do this in a White Paper which I hope to lodge in June this year and which will, following consultation, be followed up with a report and proposition to introduce the necessary primary legislation in the second quarter of 2012. Assuming that the new legislation is approved detailed regulations would follow in late 2012 or early 2013.

4.12 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE ELECTION OF SENATORS:

Question

Will the Chairman clarify that other than the role of Senator having arisen from the position of 12 Jurats, these originally being elected for life and only by a vote limited to the 'King's men' whether the Privileges and Procedures Committee is aware of any historical justification for the necessity of the Island electing 12 Senators; further still, whether the Committee is aware of any research since 1948 demonstrating that there is public support specifically for the retaining of 12 Senators as opposed to a general support for retaining an Island-wide mandate in some form itself?

Answer

The question of the number of States members has only received serious consideration since the Report of the Review Panel on the Machinery of Government in Jersey chaired by Sir Cecil Clothier ('The Clothier Report') was published in 2000. In 1948, there is no evidence that there was a discussion on the reduction in the number of States' Jurats, later named Senators, and 12 were provided for in the Assembly of the States (Jersey) Law 1948 to replace the Jurats who then confined their duties to the Royal Court.

Again in 1966 there is no evidence that the number of Senators was looked at, although the term of office was reduced from 9 to 6 years.

The Clothier Panel in 2000 did conduct a MORI poll and looked at the numbers of States members overall. Amongst other questions, it asked the public which of the categories of member the public would prefer to reduce or remove and the results were as follows -

Deputies	37% Reduce	5% Remove
----------	------------	-----------

Constables	13% Reduce	17% Remove
------------	------------	------------

Senators	16% Reduce	3% Remove
----------	------------	-----------

However, the Panel's proposal at the conclusion of its work to abolish the office of Senator and remove the 'ex officio' membership of the States of the Connétables proved to be extremely unpopular during the Policy and Resources Committee's 'road show' of all the parishes in 2002, and that Committee decided to come forward with the machinery of government reform (ministerial government and scrutiny) only in the first instance, and undertake further work in the other areas later.

In 2002 the States established the Special Committee on the Composition and Election of the States Assembly to investigate the other areas of reform, and this was later taken over by PPC. PPC conducted a MORI poll, and the results were published in the States of Jersey Survey on Electoral Reform 2006. In relation to Senators, the Island wide mandate and the numbers of members, the following results were seen –

- In the 2005 election for senators there was a 43% turnout, and this fell to 33% in the deputies' elections a month later.
- 55% know a great deal/fair amount about the role of Senators
- Two thirds of residents (66%) think that there are too many States' members. This is an increase on the survey conducted in 2000 when 46% thought that 53 was too many.
- 46% thought all members should be elected on an Island wide basis.
- 32% thought there should remain a mix of Island wide and Parish or District.
- Only 11% thought that members should be elected on a Parish or District basis only.

A question has never been put on precisely the number of Senators that the public would like to see. There were extensive questions surrounding the composition and election of the States and on electoral reform, and it was important to ensure that that questionnaire was balanced over those two areas, and not inappropriately complex.

4.13 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING INCREASES IN TAXATION RATES:

Question

As UK tax rates are now dramatically higher for those having incomes in excess of £150,000, and with many in Jersey finding it increasingly difficult to make ends meet in the current economic

climate coupled with the increase in GST to 5%, will the Minister explain why he still believes it is not appropriate to increase the taxation rates on higher earners residing in the Island?

Answer

Jersey's 20% rate of income tax has been a pillar of Jersey's post-war success. The 2011 Budget measures were based on significant expert research and wide consultation. Their impact is well quantified and the package of measures formed part of a responsible, long term view of our economy for the benefit of future generations.

This question seems to be based on the assumption that a higher rate of income tax will result in a directly comparable increase in tax revenues. This assumption is fundamentally flawed.

In proposing the Budget, after consultation and careful consideration, the Council of Ministers supported my conclusion that a higher rate of income tax would have negative consequences and this issue has been debated at length in the Assembly.

Those who favour a higher rate of income tax believe we can tax the better-off more, without any impact on the Island as a whole. This fails to recognise the mobility of international business and what would happen if we become uncompetitive. If business moves elsewhere, there will be a loss of jobs and of tax revenue, which would leave a higher tax burden for the rest of us.

The primary consideration in protecting Jersey's economy is to ensure it remains competitive. Jersey is in competition with other international finance centres, so it is the tax rates in those jurisdictions that are important.

Whilst it is difficult to prove the extent to which individuals affected by such an increase would leave the Island, there is considerable feedback from the Finance Industry, other bodies and media correspondence that the "headline" 20% tax rate in Jersey remains a significant attraction for businesses and individuals alike.

4.14 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX RATES FOR WEALTHY RESIDENTS:

Question

As the States have made a commitment to work towards a fairer, more equal society, can the Minister advise whether his department is considering measures to address the use of tax vehicles by wealthy residents to pay far lower rates of tax in real terms on their overall income than those less well off residents and, if not, why?

Answer

The Income Tax Law already contains a provision which allows the Comptroller of Taxes to challenge arrangements of the type mentioned. Article 134A is invoked by the Comptroller in cases where a taxpayer enters into a transaction or a series of transactions where the main purpose, or one of the main purposes, is the avoidance or reduction of their Jersey tax liability. The creation of a vehicle such as a trust or company and transferring income-producing assets into that vehicle so as to artificially reduce the taxable income accruing to a Jersey resident would be open to challenge under Article 134A. This general anti-avoidance provision has proved effective in the past to counter the impact of abusive behaviour, and to deter taxpayers considering putting similar planning in place.

I would also draw the Deputy's attention to the answer I tabled on 12th October 2010 to Deputy Southern's written question 5680 concerning the number of tax assessments raised under Article 134A.

4.15 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE ENERGY POLICY GREEN PAPER:

Question

Following his response to a question on 22nd June 2010 when the Minister advised that he hoped to present an Energy Policy Green Paper to the States later that year which would provide a direction that the Island as a whole could follow to improve overall energy efficiency, will he advise when this Green Paper and the Air Quality Strategy will be tabled?

Answer

It is intended that the Energy Policy Green Paper will be released for public consultation within the first quarter of 2011. This is priority work for the Department and feedback from our stakeholders is currently being reviewed. Some of this was only received in December last year. When this is complete a Political Steering Group meeting will be convened to consider points raised and the necessary direction of travel.

The department's intention is to develop an Air Quality Action Plan. Work streams have been identified at the Political Steering Group level and it is intended to present the Planning and Environment Scrutiny Panel with a draft Action Plan in March this year. This can be reviewed and hopefully approved by the panel before the document can be taken to a wider stakeholder group. We would welcome Deputy Le Claire's involvement in this forum, and during this process would expect to finalise the identification of implementation measures.

4.16 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING CONPOSTING COSTS:

Question

Further to his written answers on 23rd of May 2006 and 20th November 2007 to questions raised regarding green waste composting costs, would the Minister provide comparable costs for 2008, 2009 and 2010?

Answer

The 2008, 2009 and 2010 green waste composting costs are as follows.

Year	2005	2006	2007	2008	2009		2010	
					Main Site	Gate 15	Main Site	Gate 15
Staff	£187,731	£195,000	£249,806	£225,082	£236,322	£142,998	£212,358	£137,621
Non-Staff								

Supplies & Services	£319,552	£321,043	£384,894	£462,377	£453,898	£74,827	£439,170	£46,476
Administrative Costs	£26,486	£17,718	£14,226	£18,853	£2,500	£140	£2,753	£650
Premises & Maintenance Expenses	£99,616	£83,967	£107,298	£67,927	£80,133	£6,853	£101,697	£5,000
Total Non-Staff	£445,654	£422,728	£506,418	£549,157	£536,531	£81,820	£543,620	£52,126
Income	-£52,255	-£63,157	-£50,946	-£48,095	-£53,440		-£56,266	
Net Expenditure	£581,130	£554,571	£705,278	£726,144	£719,413	£224,818	£699,712	£189,747

From the beginning of 2009 public green waste reception was separated from the La Collette site to a new facility at 'Gate 15' Bellozanne. This was necessary following the hazards analysis of the La Collette fuel storage facility. The manning of a 7 day per week public service with weekend cover paid at overtime rates plus the extra haulage costs has significantly increased the overall annual costs of managing green waste. It is hoped that this site can be re-integrated with another reception site during 2011.

The income stream is from the sales of PAS 100 approved Soil Improver.

4.17 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COMPILATION OF ACCIDENT STATISTICS:

Question

Following on from his answer to a question posed by the Deputy of St. Mary on 23rd March 2010, can the Minister provide updated figures for child accident statistics for 2009 and 2010?

Would the Minister also advise Members whether, as discussed around the introduction of rear seat belts, her Department is compiling accident details to help analyse the impact of accidents by activity and can she report back on any reduction of accidents since the wearing of rear seat belts were made compulsory?

Answer

HSSD does compile information relating to people attending the Emergency Department as a result of a road traffic accident and whether or not seat belts were being worn at the time of the accident.

The overall rates for children involved in road traffic accidents as car passengers shows that:

- In 2009, 31 children attended the Emergency Department having incurred injury as a car passenger (front or back seat). Of those 3 were not wearing a seatbelt (10%), 25 wore a seatbelt (81%) and, in the other cases it is not known if they were wearing a seatbelt.

- In 2010, 32 children attended as a result of having injury as a car passenger (front or back seat). Of those 1 was not wearing a seatbelt (3%), 26 wore a seatbelt (81%) and, in the other cases it is not known if they were wearing a seatbelt.

The overall rates for adults and children as rear seat passengers shows that:

- In 2009, 9 adults and 6 children attended as a result of injury as a rear seat passenger. Of these 3 adults (33%) and 6 children (100%) were known to wear a rear seat belt.
- In 2010, 12 adults and 10 children attended as a result of injury as a rear seat passenger. Of these 8 adults (66%) and 6 children (60%) were known to wear a rear seat belt.

It is important to note that this data is not cross-referenced with police information relating to the total number of road traffic accidents or yearly comparison relating to car usage, therefore it cannot give a full picture about the beneficial impact of legislation relating to the use of rear seat belts.

4.18 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE OVERALL COST OF THE INCOME SUPPORT SYSTEM:

Question

Further to the answer given to a question on 23rd March 2010, would the Minister provide updated figures regarding the overall cost of Income Support since Social Security implemented the system?

Answer

The cost of Income Support (IS) since introduction is as follows:

2008 £73,056,000 (From 28 January) - Full year equivalent £78,875,000

2009 £85,961,000

2010 £91,707,000

These costs include weekly benefit, residential care, transition (protected payments), special payments, winter fuel allowance and administration.

Growth in Income Support costs overall have been driven by the global recession leading to higher unemployment. The ageing demographic has further added to costs, as have increases associated with the introduction of GST and the subsequent rise in benefit funding instead of exempting food from GST.

The figures shown for 2008 and 2009 are in accordance with the annex to the published States Financial Report & Accounts for 2008 and 2009. The cost of IS for 2010 is currently un-audited.

4.19 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING INSURANCE ASSISTANCE FOR FAMILIES TRAVELLING TO THE U.K:

Question

Given that the Reciprocal Health Agreement is still not in place, what insurance assistance is there for families in the following situations and would she advise who the public should contact for assistance -

- (a) when a patient has to attend hospital in the UK, whilst travelling between the Airport to the place of treatment?
- (b) for the next of kin or carer to assist a patient whilst travelling and staying in UK?
- (c) if private insurance premiums are declined or it is too expensive?

Further to this what help, if any, can the travelling public get if they are going to the UK and are declined insurance on age or health grounds or when the premiums are excessive?

Answer

When a patient has been publicly referred to a UK hospital by an HSSD medical consultant they will receive travel assistance in accordance with the criteria and income limits set out in the HSSD Patient Travel Policy 2009 (attached). This includes travel between the airport and the place of treatment.

The Department will also provide travel assistance for a family member or carer if the referred patient is unable to travel unescorted due to their age, physical ability or their clinical condition, as assessed by the referring consultant.

The Department does not provide assistance with insurance for either referred patients or escorts. The patient or escort is personally liable for the cost of their own insurance cover or for any costs they incur as a result of not having adequate insurance. The Department will, however, consider reimbursement of costs associated with emergency medical care providing the patient or escort can demonstrate that they attempted to obtain insurance but were unable to because premiums were prohibitively excessive or because no insurance company was willing to provide cover.

The Department is unable to provide assistance for Jersey residents declined insurance, on whatever grounds, other than in the circumstances outlined above.

It is envisaged that a new Reciprocal Health Agreement will be in place shortly. Anne Milton MP, Parliamentary Under Secretary of State at the Department of Health, has confirmed in principle support for the reintroduction of an agreement between the UK and Jersey. The draft agreement is waiting consideration by the DOH's legal department prior to consultation with the Devolved Administrations.

4.20 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING PARKING AT THE AIRPORT:

Question

With reference to answers given during the States Sitting on 18th January 2011 relating to parking charges at the Airport, will the Minister inform Members of –

- (a) the revenue received from the parking area outside the Arrivals area?
- (b) the revenue received from all other parking areas?
- (c) the number of free parking permits issued to staff?
- (d) the number of parking spaces for disabled drivers?

Answer

- (a) The total revenue (net of GST) for the short-stay parking area in front of the arrivals terminal was £80,057 for 2010.
- (b) The total revenue (net of GST) for all other car parking areas, which includes the long-stay car park and ‘staff’ parking areas was £845,447 in 2010.
- (c) There are currently 408 passes issued and invoiced to business partners at Jersey Airport – i.e. airlines, ground handlers and retailers. However, it is a decision taken by the individual companies whether they pass these charges onto the employee. A total of 295 passes are issued to States employed staff at Jersey Airport for which no charge is made. It should be noted that the number of passes issued does not equate to the number of car parking spaces available, for which there is approximately 290, as allowances are made for those staff members working on a rotational or shift basis as well as seasonal employees.
- (d) There are 8 designated disabled parking bays within both car parks at Jersey Airport. They are all situated near to the terminal buildings and have sufficient space to allow ease of access for people with wheelchairs.

4.21 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HOME AFFAIRS REGARDING SUSPENDED POLICE OFFICERS:

Question

Will the Minister inform Members of the number of Police Officers suspended during 2010, showing the dates when the suspension commenced and dates when the suspension ended?

Answer

5

	<u>From</u>	<u>To</u>
Officer A	26 August 2008	24 February 2010
Officer B	01 September 2008	24 February 2010
Officer C	12 November 2008	19 July 2010
Officer D	12 August 2010	09 November 2010
Officer E	17 December 2010	13 January 2011

There are no Police Officers currently suspended

4.22 SENATOR F. du H. LE GRESLEY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING ACTUAL EXPENDITURE AGAINST BUSINESS PLAN KEY OBJECTIVES:

Question

Would the Minister provide a detailed breakdown of actual expenditure against budget, to the nearest £000, for the following Key Objectives in his Department's 2010 Business Plan:-

- (a) Key Objective 7-Introduce Business Advisory Service
- (b) Key Objective 9- Jersey Awards for Enterprise
- (c) Key Objective 90- Rural Initiative Scheme

Would the Minister state how many grants were made under the Rural Initiative Scheme in 2010, the names of the recipients, the value, purpose and category of each grant?

Answer

- (a) In terms of business advisory products & services delivered in 2010, expenditure - after deductions for Departmental overheads - exactly matched the budget allocated of £1.17 million including the grant made to Jersey Business Venture representing some £130,000.
- (b) The costs of staging the Jersey Enterprise Awards are matched by a combination of ticket sales and sponsorship income, with the apparent deficit shown in the Department's Annual Accounts, caused by GAAP Accounting requirements whereby elements of income & expenditure might not occur in the same year, owing to the timing of the event in the first quarter of each year.
- (c) The Rural Initiative Scheme showed a difference between expenditure & budget of £138,000 in 2010 owing to a number of projects being delayed in implementation, for reasons beyond the Department's direct control.

The full list of RIS grants will be included in the States Annual Report published later this year, however in order to comply with the Senator's request the details are outlined in the table below:

Name of Grant Recipient	Purpose of grant	Amount granted in 2010 (£)
Individuals -	Various small enabling grants e.g. mobile poultry house for new entrant to the agricultural industry	25,077.27
Jersey Island Genetics Ltd	Health Scheme for Cattle to establish disease free status and increase value of livestock and embryo exports	58,383.98
Jersey Honeybee Development	Production of queen bees resistant to current viral problems	3,226.47
J Le Maistre Tree Surgery Ltd	Tracked wood chipper to assist inaccessible woodland management	18,973.56
Jersey Dairy	Equipment to produce value added milk products for export markets including supplying Tesco	45,075.20
Jersey Woodland Resources	Christmas Tree Project to establish local supply and reduce imports	484.06
La Mare Vineyards Ltd	Feasibility study to assess potential use of waste Jersey Royal potatoes for quality vodka and gin production	11,225.00
		162,445.54

4.23 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE GRANTING OF A POSTAL LICENCE TO TNT:

Question

Can the Minister inform members what assessment he has made of the economic impact of the granting of a Class 1 postal licence to the Dutch-based global logistics business TNT (2009 revenues 10.4 billion Euros), and if none, why?

Is the Minister concerned that allowing such a large company, with its access to enormous economies of scale and to potential cross-subsidy, has the potential to totally wipe out Jersey Post which is already trading at reduced profit levels?

What threat, if any, does this pose to the maintenance of Jersey Post's Universal Service Obligation (USO) and if so, what measures does the Minister have under consideration to protect the USO?

Will the Minister inform members what duties he, or the Jersey Competition Regulatory Authority, has to safeguard the Island's economy overall, in contrast to any duty to promote competition?

Will the Minister also comment on whether the granting of a Class 1 postal licence to Hi-Speed Freight Services Limited (which includes DHL Global Mail/ Deutsche Post Global Mail), another large global operator will have a detrimental impact upon Jersey Post?

Answer

Both TNT and Hi-Speed Freight Services Limited have applied to the Jersey Competition Regulatory Authority for Class 1 Licences and the JCRA has issued Initial Notices in respect of both applications in which it states its intention to grant these licences. The JCRA has consulted on the proposal and is currently considering the responses received. As part of its consideration it may choose to grant the licence as proposed in its Initial Notice, amend its proposals and issue a fresh Initial Notice or it may decide to refuse to grant the Licence, the reason for which would be set out in a Final Notice.

The JCRA's assessment of this application must be carried out in accordance with its duties under Article 8 of the Postal Services (Jersey) Law 2004. These are the same duties which the JCRA took account of when considering and ultimately granting the Citipost and Hub Europe Licences in November 2010.

However the decision on how to proceed with this application is one for the JCRA to consider and I do not propose to intervene in its exercise of its statutory duties, nor would it be appropriate for me to do so. It is a matter for the JCRA to satisfy itself that its proposal to grant both licences ensures that the Universal Service Obligation (USO) is sustainable.

The Minister of Economic Development and the JCRA each have a primary duty with respect to postal services as set out in Article 8(1)(a) of the Postal Services (Jersey) Law 2004 which states that they should ensure that (so far as in its view is reasonably practicable) such postal services are provided as satisfy all current and prospective demands for them.

We also have a secondary duty, where we consider it is in the best interests of users, to promote competition.

The demand for alternative postal providers to Jersey Post is driven by the fulfilment companies. These businesses employ in excess of 1,000 people in Jersey, are a major contributor to the diversified economy we seek and contribute substantially in tax receipts to the Treasury. It is therefore vital that their interests, along with those of other postal users and Jersey Post, are given due consideration in the JCRA's consideration of these applications and that the competing demands of greater competition, sustainable postal services and support for the Jersey economy are balanced as it proceeds with its regulatory duties.

4.24 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX REVENUES:

Question

Will the Minister confirm that –

- (a) early estimates of the loss in tax revenue from the zero/ten tax policy were around £90m annually, with approximately £30m from the 'zero' component and £60m from 'ten %'?
- (b) more recent estimates from the Treasury give estimates of £10 - £15m tax to be recouped through 'look-through' from Jersey owned zero-rated non-finance companies?

In the light of the answer given to question 5947 on 18th January 2011 that only £0.7m of additional tax revenue is likely from 'look through' in 2009, will the Minister now give an estimate of the tax revenue through 'deemed distribution' for 2010 once companies have declared both final and interim dividends?

Answer

- (a) I can confirm that the early estimates of the loss in revenue from the zero/ten tax policy were as stated in the question.
- (b) It is not possible to give an accurate estimate for tax revenue for 2010 deemed distribution in relation to interim and final dividends until the 2010 tax assessments have all been completed. That will not be until the end of 2011 as the 2010 Tax Returns have only been issued to taxpayers this month and the assessing cycle will not be completed until November, 2011.

The answer given to question 5947 made clear, as does (b) above, that it is not possible at this stage to produce or provide an accurate estimate of the tax revenue through 'deemed distribution' for 2010.

4.25 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CHARGES ON ZERO-RATE COMPANIES:

Question

Following his answers to question 5945, will the Minister inform members how much was raised from the payment of fees and charges from the number of foreign-owned non-finance companies which existed under the "exempt company" rules prior to the "zero/ten" regime?

How much is currently raised from the 17,600 foreign-owned non-finance companies currently registered at the JFSC in fees and charges?

Does the Minister have any plans to increase these charges on these zero-rated companies, and if not why not?

Answer

Approximately £14.6 million of exempt company and annual company return fees were collected by the States from exempt companies in 2008, the last year in which exempt status was available.

The approximately 17,600 foreign-owned non-financial services companies includes all foreign owned companies which pay tax at 0% including those which are clients of the finance industry. These companies pay approximately £2.6 million in annual company return fees and £3.6 million in ISE fees, totalling £6.2 million of direct contributions to States revenues in Jersey. They also pay business rates, though revenues are not analysed by reference to the ownership of the businesses in question nor by the type of activity undertaken.

These companies also bring benefits to Jersey beyond their direct tax contributions. As employers, they pay social security in respect of their Jersey employees. As consumers, they buy products from Jersey suppliers who themselves pay fees and taxes. Individual employees pay income tax and social security on their earnings and GST on the goods and services they buy. Finally, by providing the goods and services that Jersey residents need, they help to ensure the efficient operation of the local economy.

The Minister committed during the 2011 Budget debate to bring forward proposals to increase the fees or taxes payable by some of these companies during 2011, if to do so would not compromise Jersey's competitive position or its international commitments. Work is being done to explore the options regarding this.

4.26 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE CREATION OF SUSTAINABLE JOBS:

Question

Would the Minister accept that the latest Business Tendency Survey shows the lowest figures for a year across all sectors in both current employment and future employment categories?

Can the Minister point to any sectors where his departmental initiatives have successfully created sustainable jobs?

What further efforts, if any, will he make in the coming year to promote job creation in the marketplace?

Answer

The introduction by the Statistics Unit of the Business Tendency Survey last September provides a valuable tool in providing an insight to local businesses perceptions of the performance of the Jersey economy. It may however be more prudent to await the release of the December round of the Manpower Survey due in early April to obtain a more substantive picture of ACTUAL employment trends

Whilst I accept that the December Survey figures are mixed, I think it important to point out to the House, that the Deputy's contention that all sectors show the lowest figures for both employment and future employment indicators for the year is clearly not correct.

In particular the figures for the Finance sector indicate that business activity and optimism have continued to improve. Expectations about future employment in Finance have weakened however the 'Employment' indicator in December was at a similar level to the first 6 months of 2010, with 'Future Employment' indicator, similar to the preceding rolling 4-quarter average. It is also worth pointing out that the 'Employment' indicator within the Wholesale & Retail sector in December, similarly does not comply with the Deputy's assertion.

My Department alone is not responsible for supporting employment in the Island and the Treasury Minister has - with agreement of the States - committed to use all the £158m in the Stabilisation Fund by the end of this year in supporting local businesses and employment. This will enable the States to run a deficit of £55m this year (following one of £101m last year) designed to support the local economy. In addition, a further £44m of additional discretionary fiscal stimulus over the two years has been targeted at giving further support to local businesses and has indeed led directly to employment through initiatives such as Enterprise Grants, Advance Plus and Advance to Work.

As the recently appointed Chair of the Skills Executive, I believe that the Skills Jersey Board and the three relevant Departments have made considerable strides in tackling the effects of the recent global economic downturn. As an example, I would draw the Deputy's attention to the fact that the Stimulus funded Advance to Work scheme ALONE has now **assisted over 123 local young people to find permanent employment**, across a multitude of sectors in the island.

The extra resources recently agreed by the Treasury Minister for the Social Security Department and Careers Jersey will help extend their existing Stimulus funded programmes until September 2011, further supporting local unemployed people of all ages & backgrounds to secure future employment. In addition, Jersey Enterprise records show that it created over 1500 potential new job opportunities amongst start-up and existing companies during 2010 and has invested extra Stimulus resources to ensure that as many of these as possible were subsequently filled

The Department and the Population Office have also used the Regulation of Undertakings Legislation at its disposal to review employment licences upon their renewal, leading to a net reduction of 411 non-locally qualified licences in 2010, with further applications for 265 additional non locally qualified staff refused in the first 9 months of 2010.

The Population Office also enjoys a high level of co-operation with Social Security, referring employment vacancies to support unemployed persons back into work, and adding conditions to licences as appropriate in discussions with businesses to encourage businesses to take on apprentices and trainees, including persons on the Advance to Work and other supported employment schemes.

The best route to creating future employment opportunities for local people however, remains stimulating economic growth to provide the conditions whereby private sector employers expand their recruitment efforts. Work is already underway on developing a new Economic Growth Strategy which will ensure we can maximise employment opportunities going forward.

4.27 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CANCELLED OPERATIONS:

Question

Will the Minister produce a list of all those "non-urgent" operations which have been cancelled or otherwise postponed following the results of the CSR or because of staff shortages?

Answer

No operations have been cancelled or postponed as a result of the CSR process or staff shortages.

13 operations were rescheduled in early January as a result of pressures with the hospital created by an increase in patients with flu and respiratory problems. Operations were rescheduled in order of clinical priority

HSSD are currently considering how best to provide procedures that are of low clinical value in the future. Outline information about such procedures is attached (Appendix A).

DRAFT

LOW CLINICAL VALUE PROCEDURES

The draft information provided is based on NHS Trust summary guidance (2008). It provides examples of low priority or clinical value procedures that HSSD is considering how to manage in future/

1. Background

Detailed in Section 2 below are a range of procedures considered in the UK to potentially be of low clinical value, depending on the needs of the individual client and the benefit to their health and well-being.

PCTs and NHS Trusts have established thresholds for the assessment of clinical value on a case-by-case basis plus a system of PIN Panels (Patients with Individual Needs).

2. Procedures

Low clinical value procedures fall into 2 categories:

- low priority procedures
- clinical effectiveness procedures

Depending on an assessment against thresholds and authorisation from PIN Panels, the following low priority or clinical effectiveness procedures might be considered to be of low clinical value in some circumstances.

Low priority procedures could, in some circumstances, include:

1. Aromatherapy
2. Body Contouring
3. Brachioplasty / Upper Arm Lift
4. Breast Augmentation
5. Breast Reduction
6. Brow Lift
7. Buttock Lift
8. Calf Implants
9. Chemical Peels
10. Dermabrasion of Skin
11. Gender Reassignment Procedures
12. Liposuction
13. Penile Implants
14. Tatting of Skin
15. Tattoo Removal
16. Thigh Lift

CLINICAL EFFECTIVENESS PROCEDURES could, in some circumstances, include:

1. Grommets

3. Tonsillectomy for adults and children
4. Carpal Tunnel Syndrome
6. Ganglion of the wrist
7. Trigger Finger

4.28 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING SUSPENDED STAFF:

Question

Will the Minister inform Members for each person suspended, restricted, excluded or otherwise not carrying out or fulfilling their full contractual duties for any reason, provide the following information –

- (a) Title (doctor, nurse, administrator, social worker etc) suitably anonymised;
- (b) The date the person was restricted, excluded or suspended;
- (c) The duties carried out by the person, restricted, excluded or suspended during the entire period, broken down into time periods if they varied over the period;
- (d) The privileges of the person in terms of what are they allowed to do or what facilities they can use in the department or what privileges have been withdrawn;
- (e) Details of any training agreed, booked for, refused by, carried out or currently being undertaken by the person giving specific dates;
- (f) The steps taken by the Department to date, giving dates of each action, to resolve the restrictions/suspension so the process and progress of case handling can be ascertained;
- (g) An estimation of the time until the restriction/suspension is expected to be resolved setting out the major steps required to be taken and by whom for the matter to be concluded.

Answer

HSSD, as a States Department, has a duty of confidentiality to its employees. Any information provide must be anonymised in order to ensure individual staff members cannot be identified and that details which are personal to them are not put into the public domain.

Details of exclusion and suspension are reported to the States Employment Board and reviewed monthly in line with their agreed procedures. It is the role of the States Employment Board to provide independent scrutiny of the management of such cases.

At present there is 1 registered nurse, 1 healthcare assistant and 2 support workers on suspension. Suspensions for these staff groups are relatively short-term lasting on average 3-4 months.

Staff suspended from work cannot enter the premises except to attend agreed meetings or with the approval of their line manager. Professional support and regular contact with management and Human Resources is provided throughout the period of suspension.

Suspension is a neutral act and only used as a last resort where there are concerns over patient or client safety, the safety of the staff member, where there is a genuine belief that the investigation may be compromised or where the allegations are of a serious nature requiring such action. Staff also may be referred for support through the Occupational Health service

There are currently 4 HSSD doctors on restricted practice. The briefing note already circulated to States Member provides background information about the steps taken to support doctors to recommence full clinical duties.

Periods of restricted practice can vary enormously depending on a range of factors, including the ability to secure re-training. Unfortunately, due the wide variation of circumstances relating to each individual case, it is not possible to provide meaningful estimates of the length of time taken for doctors to return to full clinical duties.

HSSD Briefing: Doctors on Restricted Practice

General overview

- Restrictions are put in place as a direct result of concerns that could impact patient safety. Reasons might include:
 - if a clinician has been absent from work for a prolonged period (eg: illness, compassionate leave or exclusion)
 - if concerns have been raised about the need to update their skills or practice
 - if there is concern that they may be acting outside their competence
 - if concerns have been raised about their behaviour
 - if they have an underlying medical or health condition which may effect their ability to practice.
- Doctors on restricted practice do continue to work, unlike doctors who have been excluded from work. They can perform certain forms of clinical duty, work under supervision or undertake office based clinical work such as audit, teaching or observation. All these tasks are part of a doctors day-to-day work.
- Doctors that are excluded, as opposed to restricted, are not able to continue to work until an investigation into concerns has been concluded. In some cases doctors who have been excluded return to work on restrictions because they will not have practiced during the period of exclusion. Exclusion can last for a number of years due to legal processes. Exclusion can occur for the following reasons:
 - as a temporary measure to allow the hospital time to consider the most appropriate and safest course of action
 - immediate concern about patient safety
 - concern that the doctor may interfere with an investigation
 - to protect the interests of the practitioner

Supporting doctors on restricted duty to return to full duties

- Good employment practice establishes the need to support employees to update and refresh skills and knowledge where deficits/issues exist or whilst deficits/issues are investigated. This duty of care applies to doctors as well as other staff.

- Doctor on restricted duties might be supported in a number of different ways to return to full duties, these include:
 - re-training (often at a UK hospital)
 - supervision by a senior colleague
 - observation/shadowing of colleagues
 - mentoring
 - research, study, education programme or attendance at external training events

- All these activities can be time consuming, all require resourcing and the input of specialists.

- In particular, re-training can be difficult to resource. By its very nature it often has to take place in a UK hospital and, given that there is no centralised system for re-training in the UK, it can take a considerable time to organise. A UK hospital has to:
 - have a suitable training vacancy with the required specialism or sub-specialism
 - be willing to prioritise a training place for a Jersey based doctor (as opposed to a UK based doctor who will make a direct contribution to UK healthcare)
 - be willing to prioritise a doctor who could be a substantial way into their working career, as opposed to a doctor at the beginning of their career who has more working years ahead of them
 - be prepared to take on any associated risk (risk could be deemed to be particularly high if a doctor needs re-training in response to a skills/knowledge deficit)
 - provide appropriate specialist support and senior clinical supervision which has resource implications.

- The difficulties associated with securing re-training for doctors on restricted practice is not limited to Jersey, it is also a common and widely recognised problem in the UK.

Situation in Jersey

- There are currently four doctors working on restricted practice in Jersey General Hospital. There are no doctors on exclusion.

- The reasons for restrictions being imposed are varied but respond to the need to ensure the safety of patients. They are applied with the agreement of the clinician.

- Clinical duties that cannot be performed as a result of the restrictions being in place are usually either performed by the reallocation of duties amongst other clinical staff or through locum cover.

- The cost of locum cover for those 4 doctors is approximately **£1,044,000**. This includes both the period of restricted practice and, in some cases earlier periods of full exclusion.

- HSSD is working to resolve the issue:
 - we now appoint a case manager in each incidence to review concerns, progress and the need any continuation of restrictions

- we work to ensure that processes for managing and investigating concerns are implemented quickly, efficiently and in accordance with best employment practice
- we work within State HR policies and current SEB guidance. We have requested that SEB procedures are reviewed to consider restrictions in practice
- additional support from HR is enabling us to improve the situation and we have recently put in place monthly monitoring and performance management systems
- we have delivered appropriate training workshops for managers, clinicians, HR staff, Law Officers and the newly appointed Joint Medical Directors
- we have recently reviewed our policy, which is now modelled on UK best practice and we actively seek advice from the UK National Clinical Assessment Service¹ on restrictions and retraining options.

HSSD acknowledge that there is an inevitable cost to the use of locums but we must weigh this up against the need for assured patient safety in the event of any concerns about a clinician's ability to practice.

HSSD also acknowledge the need to minimise the time that a doctor is on restricted duties, not simply to reduce costs but for the benefit of patients, other staff and the doctor involved

¹ The National Clinical Assessment Service is part of the National Patient Safety Agency. An NHS body established to help resolve concerns about practitioners' performance.

4.29 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING STAFF AT JERSEY AIRPORT:

Question

- (1) Following the Minister’s undertaking to provide the Assembly with full details of all appointments made at Jersey Airport over the last four years would he provide the following information (which may be presented in a tabular form) –
- (i) vacancy/Position filled (Job Title);
 - (ii) grade of position;
 - (iii) date(s) advertised and where advertised;
 - (iv) number of people who applied and were interviewed, stating whether they were internal or external candidates;
 - (v) whether internal or external candidate appointed;
 - (vi) whether references were taken before employment commenced?
- (2) Will the Minister provide the Assembly with full details of all appointments made at Jersey Harbours over the last four years in relation to the following –
- (i) Vacancy/Position filled (Job Title);
 - (ii) grade of position;
 - (iii) date(s) advertised and where advertised;
 - (iv) number of people who applied and were interviewed, stating whether they were internal or external candidates;
 - (v) whether internal or external candidate appointed;
 - (vi) whether references were taken before employment commenced?

Answer

Please refer to the attached sheet for responses relating to questions (i), (ii), (iii), (v) and (vi)

- (iv) States HR no longer has this information as all applications held on file are discarded one year after the recruitment process.

Year	Post	Grade	Approx Date advertised	How many appointed	Advert	Locally advert	Advert	Appointment made within Civil Service or own pay groups Terms and Conditions Practice and Procedure applied	Comment if not appointed with in T&Cs	Internal or external appointment
Appointed	Advertised				Internal to States of Jersey	JEP	nationally			
								Including Interview		

2007	General Hand	MW04	01.02.07	1	Yes	Yes	No	Yes, Manual Worker	External
	Airport Operations Director	A	01.12.06	1	No	No	Yes	Yes	External
	Vehicle and Systems Engineer	MW08	08.02.07	1	Yes	Yes	No	Yes, Manual Worker	External
	Engineering Maintenance Manager	CS10	19.04.07	1	Yes	No	No	Yes	Internal
	Fire Fighter	AFF	30.05.07 and 04.09.07	7	Yes	Yes	No	Yes, Airport Fire Fighter	External
	HR Officer	CS09	01.05.07	1	Yes	Yes	No	Yes	External
	Operations Manager	CS12	09.11.07	1	Yes	No	No	Yes	External
	Operations Officer	CS07	19.07.07	7	Yes	Yes	No	Yes	6 Internal 1 External
	ATC Watch Manager	ATC1	04.09.07	1	Yes	No	No	Yes	Internal

Year Appointed	Post Advertised	Grade	Approx Date advertised	How many appointed	Advert Internal to States of Jersey	Locally advert JEP	Advert nationally	Appointment made within Civil Service or own pay groups Terms and Conditions Practice and Procedure applied	Comment if not appointed with in T&Cs
	Safety and Compliance Manager	CS13	23.08.07	1	Yes	No	No	Yes	Internal
	Leading Fire Fighter	ALFF	06.08.07	1	Yes	No	No	Yes. ARFFS	Internal
	Maintenance Engineer	MW08	13.12.07	1	Yes	Yes	No	Yes, Manual Worker	External
	Airport Duty Manager	CS09	30.08.07	1	Yes	No	No	Yes	Internal
	Information and Postal Clerk	CS06	01.06.07 and 15.07.07	3	Yes	No	No	Yes	3 Internal
	Cleaner	MW01	30.08.07	1	Yes	Yes	No	Yes, Manual Worker	External
	Fire Fighter	AFF	06.11.07	3	Yes	Yes	No	Yes, Airport Fire Fighter	Internal
	C/h Customer Services	MW05	04.10.07	2	Yes	No	No	Yes, Manual Worker	Internal

Agents

Manager Communication Services	CS13	14.12.07	1	Yes	No	No	Yes	Internal
--------------------------------	------	----------	---	-----	----	----	-----	----------

Year Appointed	Post Advertised	Grade	Approx Date advertised	How many appointed	Advert Internal to States of Jersey	Locally advert JEP	Advert nationally	Appointment made within Civil Service or own pay groups Terms and Conditions Practice and Procedure applied Including Interview	Comment if not appointed with in T&Cs
	Electrical Technician	AIRE	04.12.07	1	Yes	Yes	No	Yes, Airport Electrician	External
	Trainee Air Traffic Control Officer	ATCT	10.10.07	0	Yes	Yes	Yes	Yes	External
2008	Section Manager Coms	CS11	02.02.08	1	Yes	No	No	Yes	Internal
	Credit Control Officer	CS05	25.10.07	1	Yes	Yes	No	Yes	External
	ATC Procedures and Project Mgr	CS11	26.10.07	1	Yes	No	No	Yes	Internal
	Manager Air Traffic Engineering	CS14	26.11.07	1	Yes	No	No	Yes	Internal
	Marketing and Communications Manager	CS10	04.09.08	1	Yes	Yes	No	Yes	Internal

Year Appointed	Post Advertised	Grade	Approx Date advertised	How many appointed	Advert Internal to States of Jersey	Locally advert JEP	Advert nationally	Appointment made within Civil Service or own pay groups Terms and Conditions Practice and Procedure applied Including Interview	Comment if not appointed with in T&Cs
	Air Traffic Controller	ATC2	22.5.08	1	Yes	Yes	Yes	Yes	External
	Maintenance Engineer	MW08	31.04.07	1	Yes	Yes	No	Yes, Manual Worker	Internal
	Customer Services Agent	MW03	20.03.08 09.10.08	2	Yes	Yes	No	Yes, Manual Worker	1 External 1 Internal

	Human Resources Assistant	CS06	01.03.08	1	Yes	Yes	No	Yes		Internal
	Fire Fighter	AFF	14.04.08	2	Yes	Yes	No	Yes, Fire	Airport	External
	Air Traffic Controller	ATC2	30.04.08	4	Yes	Yes	Yes	Yes		External
	Human Resources Officer	CS09	05.07.08	1	Yes	No	No	Yes		Internal
	Operations Officer	CS07	01.07.08	1	Yes	Yes	No	Yes		Internal
	Customer Services Agent	MW03	25.09.09	3	Yes	Yes	No	Yes, Manual Worker		External
	PA to APD	CS07	18.08.09	1	Yes	Yes	No	Yes		Internal

Year Appointed	Post Advertised	Grade	Approx Date advertised	How many appointed	Advert Internal to States of Jersey	Locally advert JEP	Advert nationally	Appointment made within Civil Service or own pay groups Terms and Conditions Practice and Procedure applied	Comment if not appointed with in T&Cs	
	Electronics Engineering Assistant	CS07	01.10.08	1	Yes	Yes	No	Yes		External
2009	Senior Systems Watch Mangers	CS13	01.12.08	2	Yes	No	No	Yes		Internal
	Management Accountant	CS11	10.10.08	1	Yes	Yes	No	Yes		Internal
	Document Control Officer	CS07	14.11.08	1	Yes	No	No	Yes		Internal
	Information and Postal Services Clerk	CS06	05.02.09	1	Yes	Yes	No	Yes		External
	Watch Manager	ASUO	03.01.09	1	Yes	Yes	No	Yes		Internal
	Station Manager	ASTO	02.04.09	1	Yes	No	No	Yes, Fire	Airport	Internal
	Customer Services Agent	MW03	19.02.09	1	Yes	Yes	No	Yes, Manual Worker		External

Year Appointed	Post Advertised	Grade	Approx Date advertised	How many appointed	Advert Internal to States of Jersey	Locally advert JEP	Advert nationally	Appointment made within Civil Service or own pay groups Terms and Conditions Practice and Procedure applied	Comment if not appointed with in T&Cs	
-----------------------	------------------------	--------------	-------------------------------	---------------------------	--	---------------------------	--------------------------	--	--	--

								applied		
								Including Interview		
	Relief Customer Services Agent	MW03	19.02.09	5	Yes	Yes	No	Yes, Manual Worker		External
	Airfield technician	MW06	26.02.09	1	Yes	Yes	No	Yes, Manual Worker		Internal
	Crew Manager	ALFF	01.07.09	1	Yes	No	No	Yes, Airport Fire		Internal
	Watch Manager	ASUO	01.07.09	1	Yes	No	No	Yes, Airport Fire		Internal
	Strategic Change Manager	CS11	None	1	No	No	No	No	Internal secondment position, no interview held	Internal
	Secretary	CS06	21.05.09	1	Yes	Yes	No	Yes		External
	Fire Fighter	AFF	28.05.09	4	Yes	Yes	No	Yes, Airport Fire		External
	Operations Officer	CS07	03.08.09	1	Yes	No	No	Yes		Internal
	Trainee ATCO	ATCT	01.03.09	3	Yes	Yes	No	Yes		External

Year Appointed	Post Advertised	Grade	Approx Date advertised	How many appointed	Advert Internal to States of Jersey	Locally advert JEP	Advert nationally	Appointment made within Civil Service or own pay groups Terms and Conditions Practice and Procedure applied	Comment if not appointed with in T&Cs	
								Including Interview		
2010	Administrator ATC	CS07	03.08.09	1	Yes	No	No	Yes		Internal
	Watch Manager	ASUO	06.11.09	1	Yes	No	No	Yes		Internal
	Marketing Communication Officer	CS06	12.11.09	1	Yes	Yes	No	Yes		External
	Building Infrastructure Manager	CS10	15.10.09	1	Yes	Yes	No	Yes		External
	Strategic Planning Manager	CS12	16.12.08	1	Yes	No	No	Yes, interviews not held as nobody suitable applied	External contractor made permanent employee following a unsuccessful internal recruitment, No interview held.	External

Year Appointed	Post Advertised	Grade	Approx Date advertised	How many appointed	Advert Internal to States of Jersey	Locally advert JEP	Advert nationally	Appointment made within Civil Service or own pay groups Terms and Conditions Practice and Procedure applied	Including Interview	Comment if not appointed with in T&Cs	
	Cleaner ATC	MW01	07.01.10	1	Yes	Yes	No	Yes, Manual Worker			Internal
	Secretary and HR Administrator	CS06	02.01.10	1	Yes	Yes	No	Yes, interviews held nobody successful		Ex-employee employed on a 1 year temp contract, No interview held.	External
	Watch Managers	ASUO	25.03.10	2	Yes	No	No	Yes, Fire	Airport		Internal
	Crew Managers	ALFF	25.03.10	2	Yes	No	No	Yes, Fire	Airport		Internal
	Station Manager	ASTO	25.03.10	2	Yes	No	No	Yes, Fire	Airport		Internal
	Trainee ATCO	ATCT	07.04.09	1	Yes	Yes	No	Yes			External
	Fire Fighter	AFF	29.07.10	3	Yes	Yes	No	Yes, Fire	Airport		External
	Temp Trainee ATCO	ATCT	18.08.10	3	Yes	Yes	No	Yes			External

Please Note that these appointments do not include seasonals, zero hour or temporary acting up positions which have all been made within terms and Conditions.

Please note that all contracts are subject to reference and security clearance.

Appointments made at Jersey Harbours since January 2007 – January 2011

Appointment	Grade	Date Advertised - JEP	Date Advertised Other	Date of Internal Advert	No of Applications	No of internal Applications	No Interviewed	No Internal Interviewees	Internal Candidate Appointed
Registrations Officer	CS06	NA	NA	12/04/2007	3	2	1	0	Yes
Trainee Business Support Analyst	CS08	NA	NA	05/04/2007	2	2	2	2	Yes
Marina Attendant	MW05MJ	01/03/2007	NA	NA	14	0	3	0	No
Commercial Director	CS15	01/01/2007	UK - Jan 07	NA	RECRUITMENT CARRIED OUT BY UK AGENCY				
Business Development Executive	CS08	NA	NA	15/08/2008	1	1	1	1	Yes

Marine Leisure Administration	CS05	08/11/2007	NA	NA	12	0	2	0	No
Marine Leisure Agents Seasonal	MW05	29/02/2008	NA	NA	9	0	4	1	No
Lifeguards Seasonal	MW05	17/03/2008	Australia - Jan 08	NA	28	0	18	15	No
Pilot	CS10	31/01/2008	UK - Jan 08	NA	11	1	3	0	No
Finance & Information Manager	CS13	06/03/2008	NA	NA	3	2	3	2	Yes
Coastguard Officer x 2 posts	CS06	11/09/2008	NA	na	23	0	6	0	No
Technical Services Manager	CS13	27/11/2008	NA	NA	5	0	3	0	No
Engineer Relief	MATE	07/01/2009	NA	NA	5	0	3	0	No
Lifeguards Seasonal	MW05	05/03/2009	Australia - Jan 09	NA	11	1	10	0	No
Deputy Commercial Director	CS13	06/05/2009	NA	NA	16	0	7	0	No
Assistant Harbour Master / Pilot	CS11	03/05/2009	UK - May 09	NA	23	0	6	0	No
Lifeguards Seasonal	MW05	16/04/2010	Australia - Jan 10	NA	21	0	18	0	No
Port Operations Apprentice	APP1MJ	17/09/2008	NA	NA	22	0	8	0	No
Manangement Accountant	CS09	18/03/2010	NA	NA	11	2	2	2	Yes
Coastguard Officer	CS06	NA	NA	20/07/2010	1	1	1	1	Yes
Port Operations Officer	CS08	NA	NA	14/07/2010	2	2	2	2	Yes
Senior Coastguard Officer	CS08	NA	NA	20/07/2010	4	4	4	4	Yes
Marina Attendant	MW05MJ	NA	NA	17/08/2010	3	3	2	2	Yes
Coastguard Officer	CS06	07/10/2010	NA	NA	23	0	4	0	No
Port Operations Officer	CS09	NA	NA		2	2	2	2	Yes
Leading Deckhand	LDEC	28/10/2010	NA	NA	20	2	3	2	Yes

4.30 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COLLECTIVE INVESTMENT OF FUNDS:

Question

Can the Minister confirm to members if any Fund controlled or managed by or on behalf of the States, including pension funds, has any shares, including shares held as part of collective investments of any kind, in any of the six corporations which are being currently voted on in the annual Public Eye internet poll for “the worst company of the year 2011”, namely: AngloGold Ashanti, Axpo, BP, Foxconn, Neste Oil and Philip Morris, (for information, details can be found at <http://www.publiceye.ch/en/vote/>) and if so, how many shares, in which Funds and what value?

Answer

The table below lists the shares held directly by the States of Jersey.

State of Jersey Entity	Corporation	Number of Shares held	Value of holding As at 31 Dec 2010	
Common Investment Fund	BP	2,489,117	£11,588,084	
Public Contributory Scheme	Employees Retirement	BP	565,910	£2,634,594
Jersey Superannuation Fund	Teachers	Philip Morris	46,400	£2,715,792

In addition there are a number of holdings in funds, which in turn may invest in companies such as BP. In such holdings, the States’ investment is with the fund, not the underlying companies.

The Minister for Treasury and Resources recognises the importance of acting in an ethically responsible manner when managing investments on behalf of the States of Jersey.

When making investment decisions fund managers are required to give consideration to ethical risks in their assessment of a company’s value. The Minister intends this to encourage investment in companies with good governance and responsible management.

The Fund’s assets are invested in the long term interests of the Island in line with States published policies. The aim being to balance capital preservation and investment growth.

4.31 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE USE OF INSECTICIDES:

Question

Given the importance of the good work done by honeybees and other bees, can the Minister outline his overall policy on insecticides and their effect on bees?

Given that beekeepers in Europe have called for a ban on the insecticides imidacloprid, fipronil, thiamethoxam, and clothianidin, can the Minister inform members whether these chemicals have been banned from sale and/or from use in Jersey?

When chemicals in general, and these in particular, have been banned from sale, what steps does the department take to destroy any stocks held around the Island?

Similarly, if a chemical has been banned from use, how is this enforced and what penalties would arise in a case of illegal use of such banned substances?

Do the same rules with regard to the professional use of agricultural chemicals apply to allotment and garden users?

Question

Given that beekeepers in Europe have called for a ban on the insecticides imidacloprid, fipronil, thiamethoxam, and clothianidin, can the Minister inform members whether these chemicals have been banned from sale and/or from use in Jersey?

Answer

All these insecticides can be sold and used in both the UK and Jersey, as these pesticides are still approved for use by the Chemicals Regulation Directorate, with the exception of Fipronil following the expiry of its UK approval in 2009.

Question

When chemicals in general and these in particular, have been banned from sale, what steps does the department take to destroy any stocks held around the Island?

Answer

The Agricultural Inspectorate, through pesticide records obtained through regular audits, can identify where a chemical is stored on a commercial holding. If a product is found which has been banned from sale, it may still be permitted to be used under the 'use up period', normally between 3 and 12 months. Once this has expired, any product remaining will be shipped back to the UK in accordance with the Waste Management (Jersey) Law 2005.

Question

Similarly, if a chemical has been banned from use, how is this enforced and what penalties would arise in a case of illegal use of such banned substances?

Answer

The Agricultural Inspectorate undertake regular audits of commercial pesticide stores, and monitor revocation notices and suppliers and growers are advised as to when a pesticide product is due to be banned (its revocation date). Once this date has expired, it is illegal to use the product. Anyone found to have applied a pesticide after this date will be in contravention of the Pesticides (Jersey) Law 1991 and shall be liable to a maximum penalty not exceeding £500 for failure to comply with any order under the Law.

Question

Do the same rules with regard to the professional use of agricultural chemicals apply to allotment and garden users?

Answer

Allotment and garden users cannot purchase or use professional agricultural chemicals unless they hold the appropriate City & Guilds NPTC pesticide qualification.

Notes

Insecticides

Imidacloprid is a commonly used soil product in Europe, but restricted to containerised and indoor ornamental bedding material (garden centres, herbaceous border plantings, and amenity turf including golf courses, plus fodder and sugar beet – some is used in Jersey.

Fipronil – UK approval expired in 2009 – not used in Jersey.

Thiamethoxam is approved for use in top fruit and potatoes, unlikely to be applied in commercial orchards in Jersey, as these are for cider apple production only so damage to skin finish of fruit by insects is not important.

Clothianidin is a seed treatment used on crops such as maize, durum wheat, triticale, winter oats, barley and rye.

Honeybees

The environmental concern regarding the use of these insecticides (neonicotinoids) is their potential role in Colony Collapse Disorder (CCD) where worker bees from a hive or colony abruptly disappear. As yet there is no evidence for CCD in Jersey. Varroa and American Foul Brood (AFB) are far more important threats to Jersey honeybees, as is the low level of husbandry identified during inspections by the National Bee Unit inspectors.

4.32 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COMPETENCE OF CIVIL SERVANTS:

Question

What action is available to the employer when a civil servant makes a serious error in an area of their professional competence (where “serious” means that the consequences are such that one would reasonably expect that person to have satisfied themselves rigorously with regard to that decision, or to those calculations, etc.?)

What action is available to the employer when a civil servant gives misleading or untrue information to their Minister, for example, in a draft answer to a Written Question, or as part of a Policy document?

Answer

If an investigation were to demonstrate that the facts of a case were as straightforward as the question suggests, then the civil servant in question would be liable to appropriate disciplinary action under the relevant disciplinary or capability procedure.

The process could involve suspension from duty pending an investigation, and, if the allegations were upheld in a disciplinary hearing, sanctions ranging from a formal or final written warning through to dismissal from the service.

Each case is dealt with strictly in accordance with its merits.

4.33 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING THE USE OF COINSULTANTS:

Question

Can the Minister explain to members the current rules regarding the use of consultants by States Departments, specifically the rules governing bias in overall approach, selection of evidence and arguments, and the writing of reports?

Answer

The engagement of external consultants is the subject of Financial Direction 5.1. This direction specifies when external consultants may be used, how they should be selected and engaged and how they should be managed. Consultants can be used when

- specialist skills are not available in-house; or
- departmental resources are fully committed for the required timescale (a situation which should not be allowed to arise with sufficient forward planning); or
- an independent opinion, advice or investigation is required

Departments control the consultancy which should be subject to an engagement brief which should clearly specify amongst other things

- the purpose of the engagement (including details of the background to the engagement and the final objectives to be met);
- the outcomes required and the potential for further supplementary work;
- requirements in terms of quality, public consultation, presentation to officers and/or members;
- the skill sets and resources necessary to complete the task;
- the criteria against which the performance of the consultant will be assessed on completion of the engagement.

The management process is undertaken by a responsible officer from the Department to ensure as far as possible that any opinions are well researched, balanced with the appropriate evidence and impartial.

[09:45]

5. Oral Questions

5.1 Deputy D.J.A. Wimberley of St. Mary of the Minister for Economic Development regarding reputational damage to Jersey's tax regime:

I think my confusion arose from the amazing circumstance of getting the wrong answer. My question is, can the Minister give Members an assessment of the reputational damage, if any, to Jersey and in particular to our export industries caused by the recent adverse publicity surrounding the tax affairs of a notable U.K. (United Kingdom) retailer, and the related use of a Jersey-based holding company?

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

Many individuals have their financial or commercial interests domiciled in Jersey. Indeed, this forms part of the bedrock of the Island's financial services sector and given the globally recognised strength of our regulatory regime it is unlikely that there is any immediate threat of reputational damage to the Island.

5.1.1 The Deputy of St. Mary:

The Minister takes refuge in the notion that the Jersey finance industry is well regulated. I do not have any doubt that it is well regulated but the reason that this gentleman is all over the newspapers, or certainly was before Christmas, is that people find it unsavoury that his wife gets vast dividends from his company which are free of tax.

The Bailiff:

Deputy, these are the personal tax affairs of people who are not before the Assembly. Can you just concentrate on matters of principle.

The Deputy of St. Mary:

I am setting out the context and I am going to ask the Minister to ...

The Bailiff:

No, not about the individual tax affairs of people who are not before the Assembly. You can ask about the principles which arise in that but not about a person's individual tax affairs.

The Deputy of St. Mary:

The context is extremely high notoriety and the question is what reputational damage has there been? I will put a specific question about what reputational damage might mean; maybe the Minister will come up with an answer. I know that Tourism looked at the experience of holiday makers in Jersey, when they depart, and quite rightly so, to see what would bring them back, but do they do research into the reasons for people coming and the possible reasons for them not coming?

Senator A.J.H. Maclean:

This seems to have strayed quite a way from the original but nevertheless we are talking about a tourism issue. Yes, we do extensive research as Members would expect. Clearly we need to know where our customers come from and, indeed, their experiences while on the Island so that the proposition can be refined and we improve the tourism offering as a whole.

5.1.2 Deputy G.P Southern:

Notwithstanding the presumed tax advantage given to this particular individual or any individual, what is the tax advantage - tax return - to Jersey produced by the presence of these Jersey-based holding companies? Does the Minister for Economic Development know and, if not, will he ask the Minister for Treasury and Resources?

Senator A.J.H. Maclean:

The Deputy is well aware of the strength of our financial services industry. As I have already said in my answer, this forms part of the bedrock of the finance industry. We get companies within the Island offering professional services, employing people and generating something to the tune of 65 per cent of our tax revenues. I would have thought this is fairly clear to the Deputy.

5.1.3 The Deputy of St. Mary:

I must say I am very disappointed with the Minister's overall approach to this. Can I just quote what the Deputy Prime Minister has said on the subject, which is what we are talking about, and this is from the BBC Isle of Man website: "Tax jurisdictions should not create perverse incentives to investors and so deprive exchequers of legitimate income." I am talking about risk to Jersey, and he continues: "We will continue to promote and defend the Crown Dependencies but only within

the context of wider moves within the E.U. (European Union) in order to make sure there is full transparency.” That is 16th December, and I just put it to the Minister, and I would ask him, whether or not he will take a more open approach to these threats, listen to them and try to ensure that our finance industry has a viable future? Would he care to comment?

Senator A.J.H. Maclean:

It is very interesting to hear the views of the Deputy Prime Minister of the United Kingdom, which I think the Deputy was referring to. I think I have laid out exactly what my views are and with my responsibilities as the Minister for Economic Development in Jersey. As far as the finance industry is concerned, I have every confidence in the way in which the finance industry operates and the value that it brings to the Island.

5.2. Deputy G.P. Southern of the Minister for Treasury and Resources regarding the new European Union Savings Tax Directive:

Will the Minister inform Members whether and when Jersey will co-operate on the European Union Savings Tax Directive and when Jersey will endorse the new European Union Savings Tax Directive which is designed to keep away the tax-evaded funds we say we do not want but for which by refusing to endorse the directive we provide facility?

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

Jersey signed up to the E.U. Savings Tax Directive when it was adopted by the E.U. in 2003 and has always complied fully with all the commitments made. So I presume the Deputy is referring to the fact that Jersey does not yet fully apply automatic exchange of information. During the so-called transitional period the E.U. agreed that Austria, Belgium and Luxembourg could allow investors to choose whether their information should be disclosed to their home country or whether tax should be withheld on the interest paid to them. Jersey was permitted to apply the same rules. This does not mean that we are not co-operating with the directive; we are applying the rules which the E.U. agreed would apply to Jersey. Jersey has already said that at the end of the transitional period we will, as required, move to automatic exchange of information. On the new directive I assume the Deputy is referring to proposed changes to the directive. These are intended to extend its scope to include payments to companies, trusts and to expand the type of payments that are subject to the directive. These changes were first proposed in 2008 and are some way off from being agreed. The E.U. Commission have advised us that they will not engage with Jersey until the revised directive is agreed by member states. The timing of this is, therefore, out of our control.

5.2.1 Deputy G.P. Southern:

Will the Minister inform Members when the transition period closes and will he explain why since he is so proud of the transparency achieved by the Island and its finance sector, why it still refuses to share information with other tax agencies?

Senator P.F.C. Ozouf:

I think those were 2 questions. The transitional periods were introduced because some Member States felt that their banking industries would be damaged if there was not a level playing field, in particular that they were concerned that if Switzerland, for example, did not sign up to the directive they could be put at a disadvantage. During the transitional period Austria and Luxembourg may apply withholding taxes instead of automatic exchanging of information. Belgium was included in this group but they have introduced automatic exchange from 1st January so there are a number of countries within Europe that still have a withholding issue, and that is the reason why Jersey remains committed to applying automatic exchange of information when there is a level playing field and when there is a compliance with all E.U. member states.

5.2.2 The Deputy of St. Mary:

The question is when. The Minister has not answered the original question. He has given us a lot of additional information. The question was about the transitional period and what time scale are we looking at?

Senator P.F.C. Ozouf:

The Island has committed to exchange automatic exchange of information on the trigger of all of the nation states within the E.U. having complied with the directive in terms of automatic exchange of whole as opposed to withholding. Deputy Southern is treating the matter with some humour, I think, and suggesting that indeed he wants timing. I am not the Minister for Finance of Luxembourg. I am not the Minister for Finance of any of the countries that he has got to decide to move towards automatic exchange of information. When the trigger is that other countries have, Jersey will comply.

5.2.3 Deputy M. Tadier of St. Brelade:

The Minister has told us about this remarkable idea that investors can choose whether or not they wish to have their tax affairs shared with their home countries. Can I ask the Minister what is the sense of this if we are signed up to avoid tax evasion, how this mechanism can work and what proportion does he estimate investors would choose to disclose information voluntarily and what would the benefit of that be?

Senator P.F.C. Ozouf:

I think that I am accused of not giving the answer but I have explained the answer. It is not in the Island's gift as to when other Member States comply. I should just remind Members that those clients who do not choose to have their information disclosed are subject to withholding taxes. That is currently 20 per cent. It is due to increase to 35 per cent in July of this year. These rates are high enough to deter most if not all tax evaders and there is a competitive issue that Jersey faces. Entities in the global community like Singapore do not apply such measures and we have to remain competitive on a level playing field. As far as the amounts are concerned, these are in the public domain. In 2009 we retained £8.9 million, however this is predicted to fall to £2.9 million in 2010 and £2.75 million in 2011.

[10:00]

5.2.4 Deputy G.P. Southern:

Does the Minister accept that his refusal to exchange information with other tax authorities does provide the potential for tax evasion?

Senator P.F.C. Ozouf:

No, I do not. On the one hand, we have to always argue for a level playing field. When there is a level playing across the E.U. we have already, in fact, agreed to put in place automatic exchange of information, and while there is not a level playing field we retain the right in order to withhold information but in order to put in place the withholding tax arrangements. When the E.U. nation states and the other related countries comply then Jersey will comply.

5.3 Connétable D.J. Murphy of Grouville of the Chief Minister regarding the cost of the new post in Brussels:

How many staff will be required for the new post in Brussels, what will Jersey's share of the cost be and will savings be made to compensate in the Chief Minister's Department?

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

The new Channel Islands Brussels office has been set up in partnership with Guernsey and funding will be shared equally between the 2 Islands. Each Island share will be in the order of £400,000 a

year. The Brussels office is being funded from existing E.U. budgets and other budgets for European matters. The current budgets - and they have been in place for several years - have been used to fund professional support on a contractual and *ad hoc* basis. The Islands will now have a permanent office of 3 staff dedicated to furthering the interest of Jersey and Guernsey in the E.U. and around Europe.

The Connétable of Grouville:

I seemed to have missed the collective gasp of astonishment when he mentioned £400,000, after that I missed his remarks on where the money was coming from.

Senator T.A. Le Sueur:

I said that the money came from existing budgets. We have for some years been using contracted work and *ad hoc* advisers on a needs basis and the cost has been as much or greater in the past than it is now. There is no additional cost involved whatsoever.

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

Could the Chief Minister identify how much money was spent on *ad hoc* advisers? As I understand it, there were a couple of good lawyers who were employed on such a basis and, secondly, would he not acknowledge that it was totally impolitic and a symptom of how things are out of control that in the same breath as the announcement was made, an announcement was made ...

The Bailiff:

That sounds like a completely separate question, Deputy. You can confine yourself to one topic, so you have asked the first question.

Senator T.A. Le Sueur:

The spending on this I can certainly ascertain for the Deputy but, as I said in my answer, it has been as much or greater than the current cost that is envisaged. As well as the professional legal advice that we spoke of, there are also communication consultants in a number of countries which have now been discontinued.

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

The question I note says: "How many staff will be required?" and I do not think I heard that in the answer.

Senator T.A. Le Sueur:

I did indicate that there were 3 staff.

5.3.3 The Deputy of St. Mary:

Can the Chief Minister inform Members of the selection process for the person heading up this office?

Senator T.A. Le Sueur:

Certainly. The positions were advertised openly, the application process was transparent and it was overseen by the Jersey Appointments Commission.

5.3.4 Deputy G.P. Southern:

Can the Chief Minister inform Members whether the funding for these particular posts is in addition to the additional £400,000 for marketing and promotion of Jersey through Jersey Finance or otherwise?

Senator T.A. Le Sueur:

No. As I have already indicated, this money comes out of the existing Chief Minister's Department's budgets. It is just being spent in a better way.

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

Is the Assistant Chief Minister currently off-Island to do with off-Island affairs or is he off-Island for other reasons and also will the Minister confirm ...

The Bailiff:

That is nothing to do with this question.

The Deputy of St. John:

It may very well have something ... He may be in Brussels. [Laughter] We need that confirmed by the Minister.

The Bailiff:

That is a good try, Deputy.

The Deputy of St. John:

Will he confirm that he is on business in Brussels?

Senator T.A. Le Sueur:

The Assistant Minister is not in Brussels. He is in London.

5.3.6 Senator J.L. Perchard:

Could the Chief Minister outline the role and function of the new Brussels office and will he confirm that some of its work will be to put at rest or put right some of the misinformation that leaves this Island?

Senator T.A. Le Sueur:

Yes, the Brussels office is intended to spearhead a ... increase the awareness of the true facts about Jersey and Guernsey in the E.U. and that is going to be quite a considerable task to be undertaken. I am very pleased with the calibre of staff that have been appointed to lead this operation and I believe that they will only enhance the reputation of Jersey throughout the European Union.

5.3.7 The Connétable of Grouville:

Since the £400,000 budget has been found from the budget referring to *ad hoc* advice taken in the past, can we now assume that we are not going to need *ad hoc* advice any longer?

Senator T.A. Le Sueur:

Yes, indeed.

5.4 Deputy M. Tadier of the Minister for Economic Development regarding the Zero/Ten tax policy:

Does the Minister agree that the uncertainty surrounding the future of the Zero/Ten tax policy is potentially harmful for Jersey's business interests following clear statements from the E.U. and the U.K. Treasury that it must be changed, and if so, what pressure, if any, is he putting on the Minister for Treasury and Resources to introduce a long term viable alternative?

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

Jersey Finance, the industry and credible experts fully support the current handling of matters related to the Island's corporate tax regime. The Council of Ministers fully supports the Minister for Treasury and Resources in his handling of this complex matter. The greatest risk to Jersey's

business interests to local jobs and to our tax revenues is, in fact, coming from a small minority of individuals who continually raise this issue and use every opportunity to attack our finance industry.

5.4.1 Deputy M. Tadier:

I am glad that the Minister has come out with that fairly predictable but probably slightly reactionary statement. Does he, first of all, agree that it is not the place of Jersey Finance to dictate what elected parliamentarians in Jersey may or may not ask and dictate what they perceive as negative when, in fact, they are simply questions which need to be asked in any democratic society? I will leave it there and maybe have a supplementary.

Senator A.J.H. Maclean:

Jersey Finance represents the finance industry. They have extensive membership throughout the finance industry and, as such, their views are representative of what the industry as a whole thinks about this matter, and I think that was made perfectly clear in my answer.

5.4.2 Deputy G.P. Southern:

Can the Minister inform Members why he chose not to attend any of the information sessions - the lecture - by Richard Murphy in the recent weeks and what was he doing that was so important that he avoided it?

Senator A.J.H. Maclean:

The Deputy will, I assume, be well aware that experts from the local finance industry have, indeed, engaged with Mr. Murphy in the past. Unfortunately, that individual, who I believe is a chartered accountant from the U.K., is not prepared to listen to other views, and on that basis it has been decided that engagement was going to show no benefits whatsoever.

5.4.3 Deputy G.P. Southern:

Can the Minister confirm who is not listening, is it Richard Murphy or is it him?

Senator A.J.H. Maclean:

No answer for that.

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

I just ask the Minister would he not agree that the real danger to the ordinary people of Jersey is by a group of Ministers who just refuse to listen to any alternative argument? In fact, I would say, does he agree that people like him are the enemy within?

Senator A.J.H. Maclean:

No.

5.4.5 Deputy M. Tadier:

First of all, it was a very good meeting that was organised and what was particularly useful, and we are appreciative as politicians, is that we got to talk to individual members of Jersey Finance on the table and when you hear comments like: "I would not tell my clients to bother setting up a company in Jersey" it is very different from what one is hearing from the likes of the Director of Jersey Finance. My question was about Zero/Ten and the handling of it. Does the Minister agree that, in fact, we have not had any meaningful leadership from the Minister for Treasury and Resources on this and that, in fact, he has fully admitted that the Council of Ministers and advisers do not know what to do about Zero/Ten, so the Jersey Finance is perhaps being more polite and loyal rather than saying that they endorse the current directionless state of the Council of Ministers?

Senator A.J.H. Maclean:

I am not sure the Deputy is listening. I made it quite clear that as far as the industry is concerned, as far as the Council of Ministers is concerned, we are supportive - fully supportive - of the position that the Minister for Treasury and Resources has taken on this complex matter, and we continue to be exactly that. I have nothing further to add.

5.5 The Deputy of St. John of the Minister for Home Affairs regarding the disposal of a container full of fireworks:

Following the disposal by the bomb disposal team in 2010 of a container full of fireworks, which had been stored in St. John since 2007, would the Minister advise whether the department notified both the owner and the importer of the disposal and whether the Home Affairs Department accepts any responsibility for the situation and has given any consideration to reimbursing the owner who is out of pocket by £50,000?

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

The Home Affairs Department's initial goal through the Fire and Rescue Service was merely the licensing of the initial importation of fireworks and the Home Affairs Department does not accept any liability for the overall situation. I am going to adopt the terminology of the questioner by referring to the owner and importer although, in fact, we were never clear as to who was the owner of the fireworks once they got to Jersey. The department wrote to the owner on 16th April 2009, 24th April 2009, 20th May 2009, 31st July 2009 and finally on 20th January 2010 advising the intention to destroy the fireworks. The owner replied to the first letter. The department wrote to the importer on 16th April 2009 and then on 20th January 2010 advising the intention to destroy the fireworks. The importer replied on 9th February 2010 that he was happy for this to happen. The fireworks concerned consisted of 125,000 rockets which weighed approximately 5 and three-quarter tonnes and were effectively abandoned on the site in the container. The owner of the site was very patient but clearly wanted the fireworks to be moved and there was no other suitable available site. The decision was, therefore, made by the Minister to intervene on public safety grounds. In order to avoid possible air safety and site pollution issues, the destruction had to take place in batches under controlled conditions.

5.5.1 The Deputy of St. John:

Is the Minister aware that it was his department or his officers from within his department, the Fire Service, who 2 hours prior to the pyrotechnics arriving on Island changed the goal posts from the pyrotechnics being stored at St. Ouen and having to be found another site, i.e. in St. John, at the time?

Senator B.I. Le Marquand:

I am not aware of the precise circumstances in which it changed. My recollection, such as it is, is that there was a safety reason why they could not be stored where they were initially going to be stored but this has had absolutely no effect on the way things have gone because, in fact, they were stored elsewhere for approximately 3 years.

5.5.2 The Deputy of St. John:

Is the Minister aware that certificates were issued from the Fire Service, other departments, and a Bailiff's certificate or Bailiff permit for the importation of these fireworks and, therefore, action taken from within his department and other departments have caused the importer and owner to be out of pocket by the action taken by his department?

Senator B.I. Le Marquand:

I totally disagree with that.

[10:15]

5.6 Deputy M.R. Higgins of St. Helier of the Minister for Economic Development regarding the loss of local trade to non-resident labour:

What active steps, if any, is the Minister taking to prevent companies and individuals who do not pay any Jersey tax or employ any Jersey workers coming to the Island to trade thereby taking business and work away from Jersey residents?

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

Before granting a Regulation of Undertakings and Development licence that results in immigration into the Island, it needs to be proven that compelling benefits to Jersey will arise. This decision is taken after due consideration by the Population Office and the Migration Advisory Group and only after financial and local employment benefits as well as the interest of consumers are fully considered. These policies are designed to support the best interests of the Island as a whole. For example, many new businesses bring local employment and new choice to consumers and, of course, this is to be welcomed.

5.6.1 Deputy M.R. Higgins:

The Minister did not really answer the question. I would like to know what active steps he is taking to deal with certain types of people who are coming to the Island, whether it be white-van men coming in on Condor at the beginning of the week and going at the end of the week who are doing construction work in the Island and taking business away from local construction people, or even professional advisers who are coming in, operating from hotel rooms and giving consultations for the weekend.

Senator A.J.H. Maclean:

Specifically on those points we have put additional resource to check on vans coming off the ferries from the U.K. to ensure that those arriving in the Island are or do have appropriate licensing in place in order to allow them to come here. With regard to a certain number of small businesses that provide services over a weekend - for example, smoking cessation is one that springs to mind and there has been a recent jewellery case - those businesses will find it a lot more difficult under the new law, which will be shortly lodged, which will help to improve... adding charges and other mechanisms to make sure that these types of activities are minimized.

5.6.2 Deputy M.R. Higgins:

Can I just follow up on that? Has the Minister's department given any licences to some of these consultants coming in giving these weekend services?

Senator A.J.H. Maclean:

No, indeed if somebody is coming and is outside of immigration, if indeed someone is coming in for a weekend there is very little under the current law that we can do to prevent them from so doing. Under the new law however there will be more provisions which will give more protection. I think that hopefully will answer the Deputy's question. That law should be lodged within a matter of weeks for debate before the summer recess.

5.6.3 Deputy G.P. Southern:

The Minister said he had already put in additional resource to check on incoming white vans, can he state exactly what that resource was in the light of the fact that customs and immigration are currently running 3 staff undermanned?

Senator A.J.H. Maclean:

In the form of an individual, so that individual could check periodically vans, vehicles approaching and coming into the Island to ensure that the activities they are going to undertake were indeed legitimate.

5.6.4 Deputy G.P. Southern:

Can the Minister supply Members with details of how many shifts he has done down at the docks in order to check on those white vans please?

Senator A.J.H. Maclean:

I can certainly supply details to the Deputy and circulate them very happily to Members to give them an indication as to the level - or in many cases not - of abuse of the system.

5.6.5 The Deputy of St. John:

Given that certain criteria has to be complied with within the Island, could the Minister confirm that when they are checking these vehicles that the employees have social security cards or are registered with social security, and also that these vehicles, if they are trading on the Island or working within the Island, should be carrying Jersey number plates? Are those things checked out?

Senator A.J.H. Maclean:

If an individual comes for a limited period of time neither social security nor the other item the Deputy mentions is relevant. Somebody can indeed come and provide a service over a weekend and is not subject to the issues that the Deputy is referring to.

5.6.6 Deputy M.R. Higgins:

I do wonder how many firms are going to go out of business. Can the Minister tell us whether he has law drafting time allocated and the likely time frame? Are we talking about one year or 2 years before this happens and, again, does he have any estimate of how many businesses are threatened by this and could go out of business?

Senator A.J.H. Maclean:

I think the Deputy is seeking to sensationalise the issue. There are not large numbers that he is referring to but with regard to the other part of his question, the law is almost ready for lodging. I would anticipate it would be lodged in a matter of weeks for debate, certainly before the summer as I understand it.

5.7 Deputy T.M. Pitman of the Minister for Home Affairs regarding anti-social misuse of cars and motorbikes at the Albert Quay:

It is nice to ask someone different about this. In view of earlier concerns about anti-social misuse of cars and motorbikes at the Albert Quay and in light of the unwillingness of Economic Development to put a barrier system in place, would the Minister advise whether or not the police are able to prosecute individuals caught on film by residents while carrying out acts of an anti-social nature?

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

States of Jersey Police are committed to delivering in effect a consistent level of service in tackling residents' concerns in this area of St. Helier and they have worked with the harbour authorities and local residents to this end and continue so to do. They will collect evidence from any available source to assist in investigating complaints of behaviour which may be in breach of the law, and where sufficient evidence exists then offenders will be reported and referred to the prosecution authorities which is, of course, initially a Centenier who makes the decision as to whether or not to prosecute. The admissible evidence at trial in any individual case is ultimately a matter for the trial

judge but there is nothing in principle preventing photographic or electronic images from being admitted as evidence.

5.7.1 Deputy T.M. Pitman:

I thank the Minister for that. As I have at last got some positive feedback from residents, could the Minister advise whether if this positive step forward does not continue he would be willing to support a change in the Statutory Nuisances (Jersey) Law 1999 to finally put an end to all of this?

Senator B.I. Le Marquand:

I do not think the Statutory Nuisances Law will particularly help here. Presumably this would be noise nuisance that would be looked at. I think that is a separate issue. In fact, interestingly enough the police when they spent a whole evening or somebody spent a whole evening on the site observed that the largest level of noise was coming from vehicles coming on and off the ramp and also from hire cars which were in the vicinity, so there are considerable sources of noise unfortunately in that area.

5.7.2 Deputy T.M. Pitman:

I have to say the hire cars do not put their ghetto blasters on and honk their horns but basically I would like to ask if the Minister would pass on the positive feedback from some of the residents that this new police chief finally seems to have done something after what they feel, and I feel, was complete indifference over the last 18 months with his predecessor, so if the Minister could pass that on, I would appreciate it.

Senator B.I. Le Marquand:

I must say I am very grateful for that comment and will pass that on.

5.8 Deputy F.J. Hill of St. Martin of the Chief Minister regarding Jersey Human Rights training:

Further to responses given on 2nd February 2010, will the Chief Minister inform Members of the advice and training now given to the newly appointed States employees on the Jersey Human Rights Law, what refresher training is given to existing staff and whether a human rights working group has been re-established to raise awareness of the Jersey Human Rights Law?

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

No specific training is given to newly appointed staff under Jersey Human Rights Law. When people are appointed to posts that carry responsibility or enacting the principles enshrined in that law, their competence and suitability to carry out that responsibility and behave in an appropriate way will be tested during the recruitment process. For existing employees, the application of the civil servant competency framework ensures the staff are aware of the need to act with integrity and to treat colleagues, users of the services and members of the public fairly, equally and with respect as part of their normal career development plan. Before establishing a working party to look at any issue, including staff awareness, there would need to be a compelling reason to do so. I am not aware of any significant human rights issues in Jersey that require such action at the present time.

5.8.1 The Deputy of St. Martin:

It is very much the answer I did expect and have had the similar answer for the past 2 years. Could I just ask the Chief Minister, he says there are no concerns. How does he measure that? In what way can he make that statement: "No concerns about any human rights or lack of human rights awareness"?

Senator T.A. Le Sueur:

I can merely say that no such concerns have been brought to my attention or, as far as I know, the attention of the department concerned.

5.8.2 The Deputy of St. Martin:

Last year we were informed that a booklet and video, that had been produced as a training aid, for ongoing management training is provided, but today we have heard that there is no training being provided today. Can the Chief Minister reconcile the answers from last year to the answer from this year, why no training is being given?

Senator T.A. Le Sueur:

I said that, for existing employees, the competency framework and the normal career development plans, which will include a variety of things, are maintained. I said there was no specific training under human rights aspects because there has been no evidence of any compelling reason to focus on that particular section.

5.8.3 The Deputy of St. Martin:

Yes. Again, last year the Deputy Chief Minister gave an assurance to the House that he would be meeting and discussing the possibility of setting up a working party to organise training, *et cetera*. Can the Chief Minister inform Members when that meeting took place for them to make this decision that it was not necessary to re-establish a working group?

Senator T.A. Le Sueur:

As I said in my original answer, before setting up any working party, there would need to be some compelling reason to do so. Neither I nor the Deputy Chief Minister have seen or been presented with any compelling reason to do so, so far.

5.9 Deputy P.V.F. Le Claire of St. Helier of the Minister for Health and Social Services regarding cancer statistics:

Can the Minister set out the current statistics for people diagnosed with cancer in Jersey, stating whether there is a prevalence in any specific age group or for particular cancers when compared to the United Kingdom or France and advise whether Jersey residents are subject to any greater risks of developing cancer due to the geology of Jersey or being situated near to nuclear power stations in France?

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

This is quite a detailed question and I will try to be as succinct as possible. The statistics for incidence of new cancers in Jersey are contained within the regular reports published for both Jersey and Guernsey by the U.K. South West Cancer Intelligence Service. The latest report is April 2010 which covers a 3-year period from 2005 to 2007. The overall incidence of cancer in Jersey is approximately 10 per cent higher than the southwest of England but death rates from cancer are, however, lower in Jersey than the U.K. Our consultant haematologist has actively looked at radiation-linked cancers including childhood leukaemias over the past 18 years. He is satisfied that Jersey does not have an excess of this type of radiation-related cancer. Radon gas arising from geological faults in granite rock formations is radioactive but this type of radiation released from radon only penetrates 1 mm or less into the skin with a poor penetration in respect to the tissues of the lung. While radon gas is recognised as a potential cause of lung cancer, the view from the General Hospital is that any theoretical effect of radon gas upon lung cancer rates is comparatively overshadowed by the effect of cigarette smoking and initiating cancers. Jersey is not unique in respect of radon exposure as similar situations exist within granite-bearing areas of the U.K. including the southwest of England. I am very happy to give Deputy Le Claire the U.K. South West Cancer Intelligence Service report as well as any other Members.

Deputy P.V.F. Le Claire:

Thank you, Minister, for the comprehensive reply and I will gratefully accept the report.

5.9.1 Deputy R.G. Le Hérissier:

I wonder if the Minister could explain further why the rates in Jersey are 10 per cent more than the comparable rates in the south or southwest of England.

The Deputy of Trinity:

The increase of cancer may not mean that this particular cancer is a problem or any particular cancer is a problem in Jersey. It is likely to be because of the cancers that have been picked up by screening, testing and increased awareness. The Cancer Registry reports over the last few years have shown that in Jersey most cancers are picked up at an earlier age than the southwest, which obviously is good news. To get a better picture, these rates should be looked at alongside our death rates, and Jersey's death rate from cancer is 155 per 100,000. In England, it is 176 per 100,000.

[10:30]

5.9.2 The Deputy of St. Martin:

Just a follow-on from the 10 per cent rise or higher proportion in Jersey. Could that also be equated to prostate cancer and has the Minister considered introducing free prostate testing for all men possibly over the age of 40?

The Deputy of Trinity:

I know this is a particular concern of the Deputy, but the prostate-specific antigen sometimes gives very false negatives and the National Screening Committee have not come out with any particular firm rules about that, but the situation is always being looked at. Again, it is raising the awareness and I understand a lot of work is being done and will continue to be done.

5.9.3 The Deputy of St. John:

I wonder if the Minister would be kind enough to forward a written copy of the answer she has given to Members, given recently my panel interviewed the M.O.H (Medical Officer of Health) - and unfortunately she has been ill since - on issues to do with radon and the like. Any information that she may have gleaned since would be very useful for any report we may bring in the future. Thank you.

The Deputy of Trinity:

Yes, and I am very happy to give to you the South West England intelligence report.

5.9.4 The Deputy of St. Mary:

A couple of points I would like the Minister to clarify. The first is that these surveys done by the Intelligence Unit, do they go down as far as looking at the geographical incidence within Jersey, because obviously radon varies from place to place a lot, depending on the underlying rock? The second thing is that I noticed that she said that there was a 10 per cent higher incidence in Jersey than the southwest and then she gave figures for fatalities, comparing Jersey to England. I wonder why that was so or whether that was a mistake in the translation.

The Deputy of Trinity:

Those are the figures that I have and it is important that you look at it in perspective. I am unaware of how great depth that they do go down on the levels, but if the Deputy wants to ask me a specific question and email it to me, I will look into it.

The Bailiff:

Final question then, Deputy Le Claire?

Deputy P.V.F. Le Claire:

No, thank you, Sir.

5.10 Deputy R.G. Le Hérissier of the Chief Minister regarding the appointments process for the Assistant Minister responsible for External Relations:

Will the Chief Minister outline the appointments process that was undertaken in appointing an Assistant Minister responsible for external relations and would he outline how the incumbent will manage 2 very large workloads?

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

Yes, the appointment of Assistant Ministers is clearly set out in Article 25 of the States of Jersey Law. This gives total discretion to any Minister, subject to the approval of the Chief Minister, to appoint whomever he or she thinks is best suited for the post of Assistant Minister in their department. The nature of that post may well change over time and hence there is an ability to remove and replace Assistant Ministers in order to best satisfy current needs. In the case of the Chief Minister's Department, the Ministry of Justice response to a Select Committee report on the future relationship between the Ministry of Justice and the Crown Dependencies highlighted a need for Jersey to have a much greater focus on external relations. I considered how this could best be achieved quickly and suitably and concluded that, in the short term, the best option was to utilise one of the posts of Assistant Minister in my department to focus on this role. I did consider asking one of the 2 existing Assistant Ministers to carry out that role, but felt that, in view of the potential importance, it was vital to have the most suitable person for that position. I have no doubt that Senator Cohen is the best person for the job. I have discussed with Senator Cohen his ability to cope with 2 very different work roles and I am satisfied that he can indeed do so. With the appointment of a further Assistant Minister for Planning, who I am sure will also be fully committed in his role, I am satisfied that the workload is being fully addressed.

5.10.1 Deputy R.G. Le Hérissier:

Would the Chief Minister not acknowledge, notwithstanding his prerogative of appointing such a person, that it would have been advisable to have discussed all the consequential and parallel issues with the Council of Ministers and would he not further acknowledge for a person to hold 2 vast portfolios (albeit with some delegation) that are so disparate will send a very strange message to people?

Senator T.A. Le Sueur:

Yes, I did indeed discuss the issue with the Council of Ministers and we agreed in the short term this was a pragmatic solution. As to the impression or otherwise that people might gain, I believe, as I said, the person concerned was the best person for the job. On that basis, I believe that he deserves the confidence not only of this House but of the public generally.

5.10.2 The Deputy of St. John:

Can the Minister confirm then that given that the best person in his view has been chosen, that continuity in office is very important and, in doing so, when he interviewed the appointee, did he confirm that the appointee would be still around next year after the general election and is he standing for office?

Senator T.A. Le Sueur:

I cannot predict the outcomes of elections, but I did, as I say, appoint Senator Cohen on effectively a short-term basis pending further consideration, which I have already indicated to Members, about the creation of a separate Ministerial portfolio for this task. So, irrespective of whether the Senator

remains in office next year or not, this was a pragmatic, short-term solution, which I believe is in the interests of the Island.

5.10.3 Deputy T.M. Pitman:

I am just not quite clear what special qualities Senator Cohen has, and that is no disrespect to Senator Cohen. Could the Chief Minister outline that a bit further? Does he speak several languages? Has he got connections in North Korea or in Bosnia? How does it work and where is the Minister for Foreign Affairs now? Does the Chief Minister know?

Senator T.A. Le Sueur:

I do not believe that North Korea or Bosnia features high on our list of immediate priorities. We are more concerned with the relationship with the U.K. and the E.U. where the Assistant Minister, I believe, has very good contacts. He is at the moment somewhere, I think, between London and the airport, on his way back to the Island, having had a meeting yesterday with influential U.K. M.P.s (Members of Parliament).

5.10.4 Deputy R.G. Le Hérissier:

First of all, can the Chief Minister again confirm that the matter of the appointment was discussed at a fully minuted meeting of the Council of Ministers and secondly, could he say whether the criteria of knowing a sufficient number of M.P.s was a satisfactory criteria for appointment to this position?

Senator T.A. Le Sueur:

Awareness of the number of M.P.s. is not the sole criteria, but that is an important criteria and certainly very much relevant. It was discussed with the Council of Ministers and every meeting of the Council of Ministers is fully minuted and the States Greffe takes pride in the quality of their minutes, and so do I.

5.11 Deputy S. Pitman of St. Helier of the Minister for Treasury and Resources regarding contingency plans should there be a 'double-dip' recession in the U.K.:

Given renewed fears of a double-dip recession in the U.K., will the Minister advise what contingency plans, if any, he has in place should this also prove the case in Jersey? Further still, given the cuts already planned for public services, will he urgently look at progressive taxation measures for those individuals on high incomes above £100,000 and extracting tax from businesses currently contributing nothing to the economy?

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

Although the G.D.P. (Gross Domestic Product) figures from the U.K. last week were weaker than expected, they certainly do not indicate a double-dip recession is likely in the United Kingdom. They do, however, highlight the fragile nature of the recovery but double-dip recession is not indicated by the central forecast for the U.K. or for the Jersey economy. In fact, the latest forecasts we have from the F.P.P. (Fiscal Policy Panel) is that the Jersey economy will grow in the region of 1 per cent this year. However, I would say that in the event that economic conditions were to deteriorate further, then I would of course seek advice from the F.P.P. as to whether further action over and above that action which we took last year with fiscal stimulus is merited and, if so, the extent and nature of it. Given the very strong position of our public finances, as a result partly of the sensible and responsible decision taken by the Assembly last year, we, unlike other jurisdictions, do have flexibility, if the circumstances were to prevail, to undertake further policy measures to support the economy. On the higher rate of tax point, I have ruled this higher rate of tax out. I reiterate my strong and settled view that the 20 per cent rate of tax is the cornerstone of our post-Occupation economic success. The Deputy questions about business contributing nothing

to the economy. Frankly, I find this surprising and somewhat insulting. It ignores the crucial role in businesses providing employment and economic growth to Jersey. This too has been debated in this place at length. There are reasons that some of our biggest taxpayers, banks and trust companies and funds administrators have presence here and employ significant numbers of staff and pay significantly in the Island. We must not lose the sight of the fact that although they pay no direct tax on their profits, their presence here contributes significantly to the tax revenues of the Island. So I committed in the budget debate to bring forward proposals to increase fees and taxes, however, by some of these companies in 2011, and I will do so in a timely manner based upon proper research and the outcome of any of the Code Group assessment.

5.11.1 Deputy S. Pitman:

May I just correct the Minister? I said “some businesses” and not “all businesses”. From his answer, I would presume the Minister supports the statement that Geoff Cook made at the recent Oscar-winning performance of Jersey Finance that Jersey is now out of recession.

Senator P.F.C. Ozouf:

I do not think that sarcasm helps in terms of a proper political debate, so I agree with the Chief Executive of Jersey Finance and indeed the evidence backed up by the Business Tendency Survey, which we have now seen for a couple of quarters of increased confidence in our financial services sector. That is a result of the confidence that finance firms have in Jersey, the handling of the economic crisis, the handling of issues of Zero/Ten, and I am confident that the Minister for Economic Development and all his team, including Jersey Finance, are going to do everything possible to position Jersey to take as much of the possible upturn in the economic recovery when it happens and I extend those comments to the non-financial services industry too.

5.11.2 Deputy M.R. Higgins:

The Minister just said a few moments ago that the Fiscal Policy Panel gave a forecast for economic growth this year of 1 per cent. Can I ask what additional information he has that makes him believe that that figure is achievable, bearing in mind the cuts that he is pursuing under phase one C.S.R. (Comprehensive Spending Review) have not yet started and the banking sector will not recover until interest rates in the U.K. rise?

Senator P.F.C. Ozouf:

The economic forecast for the economy, which was published and confirmed by the F.P.P., is based upon considerable amounts of empirical research carried out by the Economics Unit and the Statistics Unit ...

Deputy M.R. Higgins:

When was it taken?

Senator P.F.C. Ozouf:

... and then overall verified.

Deputy M.R. Higgins:

When was it taken?

Senator P.F.C. Ozouf:

I am not going to be interrupted. The Deputy questions the consequences of the C.S.R. I would remind the Deputy that this year - and this has been criticised - we are withdrawing £12 million worth of spending from States limits. The full £65 million is designed to be achieved over 3 years. That is designed and timed in order to coincide with the economic recovery. It may be the case that interest rates may not return to previous levels for longer than expected. Frankly, that reinforces all of the measures that this Assembly has taken for a responsible approach to public finances.

5.11.3 Deputy M.R. Higgins:

The Minister did not answer the question. I asked him what additional information he has from the time of the Fiscal Policy Panel report which was many, many months ago, that leads him to believe that we will still retain the 1 per cent growth.

Senator P.F.C. Ozouf:

It was not many months ago. The Fiscal Policy Panel produced their annual report in advance of the budget debate. I recall that that was probably in the third or fourth week of November if not the first week of December. That was the latest available information. Of course we are constantly assessing global trends, forecasts for interest rates and we will provide, in the normal timetable of publications and statistics, updates of financial forecasts for the economy for tax revenues throughout the year.

5.11.4 Deputy G.P. Southern:

The Minister once again is selective with his use of statistics. Will the Minister agree that despite his positive outlook, he says, from the finance sector - for example, construction confidence through the floor, retail sector confidence through the floor, and across-the-board employment figures and future employment predictions the worst ever for the last 12 months - is it not the fact that there is no evidence that we will not remain in recession, the recovery is not here? Has he got any hard evidence that the recovery is present yet?

[10:45]

Senator P.F.C. Ozouf:

In relation to the construction industry, certainly there has been a fall-off in confidence, and I think that very much is because the fact that the fiscal stimulus money, which was certainly assisting the economy and particularly the construction industry, is now being withdrawn. However, I am responding to the construction industry lack of confidence by positive and proactive discussions with departments, including the Minister for Housing, and responding to the issue that Deputy Green raised, for example finding a solution for Pomme d'Or Farm. If we can bring forward capital spending earlier than anticipated, that will help the construction industry. I would say that everything that I have said in relation to C.S.R., yes, there are difficult decisions about spending reductions that are required and yes, that is a requirement of trimming back jobs in the public sector, but we will compensate those job reductions by creating jobs in the private sector and E.D. (Economic Development) is doing a good job in creating the positions to do that.

5.11.5 Deputy G.P. Southern:

If I may, a supplementary. The Minister talked about funding for house building and house repairs. Is it not the case that he has cut the capital spend from the Housing Department for exactly that purpose and to pretend otherwise is to mislead the House?

Senator P.F.C. Ozouf:

I am not misleading the House at all. The fiscal stimulus package last year put additional £4 million, I believe, in terms of maintenance, and indeed we paid for the Le Squez refurbishment. There is certainly some discussion, going forward, with the housing programme and, yes, because of higher priorities of Health and Social Services, some money previously allocated for housing is going to health. That means monies in the construction industry are over and above; I am trying to find other solutions for finding some of the solutions for housing, which is going to boost construction.

5.11.6 Deputy A.E. Jeune:

I would ask the Minister would he not agree that the presentation given to Members last Friday by the Jersey Finance Limited, that the industry in fact openly endorsed the work of the Chief Executive of Jersey Finance and his team? Thank you.

Senator P.F.C. Ozouf:

I thought the briefing for Members and to politicians for Jersey Finance was very useful. There was an interesting dialogue. I think one of the points that I got from the members of the industry that I spoke to was the importance of not being complacent. There is a competitive world. There are 42 centres such as Jersey competing for the legitimate work of international finance and we need to constantly raise our game, put the right legislation in place and compete. I think we are doing a good job in positioning Jersey to take as much of the upturn as possible, but it requires consistency, it requires investment by this Assembly and hard work by all the members in the financial services industry.

5.11.7 Deputy M. Tadier:

The Minister seemed to say 2 things which were mutually exclusive earlier and perhaps he can clarify. On the one hand, he was saying that the C.S.R. was predicated on a 3-year period so that it was timed deliberately so that we would be coming out of recession. Then, a moment later, he said: "But even if we are still in recession in 3 years' time, even better." So could the Minister explain the logic in that and how that makes sense?

Senator P.F.C. Ozouf:

I think I was very clear, that I believe that the States needs to trim back on expenditure but needs to do so over a realistic timetable for preparing departments for the difficult and necessary changes in budget reductions. I would also remind the Deputy that the C.S.R. is not just about cutting spending. It is also about modernising, revitalising the public sector, making it more responsive, providing better service but also providing this Assembly the opportunity to reallocate resources to higher-priority areas. All departments, all organisations need to continue to raise productivity and do the same for less. That releases money for other political priorities for this Assembly to respond to health or education requirements in the longer term. That is responsible government, not the irresponsible approach of just putting our head in the sand and saying everything can remain the same.

5.12 Deputy A.K.F. Green of St. Helier of the Minister for Transport and Technical Services regarding the removal of the charity scrap metal skip at the Bellozanne recycling site:

Could the Minister advise the Assembly whether the removal of the charity scrap metal skip at the Bellozanne recycling site is a temporary arrangement and, if so, why and when it is to be reinstated? If not, could the Minister explain why the facility has been removed?

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

The non-ferrous metal skip which generates proceeds for charity is still in place at the Bellozanne facility and there have been no recent changes to the operation of this service.

5.12.1 Deputy A.K.F. Green:

Recently I asked the question at the site and was told that it had been removed to provide a container for asbestos, but if this is incorrect, then I am quite happy with that answer.

The Connétable of St. Brelade:

What has changed, which may have generated some confusion, is the removal of the reuse facility which allows site users to deposit and remove reusable items. This is a temporary arrangement and, as indicated, the receptacle was needed for other uses. It was initially set up as a trial on-site

and has proved very popular. As well as being reinstated as soon as possible, options are being considered to expand the service in the development for future plans on the site. In fact, the system is used in Guernsey and called a scavenging site. It would not be a great advantage to the economy of the Island, but it does circulate a lot of the rubbish that people dispose of - or perhaps treasure in other people's views - and it goes back for reuse later, so we will be bringing it back as soon as possible.

5.12.2 Deputy A.K.F. Green:

Would the Minister have to hand the amount raised per annum by the sale of the scrap metal from the charity?

The Connétable of St. Brelade:

No, but I can certainly let the Deputy have that later.

5.12.3 The Deputy of St. John:

Recently we have seen in the media comments by officers from within the Minister's department re the drop-off centres. They are complaining about the rubbish being left around there and possibly having to close these at certain times. Will the Minister not be looking at closing them but policing them if need be and extending the opening hours of these and extending the number of these drop-off centres if at all possible, given the Island have signed up to recycling? Thank you.

The Connétable of St. Brelade:

Yes, I am very enthusiastic to develop the bring-bank concept and we have certainly created lots more throughout the Island over the last year. There are issues of fly-tipping, which clearly are not pleasant for those living in the locality and we are keen to deter that, but obviously one has to monitor the situation. If there is a demand for increased bins we will provide them, but there is a balance. Policing is quite onerous from a resource point of view, so we would like to rely on the public to dispose of their recyclables in a sensible sort of manner.

5.13 Deputy M. Tadier of the Minister for Housing regarding plans to build 4 new homes on green areas in Les Quennevais Park and Le Clos des Sables:

Does the Minister support the plans submitted by Jersey Property Holdings to build 4 new homes on green areas in Le Quennevais Park and Le Clos des Sables, and how does he envisage this will impact on current parking issues on the estate?

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

I think this issue has its origins in the sale of a small triangular piece of land to a householder in Clos des Sables and an investigation by Property Holdings into the replacement of the leases on some flats with flying freeholds. I am disappointed that this question is the first I should hear about this, unless I have missed something, and to develop more homes on land which is not only owned by the public but also in my own Parish. I am therefore grateful to Deputy Tadier for raising the matter. I am now aware that Property Holdings have been discussing with the Planning Department the potential for a small number - 4 in this case - of new homes to be developed on these sites. I am told that discussions have not advanced beyond the concept stage and while there is a site plan identifying plots that I have now seen, no feasibility study has been undertaken or detailed designs commissioned.

5.13.1 Deputy M. Tadier:

It was not my understanding that it was related to the plot of grass that I think wedges between 107 and 108 at Clos des Sables, but irrespective of that, will the Minister join me to set up a meeting with Jersey Property Holdings with utmost urgency so that we can really identify issues which are

both important to the Island and to our district, as it happens, so that we can find a way forward which will satisfy the residents in the area who are clearly and have been for many years due to political neglect in the Parish suffering because of a lack of adequate parking and other facilities.

Deputy S. Power:

I would be careful when the Deputy uses the words political neglect in the Parish because I doubt whether I would agree with that, the Constable would agree with that or Deputy Jeune would agree with that. However, and I will finish the answer to the question, I am very willing to discuss with the Deputy and the Constable and any other political representative of the Parish any development of any homes in the Clos des Sables or Les Quennevais area as long as the homes are affordable.

5.13.2 The Connétable of St. Brelade:

I would join the Minister in refuting the Deputy's allegation of political neglect. The Deputy is well aware... he has attended several meetings on the matter and I am not sure what his motives are in raising this matter in the States, but there is considerable progress to be made with regard ...

The Bailiff:

You are coming to your question to the Minister?

The Connétable of St. Brelade:

Yes. With regard to the sale of property, and I would ask the Minister, would he agree with me that the sale of housing property to flying freehold or disposable to the public sector, would he agree that it is a matter in his mind?

Deputy S. Power:

There are 2 parts to that. The first part of the answer is that any discussions with Property Holdings in any development of any areas of land in the Parish in the Les Quennevais area, I am very happy to go to any meeting. With regard to the question of flying freeholds on one particular area where there are 3 blocks of flats. I attended many, many meetings both in 2010 and 2009 with Deputy Le Fondré and the matter is still not resolved. The leases are running down from a 99-year lease to about 51, 52 years now. The matter does need to be addressed but it is a matter that has to be resolved at some future date.

5.13.3 Deputy A.E. Jeune:

I think it would be remiss of me if I did not stand up and support my other colleagues in saying I think that Deputy Tadier has got it wrong when he says there has been political neglect. However, having said that, would the Minister agree that we are better to do backfill in terms of building houses rather than on green zone?

Deputy S. Power:

I think the Deputy means infill rather than backfill. Backfill would be a JCB. I am willing to consider anything that allows affordable housing in the Les Quennevais and La Moye areas. If Property Holdings come up with a scheme and they present it to the Constable and the 3 Deputies in the Parish and it is for anything other than affordable housing I will not support it. There are 4 sites identified in this particular scheme, which is at its infancy stages. It has to go through a series of hoops and jumps to get to the next stage. I am only interested in any disposal or planning application that will fill the lease sites as long as it produces houses that people can afford to live in or buy or build.

5.13.4 Deputy M. Tadier:

I should clarify that was not meant as a slight on my colleagues. The problems in this area have been going on for decades, and when I say a "political problem" I see it is - and this is where the next question will be going - to do with a lack of control that the Parish has over many of the areas

in the Parish because they are simply not owned by T.T.S. (Transport and Technical Services) or by the Parish itself, but simply by Property Holdings who always claim that they do not have any money. So, will the Minister again - and I am sure he will - undertake to work very closely with myself and with the Constable as well to sort out these issues and to try and find a solution which will be beneficial both to Property Holdings, his department and to the residents of that area?

Deputy S. Power:

I will be very willing to work with Deputy Tadier, the Constable and Deputy Jeune in any issue to do with housing in the Parish and in any areas that he has identified in terms of some things that have gone on for long periods of time. Personally there are issues within the Parish that do cost money that need to be fixed but I am always willing, as I am sure the Constable is, as is Deputy Jeune, to resolve these matters and I would say that this might have been easier to resolve with a phone call rather than an oral question.

5.14 The Deputy of St. John of the Chairman of the Comité des Connétables regarding the new standardised rates form for all the Island Parishes:

The question will be answered, I understand, by the Vice-Chair. Further to the introduction of the new standardised rate forms for all the Island Parishes, would the Chairman explain where in the country Parishes we find “streets”, why there appear to be mistakes on the form sent to households when the Parishes hold up-to-date records or files on every property, and would he inform Members whether this is a precursor to an all-Island rate, and if so give details?

[11:00]

Connétable J.L.S. Gallichan of Trinity (Vice-Chairman of the Comité des Connétables - rapporteur):

As you realise, there are 3 questions here and I will answer them in rotation. A standardised rates form has been used by all the Parishes for many years. So far as I am aware there is no reference to “street” in the annual returns which have recently been sent out to owners of land. However, all annual returns show correspondence address of the owner and the address of the land owned by that person. As the word “rue” can be translated to street it follows that all Parishes will have roads which can be described as streets, for example, Rue de la Mare Ballam, St. John. **[Laughter]** Secondly, the annual returns sent for 2011 contain for the first time a summary of attributes of domestic property. This information previously declared to the Parishes, and while every effort has been made to ensure accuracy of the data, there have been some examples of other areas in the data originally returned to their Parish, or entered on the rates system. The 2011 annual returns provide an opportunity for owners to correct and update where required the information held. On the third question, there is already an Island-wide rate which is set for domestic and non-domestic property and collected by the Parishes on behalf of the States. There are no plans for any other Island-wide rate.

5.14.1 The Deputy of St. John:

Can I correct the Minister, sorry the assistant chairman or vice-chair? I see on the form “off-street parking”, that is what it says. I see on every one of my properties which I have a number across the Island from every Parish, they are all well declared, you can see them in the Members’ register. I see that there is the same error on every one, right across the board. This is a universal form which is not compatible, and will the vice-chair confirm that this was passed by the Committee of Constables before being sent out, and were all 12 Constables happy with something that could go out with such errors on. They give you the types of properties, apartments, bungalows, detached or bedsitters, garage, linked, *et cetera*, semi-detached, it does not mention a house which is 2-storeys and every one of them misses out the point, number of floors. On every one of them it has got zero, and it if is a house you have got one more than one floor. So, there are a lot of errors on this form,

and is the Committee of Connétables happy that they are sending out misleading information to the public?

The Connétable of Trinity:

There is not really a great deal of answer to that question. I think the Deputy might employ someone to do his forms for him. Could I just say, I would just like to point out to the Deputy this is a new form that has been sent out with attributes. In some Parishes off-street parking, as you should know in St. Helier, is part of an attribute. I do not understand where the Deputy is coming from. Off-street parking is a legitimate attribute to the people who live in St. Helier. I would say if you talk to the parishioners in St. Helier parking has become a nightmare, so off-street parking I would have thought was a great attribute. As for many mistakes, if the Deputy will consider that 30,000 annual returns have been sent out by the staff of the Parishes to some 54,000 separate pieces of land maybe he could then realise it is possible maybe to get the occasional mistake, but the idea of the form is for the owner of that property to rectify the mistakes. Once that is rectified, next year we will have a new system and hopefully the following year in 2012, the Deputy will have a form with his numerous properties, which I know he owns, all correctly laid out and all he will have to do is sign his name at the bottom of that form saying all these attributes are correct.

5.14.2 The Deputy of St. John:

On a point of order, will the chairman accept that this has been produced as one-form-fits-all and is unacceptable?

The Connétable of Trinity:

The Deputy has his views. I have a different one.

5.14.3 Senator P.F.C. Ozouf:

Would the vice-chairman take the opportunity of thanking the dozens of rates assessors throughout the Parishes that carry out their work on a volunteer basis [**Approbation**] and the efficiency of the rates collection system?

The Connétable of Trinity:

With pleasure, I will do that.

5.14.4 The Deputy of St. John:

As a former Chairman of rates assessors [**Laughter**] and sat on the Island Ratings Committee over and above the Parish Committee, I would not be at all happy if I had to send this out to my parishioners if I was still that chairman. Will the chairman agree to talk it over with the rates assessors?

The Connétable of Trinity:

It seems that the Deputy is deciding I need a promotion. I am quite happy with the job I have got at the moment. No, I disagree with the Deputy. I am afraid this is one we will not agree on today.

5.15 Deputy M.R. Higgins of the Minister for Social Security regarding the scale of the unemployment problem in Jersey for those aged under 25:

Will the Minister advise Members of the scale of the under-25 unemployment problem in Jersey and explain what steps, if any, he and his colleagues are taking to ensure that they do not become a lost generation in terms of employment?

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

Three hundred and ninety one people aged between 16 and 24 were registered with my department as actively seeking work as at the end of December. Considerable effort is being made to assist

young people in getting jobs. I am working closely with my colleagues on the Skills Executive and the business community representatives who sit on the Skills Board to address this issue. As Members are aware much fiscal stimulus funding has already been put to very good use to provide an 'Advance to Work' scheme specifically aimed at 16 to 19 year-olds and to provide extra support to Careers Jersey and the employment support services based at Social Security. I have also secured additional funding for 2011 to further expand the employment services offered directly by the department. This project will focus heavily on younger adults, dealing specifically with job seekers aged under-25. Young people aged over 19 can also benefit from the new advance to WorkPlus which was started last year and has already run very successful courses on jobs in administration and retail.

5.15.1 Deputy M.R. Higgins:

Following through, I noted from the written answer that he gave to Deputy Southern that 123 local people found permanent employment through the scheme. Can I ask what has happened to the other 168 and also whether he agrees or has the same confidence that the Minister for Treasury and Resources has that the jobs that are going to be lost in the public sector are going to be made up by new jobs created in the private sector, bearing in mind that wage freezes or depressed wages and depressed spending and higher food and energy prices are likely to be acting counter to growth in jobs?

Deputy I.J. Gorst:

Quite a number of questions there. Those individuals that find work we are pleased for and obviously they move into the employment market. Some individuals within the Advance to Work scheme then find training opportunities with further employers and try out different opportunities perhaps. Some, of course, finish and they are now working directly either with the department or with private agencies to find work as well, one of the reasons why I am putting extra money into my department to allow that work to be much more intensive and to help people to move into work if there are other barriers. The Deputy then went on to ask me about job creation. I am sure he realises that it is not the remit of my department to create jobs but it is the remit of the Economic Development Department to ensure that jobs are created and that there are no barriers to growth or that we as a Government minimise those barriers to growth and encourage jobs creation. Having said that, the Economic Development Department is responsible for the Regulation of Undertakings and Development Law. My Assistant Minister is involved in a very forceful way in the issuing of those licences and ensures that that responsibility of the Economic Development Department works in tandem with my department and those that we have as actively seeking work.

5.15.2 Senator J.L. Perchard:

The Minister spoke about fiscal stimulus funding directed in the area of unemployment and Advance to Work scheme, Skills Executive and Careers Jersey, but does he share my view that the educational system is failing many students who do not go on to university education? I say "failing them" because I have the view that they do not adequately prepare many children for life outside school and the workplace, and will he, along with the Minister for Education, Sport and Culture, undertake a study to establish if there is any statistical link between the unemployment of individuals under the age of 25 and any particular secondary school?

Deputy I.J. Gorst:

I do understand what the questioner was trying to get at. I think if he were to direct that at the Minister for Education, Sport and Culture he would have received a very robust defence of a piece of work that he is doing around vocational courses. In another role I am a governor at one of our secondary schools and we have introduced vocational courses because we recognise that there is an issue here, that the current education, while it is excellently targeted at those of an academic nature, is not so well targeted of those who require something more vocational. The Minister for

Education, Sport and Culture is bringing forward a new approach to vocational education. We will be seeing that rolled-out later. Some schools are already doing that and that is a step in the right direction. I am not certain that we will want to get to the point of victimising particular individuals emanating from certain schools, but what we want to do is much more positive and ensure that those individuals that need a vocational approach are allowed to do that and allowed to perhaps step back from a more academic approach and access their full potential in the work place going forward in a way that they do not currently do.

5.15.3 Senator J.L. Perchard:

Just a supplementary, just to correct the Minister, I made no mention of victimisation of any individual; just holding schools to account for their performance. I know the Minister for Education, Sport and Culture has historically defended the position of not holding schools to account. I think perhaps it is time we did.

The Bailiff:

Senator, your question is ...?

Senator J.L. Perchard:

Does the Minister for Social Security agree?

Deputy I.J. Gorst:

Ministers do not always agree. I do understand why the Minister for Education, Sport and Culture has the current view with regard to league tables for secondary schools, and I think that the school that I am a governor of would concur with that particular view, because it is not just the results at the end of the day, it is what we consider to be value added. A catchment area for a particular school will ultimately - whether we like it or not, unless we deal with the social issues in that catchment area - invariably result in a particular level of attainment. That is why we need to look at this vocational approach to ensure that we are taking those individuals perhaps who have suffered disadvantages in their community ensuring that during the time that they are at school they are enabled to overcome those disadvantages and take their place as productive and full members of our community.

5.15.4 Deputy M. Tadier:

Will the Minister confirm that unemployed Jersey youths are able to claim job seekers allowance even if they have never paid a single penny into the system while many who have paid many quarters of contributions but have been here less than 5 years get absolutely nothing and does the Minister think this is equitable?

Deputy I.J. Gorst:

Unfortunately there in that question we had the confusion between tax funded benefits and contributory-based benefits. Individuals who are contributing into the social security fund after 6 months can be entitled to benefits from that fund. That, of course, has got nothing to do with income support. Income support is a tax funded benefit. We do not have something called a job seekers allowance; we have personal components within income support. The questioner is right saying that those individuals coming out of school can be entitled to an adult component of income support, which is just over £90 - nothing to do with contributions. Therefore, the premise of that question is incorrect.

5.15.5 Deputy M. Tadier:

If I can come back, would the Minister agree that the individuals who may be entitled to these benefits or may not be entitled to these benefits have little concern for semantics, and quite clearly somebody who has never paid into the system, whether or not it is a contributory system and who does gain money, even by another name, and somebody who may have been working here 4 years

very hard gets made unemployed who does not get any access to money? That is not much solace to them. Therefore, I ask again does the equity - at least the perceived equity - is that a valid position?

[11:15]

Deputy I.J. Gorst:

The eligibility to tax funded benefits does not require one to have paid tax during one's life. One is eligible because of one's income levels or because of one's time of residency upon the Island within the community. That is a decision taken by this Assembly. It is a decision which the week before I said I fully supported.

5.15.6 Deputy G.P. Southern:

Does the Minister have any evidence that the drop in unemployment figures in December of last year was not simply the result of temporary jobs in retail fulfilment at the Post Office and that 2011 will be the year of job growth?

Deputy I.J. Gorst:

As I have been saying for the last 2 years, it is not appropriate to draw conclusions from one month's figures. I am pleased that we saw a reduction in December. I suspect that some of that reduction was, as the questioner hinted at, due to temporary Christmas employment. It would be totally inappropriate to draw a conclusion from one month's figures and I will not do so.

5.15.7 Deputy T.M. Pitman:

It follows on a little from Senator Perchard's question. Is the Minister aware of any research or evidence from his own department, in line with evidence that I received, that part of the problem for young people in this age group not having work is that there is now a reduced opportunity due to our predecessors really undermining other industries and where they have only got finance which many young people are unsuitable for or do not want because they are not fulfilling and can he work with his other colleagues to rectify this at all?

Deputy I.J. Gorst:

We seem to be touching on every department this morning. Thank you for your leniency. [Laughter]

The Bailiff:

The question was what you were going to do about it. [Laughter]

Deputy I.J. Gorst:

This is quite a complicated area. There is no doubt that we need to have a diversified economy and again the Minister for Economic Development is working on those issues, for one of the reasons that we want a diversified economy is to create opportunities for those who have interests across the employment spectrum. Of course, one of the difficulties that we face if we take the finance industry is that it requires more and more trained and skilled individuals, whereas in the past perhaps it was easier for a 16 year-old or an 18 year-old to leave school and to go into finance. That has become more difficult as finance has become more skilled. It has had to meet more international standards, and that has all been appropriate but it has created difficulties in that area. These are the very reasons that I am putting extra money into employment support within my department to ensure that those individuals that have barriers to finding employment; it might be the quality of their C.V. (curriculum vitae), it might be their appearance when they turn up at interview, it might be about self-confidence and motivation, so these issues need to be addressed as the first barrier to getting into work and I have put money to address those issues.

The Bailiff:

Deputy Higgins, do you wish to ask a final question?

5.15.8 Deputy M.R. Higgins:

Yes, thank you, Sir. It is related to the last one. It is sufficiently different. I think the Minister can give an answer. I would like to know what analysis the Minister has undertaken into the causes of the hard core or long-term unemployment for the under-25s and for others and what are the conclusions of this analysis and what does he see as the solutions?

Deputy I.J. Gorst:

I think I have in my opening question answered what I see as the solutions. The solutions are what is being brought forward now by the Skills Executive and the Skills Board. We are creating new courses. We are creating opportunities to overcome those barriers. We are not alone in struggling with youth unemployment. That does not mean that we should not tackle it and it does not mean that we have not tackled it. We are tackling it and we will continue to tackle it. It is, as I have said, the reason that I have put extra money into that particular area of helping people find work because it is crucially important. I - I suspect like the questioner - do not want to see individuals suffering unemployment in the medium and longer term. We must do all that we can. I am doing that. We are aware of the issues that the questioner has raised and I hope that he will support us in the work and the funding that we are providing.

5.16 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the proposed territorial business tax:

Will the Minister inform Members whether in any scheme for a territorial business tax the 17,000-plus foreign-owned companies currently subject to the zero tax rate will have to declare to the Jersey authorities in which jurisdictions their business is conducted and profits arise and, if so, will Jersey then share this tax information with other jurisdictions in an open and accountable manner to avoid potential double-taxation or tax evasion?

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

It is premature to speculate about the detailed design of any alternative company tax regime when the assessment process and our own process in relation to Zero/Ten has not yet concluded. So, I would remind the Deputy that territorial tax was one of the options that was contained in the Treasury business tax consultation paper last year. Territorial tax systems exist in various forms throughout the world. There is, however, no one single format and as with most decisions there are trade-offs, in other words, advantages and disadvantages. However, the principle of territorial tax is that only profits earned in that territory are taxed there, as such activities carried out elsewhere are not relevant and so a tax authority would not normally seek their disclosure. Whether Jersey seeks to introduce such disclosure if it brings in a new tax regime will depend on whether an international standard were to exist. One does not currently exist. On sharing information Jersey is fully committed to the principle of exchange of information, as rehearsed earlier, and is continuing to expand its network of tax information exchange agreements. These are based on the international standard of exchanging information on request. We also exchange information with the E.U. member states under the E.U. Savings Tax Directive. There is no international standard on global automatic exchange which is I think what is at the heart of the Deputy's question.

5.16.1 Deputy G.P. Southern:

Will the Minister explain to Members how under such a scheme the authorities in Jersey must surely be able to state clearly that certain amount of profits were made elsewhere and to know therefore where else where is if it is to only establish that only this amount of profit is made here and is thereby taxable to Jersey? Otherwise, we risk the possibility of double-taxation or of tax evasion.

Senator P.F.C. Ozouf:

Of course, in the event that a territorial system of tax were to be introduced there would need to be analysis of the source of that profit in terms of checking and verifying the tax payable. Indeed I have studied the issue of territorial tax. When I was in Hong Kong last year I organised specific briefings in relation to territorial tax so that I could understand it. I am not a tax expert but I certainly want to understand the high level issues around it and, indeed, it remains an option and that is why it was in the consultation paper. However, I would just reiterate that we need to understand what the problems are with Zero/Ten before we consider any change.

5.16.2 Deputy G.P. Southern:

Since the Minister is prone to consulting on tax options and then picking his favourite, will he say of the options he has available and is consulting on for the initiation of business tax following Zero/Ten, which is his favourite?

Senator P.F.C. Ozouf:

I do not think that politics should be based on the basis of favourites. It is based upon good analysis and good advice. First of all, I need to remind the Deputy that alternative forms of corporate tax remain the second option after we have concluded the process of Zero/Ten. We understand that the process with Zero/Ten is the issue of deemed distribution and deemed dividend and how it relates to Zero/Ten and that is the issue which has risen concern. If that is the concern on Zero/Ten we will respond to that. If there is another eventual global standard in relation to other matters or E.U. matters that we need to take account of we would look at something else. Clearly territorial remains an option and it is the option that Guernsey is looking at.

5.16.3 Deputy G.P. Southern:

A supplementary, if I may, Sir, on his answer? Does the Minister then not accept that the U.K. authorities and the E.U. authorities have deemed Zero/Ten harmful practice and that the U.K. authorities are instructed to request us to remove those harmful practices?

Senator P.F.C. Ozouf:

The issue, which I have repeated many times in this Assembly, but I will repeat again, is that all of the commission papers and documentation document the concern of Zero/Ten as being the interaction between deemed distribution, deemed dividend and Zero/Ten regime. If that is the issue then we will respond to that, but I would remind the Deputy that there has been no formal assessment of Zero/Ten. That process is underway, it has been pushed up to the high level working party. They are looking at the issue of the scope of the code. They are due to report back within the Hungarian presidency by the end of June, and we will respond as and when we know what those responses are and I would remind the Deputy finally that we voluntarily comply with the code.

5.17 The Deputy of St. Martin of the Chief Minister regarding the withdrawal of part (d) of the Terms of Reference for the Napier Report:

I hope it is fifth time lucky. Following the Chief Minister's written answers on 18th January 2011, will he advise the actual date Mr. Napier was instructed to withdraw part (d) of the terms of reference and given the affidavit's significance to the suspension of the former Chief Police Officer explain why neither he nor the Deputy of St. Martin who were supposed to have oversight of the review were not consulted before the decision was taken?

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

In my answer to a previous question I had already provided Members with the dates when Mr. Napier visited the Island to arrange the final commission for his review into the suspension of the previous Chief Officer of Police and to conduct interviews with witnesses. The Deputy Chief

Executive Officer who was overseeing this piece of work did meet with Mr. Napier on 9th April 2010 and believes it was at that meeting that he and Mr. Napier discussed the relevance of retaining paragraph (d) as Mr. Power had indicated that he wished to participate in the review process. It was at this time that the final administrative arrangements were being made for Mr. Napier to conduct his interviews. Mr. Napier has also confirmed that he cannot remember the date precisely either. In the answer I provided to the Deputy of St. Martin on 18th January 2011, in answer to part (c) and part (d), of his question I advised that Mr. Napier had confirmed that when the removal of paragraph (d) of the terms of reference were discussed it did not seem important as it would not be necessary to rely only on the affidavit since it had become clear that Mr. Power was willing to talk to him. It was not a matter where instruction was necessary. I am totally satisfied that as Mr. Napier had full access to the affidavit, which he referred to in his final report and at the interview with Mr. Power, the removal of this section was not significant. It was therefore not necessary for this change to be referred to either myself or the Deputy of St. Martin.

5.17.1 The Deputy of St. Martin:

I gather then for the first time we have an answer that the Deputy Chief Executive Officer and Mr. Napier agreed that part (d) would be removed on 9th April. Will the Chief Minister inform Members whether in actual fact that information was given to the Council of Ministers when they met on 10th April that part (d) had been removed?

Senator T.A. Le Sueur:

I do not think it was ever agreed it would be removed. It was agreed it would not be necessary and I made that clear in my answer.

5.17.2 The Deputy of St. Martin:

Will the Chief Minister agree that part (d) had been removed because it was not in the Napier report?

Senator T.A. Le Sueur:

I agree, and I said in my response to a question 2 weeks ago that paragraph (d) had been omitted due to a typographical error but it made no difference because it was not necessary.

5.17.3 The Deputy of St. Martin:

I am afraid the Chief Minister is not understanding the question. The question is will the Chief Minister accept that the Council of Ministers were not informed when they met on 10th April that part (d) had been removed from the terms of reference?

Senator T.A. Le Sueur:

On 10th April to the best of my knowledge part (d) had not been removed at that stage. It was not discussed because it was not relevant.

[11:30]

5.17.4 Deputy R.G. Le Hérissier:

Could the Chief Minister identify what were the issues that required submission to himself and the Deputy of St. Martin in order that the review could proceed with the necessary consultation?

Senator T.A. Le Sueur:

That is perhaps an area which with hindsight was left fairly grey. I understood oversight of the review to really mean to be advised of the progress of the review in its ongoing stages. It did not occur to me that it related to the administrative arrangements of setting up the review because that struck me as being a totally irrelevant and unnecessary activity for either of us to undertake.

5.17.5 Deputy R.G. Le Hérissier:

Just to follow up, admittedly a lot of people feel obviously there is a lot of nit-picking going on but would the Chief Minister not accept that terms of reference are much more than an administrative matter? They go to the very core of any study, how you frame your terms of reference.

Senator T.A. Le Sueur:

I quite agree with the Deputy, but there was no indication or no suggestion that the requirements of part (d) of the terms of reference as originally envisaged would not be delivered when Mr. Power had already indicated that he was willing to talk and willing to provide the affidavit.

5.17.6 The Deputy of St. Mary:

The Chief Minister has just said that there was no requirement for part (d) because the then Chief Officer of Police had agreed to co-operate with the inquiry. Can the Chief Minister expand on that? How did it become clear at the meeting on 9th April that Mr. Power would be willing to talk with Mr. Napier; who made that clear?

Senator T.A. Le Sueur:

I was not present at the meeting on 9th April, so I am unable to answer that question.

5.17.7 Deputy M. Tadier:

Does the Minister agree that while it was, in his opinion, not necessary to keep part (d) of the terms of reference it was equally not necessary to remove it, and it would have caused a lot less trouble had it simply been kept in? Does he also agree that in fact it was on that basis which many States Members I believe decided against a Committee of Inquiry rather than in favour of this particular review? Does he therefore feel like he has misled some States Members on that basis?

Senator T.A. Le Sueur:

No, I think in the question the Deputy may have been confused about the date on which we debated the setting up of the Committee of Inquiry rather than a review of this nature. It was not my opinion that part (d) was not necessary, it was the opinion of Mr. Napier himself. I repeat the omission was not relevant. It was an oversight in a printed document but it makes no difference whatsoever to the outcome of the report because Mr. Napier had all the information. Whether that was specifically mentioned in the terms of reference or not it would have made no difference whatsoever to the outcome or the content of the report.

5.17.8 Deputy M. Tadier:

I would say that is a qualified statement, that is the opinion of the Chief Minister, it is not an objective fact, but does he agree that the terms of reference were agreed by this House, not by anybody else, and therefore if one of those terms was to be removed it should have been the decision of the House or at least those who were overseeing the review to be consulted first.

Senator T.A. Le Sueur:

That is again a matter of opinion, but I take the point of Deputy Le Hérisier that what is important is that the terms of reference are clearly understood by all parties concerned. Whether they are put down in writing or verbally or any other way they were agreed by this House and quite rightly they were undertaken, accepted and acknowledged by Mr. Napier when he produced his report. That to me is the practical outcome of the situation, whether the terms of reference were stated in a report, which I subsequently gave to the House, which had no particular significance, other than being a position paper.

5.17.9 Deputy M.R. Higgins:

Does the Chief Minister not accept that the repeated questions on the Napier inquiry are because of his lack of openness and transparency, not only in his actions but also in the answers that he keeps

on putting back to this House? Until he does come clean he is going to be asked and asked and asked and the House will spend more hours on this topic.

Senator T.A. Le Sueur:

I cannot come any cleaner than I have been over the last 3 or 4 months in answering questions on this topic, questions received by a handful of people who seem to believe that there is something peculiar to hide in this. Mr. Napier has made it quite clear himself that he had all the information that he required. He was given all access to anything he did require and his report was published and produced in a totally open and transparent way, irrespective of what actual terms of reference may have been presented in a report I presented to the House in April, where I have already admitted there was a typographical error and paragraph (d) was accidentally omitted.

5.17.10 The Deputy of St. Martin:

I agree with Deputy Higgins. I think the answers have not been satisfactory today, but will the Chief Minister accept that the fact that part (d) was removed effectively meant that a number of witnesses who were mentioned in the affidavit were not questioned? That was the effect of removing part (d). So, in other words, Mr. Napier was under no obligation to follow through all the concerns raised in the affidavit. Will the Minister not agree?

Senator T.A. Le Sueur:

No, I would not agree. The affidavit was available to Mr. Napier and he referred to it in his report. It is a matter of his choice who he chooses to interview. Having read the affidavit himself, if he felt it was relevant to interview those people I am sure he would have asked to do so, but he did not, I understand, feel it was relevant and in the circumstances I stand by his judgment.

5.18 Deputy T.M. Pitman of the Minister for Transport and Technical Services regarding charges for short-term parking in Patriotic Street car park for out patients at the Hospital:

I know the Minister appreciates it is not a personal criticism as his department only manages this facility. Does the Minister consider that it is appropriate that patients or family members needing to transport patients undergoing day treatment for illnesses, such as cancer or other serious conditions, should be charged for the privilege of short-term parking in Kensington Place car park, particularly as those undertaking such trips help alleviate the burden on patient transport from the health service?

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

I presume when the Deputy refers to Kensington Place he means Patriotic Street car park. The hospital parking in the basement of Patriotic Street car park is administered and policed by my department on behalf of the Health and Social Services Department. The income generated from this parking is returned to Health and Social Services to support the funding of their service, and the decision whether to charge or not would be in the gift of that department.

5.18.1 Deputy T.M. Pitman:

Could I just ask the Minister, and I thank him for his answer, could he just clarify how many spaces this entails and what amount of money that would be lost if this were to be made free for those people, purely for the short-term visits?

The Connétable of St. Brelade:

I am afraid I cannot give that information now because I did not have notice, but I am certainly happy to provide that to the Deputy as soon as I have got it.

The Bailiff:

Very well. That concludes that question. Deputy Le Claire I think has indicated that he is withdrawing question number 19.

Deputy P.V.F. Le Claire:

Yes, but I would like a question without notice of the Minister for Treasury and Resources if you catch my eyes.

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

The Bailiff:

Very well. That concludes questions on notice. So, we now come to questions to Ministers without notice and the first period is to the Minister for Treasury and Resources. Deputy Le Claire?

6.1 Deputy P.V.F. Le Claire:

Since 2005 the States of Jersey has spent over £5.5 million on compost and green waste for a net revenue production of £300,000 worth of compost. Does the Minister view this as good value for money?

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

The public provides subsidy for a number of waste disposal operations- black bag waste, green waste. I am not immediately sighted on the numbers for composting but certainly it is something that I am happy to look at in conjunction with the Minister for Transport and Technical Services. It may well be that - and I am not suggesting this is a policy change - we do need to look at some sort of charging mechanism as a disincentive or a way of cost recovering certain waste streaming, but that is certainly my initial reaction to the numbers. I am not immediately sighted to it but I will certainly carry out some research with the Minister for Transport and Technical Services.

6.2 Senator B.E. Shenton:

D'Auvergne and Hautlieu School were fairly recent major projects by the States. Is there any truth that the roofs or part of the roofs have had to be replaced already, and if so who is picking up the bill?

Senator P.F.C. Ozouf:

I understand that in both school cases there were some dislodged slates as a result of the high winds late last year and there has been scaffolding put at d'Auvergne School and Hautlieu and in fact, in both of those cases I understand that there has been the original scaffolding... that the original roofing contractor has been contacted. D'Auvergne School has rectified the matter and there are ongoing discussions in relation to Hautlieu School. If there is anything in terms of liability for the States, I undertake to talk to my Assistant Minister, the Constable of St. Peter, and keep the Senator informed of any costs for the States.

6.3 Senator F. du H. Le Gresley:

In his written reply to question 27 the Minister commits, as he did in the 2011 budget debate, to bring forward proposals to increase the I.S.E. (International Services Entity) fees paid by some of these companies during 2011. Can I assume from that statement, therefore, that this will be a separate proposition to the budget debate and, if not, why not?

Senator P.F.C. Ozouf:

Normally the practice is that all budget matters are considered at the time of the budget debate. Certainly some of the fees which the Senator is referring to are within the purview of the Minister for Economic Development. Some of them may be at Treasury. Certainly I would propose to deal

with them all at the time of the budget debate but certainly I reinforce what I said in the budget debate and that is that we are going to be looking at all of the I.S.E. fees and where we can lift fees without the Island becoming uncompetitive for the benefit of public revenues we will do so. I will consult with the Minister for Economic Development with the industry on that basis in the coming months.

6.3.1 Senator F. du H. Le Gresley:

A supplementary on that one. The Minister will recall that during the budget debate I brought an amendment on I.S.E. fees and I was told categorically that the industry had already been advised of the increases and, therefore, it was not permissible to increase them at the budget debate. So what is the point of bringing them in the budget debate?

Senator P.F.C. Ozouf:

I think an important issue is that there was certainty; the budget debate is published well in advance. Indeed that gives the likelihood, while being in no way presumptive, that the budget measures proposed by the Minister for Treasury are going to pass. It is more likely than not that probably they are going to pass. In terms of the timing, the timing is going to help us this year because the budget debate, because of the timing of the election, is much earlier. The budget debate will be held, I think I recall, at the first or second week of November, which will give the time in order to make those. The budget debate last year... that was simply not possible. Bringing it earlier means that I think we can make these decisions but if I need to bring it forward I will do so.

6.4 Senator A. Breckon:

As the Minister has shareholder responsibility for Jersey Post, does he support further competition and does he believe we need to maintain for the people of Jersey basic postal services under the Universal Service Obligation?

Senator P.F.C. Ozouf:

That is a very important question and the subject of some discussions that I am holding currently with the management of Jersey Post. There is a clear separation of duties between my good friend, the Minister for Economic Development, and myself. He is ultimately responsible for regulation, even though there is an independent regulator, but has powers in terms of regulatory matters to bring forward to this Assembly. I certainly am concerned and I am alerted to the issue of the widening of competition within the postal market and the potential consequences to the Universal Service Obligation. At the same time we have to be realistic that it is a dramatically changing world in terms of reduction of the letter market. There are changes that postal services around the world are having to make. At the end of the day, competition does drive innovation. It drives a value for money ethos. But I think there is a debate to be had about the extent to which the market is further liberalised. I am going to be holding discussions with the Minister for Economic Development. My job is certainly to support Jersey Post in relation to this issue and I will do so vigorously.

6.5 Senator J.L. Perchard:

Many Members agree on the importance of delivering public sector savings in our effort to keep taxes low and maintain our competitive position. Will the Minister please give an update on how we are doing in the C.S.R. process and is he confident he will be able to deliver the agreed C.S.R. proposed savings?

The Bailiff:

A concise answer please, Minister.

Senator P.F.C. Ozouf:

I am confident that we will deliver the C.S.R. objective of £65 million. There is considerable work of monitoring and assisting departments in going through the C.S.R. process. Perhaps it would be appropriate rather than spending time now, to provide some sort of written update for Members in relation to how I see the C.S.R. process evolving and what is going to be done when over the next few months. But I do have a high level of confidence and I am going to help Ministers deliver their own individual targets as is appropriate.

[11:45]

6.5.1 Senator J.L. Perchard:

The Minister mentioned it may be appropriate. I suggest it would be appropriate and will he provide a written update for Members?

Senator P.F.C. Ozouf:

I will do so. I will discuss with the Chief Minister exactly what we are going to do in terms of communications in relation to that matter.

6.6 Deputy G.P. Southern:

The answer to written question 27, which was published earlier today, reveals that the 17,600 foreign-owned non-financial service companies which used to be exempt companies used to pay £14.6 million in fees and charges and currently only contribute £6.2 million to revenues. Will the Minister commit himself to restoring the £14.6 million, at the very least, of fees and charges from these companies that he used to receive and can he explain why the fees and charges on these companies have been so vastly reduced in the past 2 years?

Senator P.F.C. Ozouf:

The Deputy is as well as I am aware of all of the debates that we had in relation to the need to change our tax system to move to Zero/Ten to dealing with the exempt company regime. As a result of that, as well versed in this Assembly, we had a black hole which we needed to fill in terms of the original decision of G.S.T., *et cetera*. The issue of fees and charges is something that I am looking at, as I have already answered to Senator Le Gresley. Where we can raise fees in order to raise revenue without impairing the competitiveness of Jersey we will do so. But we live in a competitive world and locations for companies are made at cost levels and we need to look at what the Isle of Man, Guernsey and all the other jurisdictions are doing. We maximise our revenue where we can. The Deputy wants me to increase fees. Unfortunately if we increase fees we will end up with less revenue in the longer term.

6.6.1 Deputy G.P. Southern:

A supplementary if I may. The Minister referred to the creation of a black hole. The fact is that he or his predecessor between 2008 and 2011 has reduced fees and thereby increased the size of the black hole. Will he now restore that position? After all, these companies used to contribute £14.6 million. What has happened in between times that means they cannot?

Senator P.F.C. Ozouf:

The Deputy is quite good sometimes at airbrushing out history and he also airbrushes out any issue of competition. There is no point in this Assembly passing well meaning, well intentioned legislation increasing fees and seeing the business drift off. If I had not responded to the competitive world with the Chief Minister in the last few years, we would not have got this strong financial services industry, which we are seeing today benefiting the Island and paying for the services that he wants.

6.7 Deputy T.M. Pitman:

Talking of airbrushing history, I would like to read the Minister a story if he is sitting comfortably. Seriously, given that this chain of events was confirmed by a civil servant within Treasury as recently as 2007, could I just read the following paragraph from this new, best selling economics book to the Minister for Treasury and Resources? “For most of the 1990s wealthy people, 1(1)(k)s, wanting to take up residence sent their lawyers directly to Mr. Christianson’s office to negotiate their rates. Jersey would insist on a minimum annual tax payment and the millionaire or billionaire would then simply remit the amount which, when calculated at Jersey’s flat rate of 20 per cent, produced this sum.” Would the Minister like to withdraw his previous statements to the House, no deals were done?

Senator P.F.C. Ozouf:

Just because there were words written into a well bound book or constructed in a well presented blog and published on the internet does not mean to say that those words are correct. I have not read that book. I understand what it is but I understand the source and the particular focus of attention that it has. I am advised and told that it is unfair in its criticism. It is inaccurate. It also airbrushes out large areas. That it is sound bite politics designed to damage the reputation of legitimate finance centres such as Jersey. I stand by all the comments that I have made previously. I believe I always answer questions with the best information I have and honestly.

6.7.1 Deputy T.M. Pitman:

A supplementary. Given that the person who gave that information was the person who oversaw these deals, is the Minister then saying that the person is a liar because what other interpretation is there? His own department confirmed it 3 years ago. Does he know what is going on in his department?

Senator P.F.C. Ozouf:

I do not really know what the Deputy is talking about. If he is talking about it in relation to the 1(1)(k) issue, that is not only the subject of current review; it is the focus of a past review and many questions in this Assembly. Of course there is capital and business that will choose its jurisdiction, based upon its tax rates and based upon the service charges and all the rest of it. He simply I think suggests that the world is not competitive. The world is competitive and we need to compete.

6.8 Deputy R.G. Le Hérissier:

Would the Minister for Treasury and Resources confirm that the Island is to lose its Director of Human Resources? Would he not say that to lose 2 in fairly rapid succession is, as Oscar Wilde I think said, rather unfortunate?

Senator P.F.C. Ozouf:

It is the case that the Director of Human Resources has decided to move on but I think that it would be completely inappropriate to comment in any way about the circumstances of either the current post holder or that previously. I am certainly looking forward, with my new Assistant Minister, in order to build a Human Resources Department that is capable of guiding and helping departments and staff through the C.S.R. process. I have every confidence and have had every confidence in the Director of Human Resources. I thank her for the services that she has provided to the Island and wish her well in the future.

6.8.1 Deputy R.G. Le Hérissier:

A supplementary. Would the Minister for Treasury say whether the issues are systemic and if they are could he identify them?

Senator P.F.C. Ozouf:

I have not indicated at all that there are any issues in relation to the director’s decision to move on to new opportunities, which are her own choice in terms of the choices that she makes in her

professional career. Having been given the situation that there is now going to be a change at the top of Human Resources we are certainly going to take the opportunity of fortifying and strengthening Human Resources - as I have done with the Treasury Department - to ensure that we have got the right H.R. (Human Resources) function in order to assist departments and I hope revitalise the human relations and human resources function within the States. I want a happy, fulfilled workforce which is motivated and has good H.R. support. We have got a lot to do in terms of C.S.R. to make sure that happens.

6.9 Deputy A.K.F. Green:

If I could take the Minister back to the C.S.R. process. He will recall we had the Article 11(8) debate and I was very sceptical about the savings proposed and procurement. I just wonder if the Minister could give us a progress report to date.

Senator P.F.C. Ozouf:

Again I feel that that is not a subject that I can give quickly. I have to say that I am very satisfied with what is happening in relation to procurement. We are well on target to deliver the £6.5 million. It is something that my Assistant Minister again is going to be focusing on in terms of procurement. I am confident we are going to deliver the target. I will make sure that there is a timely update in terms of how we are doing during the course of the year.

6.10 The Deputy of St. Mary:

We have heard earlier today that Richard Murphy is not very good at listening. We heard from J.F.L. (Jersey Finance Limited) a few days ago that they are not listening any more either. But I just want to ask the Minister whether he thinks that that is a correct stance for a Government Minister to take and whether he does not agree that it is foolhardy not to listen to a so-called critic who is putting forward an alternative, which might yield a sustainable future for finance, especially when he predicted the outcome of Zero/Ten exactly right?

Senator P.F.C. Ozouf:

I do not agree with that and, frankly, it is important that all Members of this Assembly and Ministers of the States of Jersey listen and take account of views from across the spectrum. I cannot help but point out that there is a disproportionate amount of focus on one individual who is a U.K. domestic accountant who chooses to comment in a particular way. Frankly, there are views of global forum experts throughout the world that this Assembly also needs to take account of. We live in a fast moving, competitive world. A world that is dramatically different after the financial crisis. We should be also focusing on views from across the political spectrum. This focus on one individual who chooses to keep on picking on Jersey in the way that he does I do not think is assisting us in decision making. **[Approbation]**

Deputy G.P. Southern:

On a point of order, Sir, I believe. Can I ask whether ...

The Bailiff:

If it is a point of order you cannot ask, no. What is your point of order, Deputy?

Deputy G.P. Southern:

The point of order is by repeatedly describing this individual as a domestic accountant, the Minister for Treasury and Resources is trying deliberately to mislead the House because that is not the case.

The Bailiff:

I do not think that is a point of order anyway.

The Deputy of St. Mary:

Sir, may I ask my supplementary then?

The Bailiff:

No, I am sorry because now we have run out of time. Now we move on to the second question period which is to the Chief Minister.

7. Questions to Ministers Without Notice - The Chief Minister

7.1 The Deputy of St. Martin:

Is the Chief Minister in a position to give an update on the position of the Magistrate? Is he back to full duties or is he on restricted duties? If he is on restricted duties, when is he likely to resume full duties?

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

The employment and activities of the Magistrate is something outside my direct purview. He is not employed by the States Employment Board. He is a Crown Appointment. I can confirm he is still on restricted duties. I cannot give an indication at this stage of how long that might continue.

7.1.1 The Deputy of St. Martin:

Will the Chief Minister say that he accepts the concerns not only of the taxpayer but also the Members of this House that someone should be off duty for so long and yet there seems to be no one responsible for ensuring that he is going to be returned to full duties.

Senator T.A. Le Sueur:

I take those concerns and I am addressing them as best I can within the framework available to me.

7.2 Deputy P.V.F. Le Claire:

Is the Chief Minister aware that attempts to gain unauthorised access to States Members emails has occurred? If so, when did he know this and why has he not corresponded to other States Members to inform them?

Senator T.A. Le Sueur:

I am not aware of unauthorised access to emails and, if I were, I would certainly bring it to the attention of the parties concerned. If the Deputy has any concrete evidence to confirm his suggestion I would be pleased to receive them.

Deputy P.V.F. Le Claire:

I would be happy to speak to the Chief Minister afterwards.

7.3 Deputy M. Tadier:

The question refers back to Napier. Does the Chief Minister recognise that the rationale for the inclusion of part (d) of the terms of reference of the Napier Review was that there had been very serious allegations made by Mr. Power - they were only allegations but they were very serious - in his affidavit which were of the concern to States Members and that the States decided these should be investigated, and that by removing this clause there were 2 consequences; (1) that there was no obligation for Mr. Napier to look at this area in any detail, and (2) that the result was that these allegations were not satisfactorily dealt with in the report? Does the Chief Minister agree?

Senator T.A. Le Sueur:

I sometimes think that we have strayed from the point of what Mr. Napier was expected to review. He was intended and employed to review the suspension process as it occurred. He was not engaged to judge on the rights or wrongs of the case as he made quite clear in his report.

Therefore, while he had access to the contents of the affidavit what he chose to do with that affidavit would only be in relation to his view of its relevance to the suspension process.

The Deputy of St. Martin:

Will the ...

The Bailiff:

No, I am sorry, Deputy, you have had 2 questions already and Deputy Tadier is asking questions at the moment.

7.3.1 Deputy M. Tadier:

Is it simply not the case that while part (d) did remain there, there was an obligation for Napier to look at this particular area, irrespective of whether he wanted to, and come back with his conclusions? By removing that there is now, after that, no obligation for Napier to have done that. This is the issue which I and other States Members are saying is the issue. Does the Chief Minister not at least acknowledge that that is problematic?

Senator T.A. Le Sueur:

Yes, I will acknowledge the Deputy's concerns and those of a handful of other Members in the same situation, but I repeat that this was a review into the suspension process. Members really need to understand that.

7.4 Deputy G.P. Southern:

Can the Chief Minister explain why he turned down the opportunity to debate Zero/Ten, E.U. tax matters and relations with the U.K. authorities with the representative of Tax Justice Network last week? Was a deliberate decision taken by him or the Council of Ministers to avoid any political or departmental representation at the 2 meetings available?

Senator T.A. Le Sueur:

I did engage with Mr. Murphy some years ago in an earlier discussion when he came to the Island. I have not found any change in his position since that date. I saw no purpose in me having a further discussion on the same topic over and over again.

7.4.1 Deputy G.P. Southern:

A supplementary. The difference is that we now know that Zero/Ten is on its way out. Does that not affect the position of the Chief Minister?

Senator T.A. Le Sueur:

The Deputy is entitled to his own view. There is no evidence to date so far to invalidate the extent of his being correct or otherwise.

7.5 Deputy T.M. Pitman:

I thought I was invisible for a while there. Can the Chief Minister clarify - as apparently we are on a tight schedule - that legislation relating to the electoral reforms agreed last month has been sent to the Privy Council and, if not, why not?

[12:00]

Senator T.A. Le Sueur:

Legislation goes to the Privy Council once it has been passed by this House in Third Reading. That is a procedural process which goes through official channels via the States Greffe. It has nothing to do with my department as such, but I do believe and I do understand that the documentation has gone up through the normal channels to Privy Council.

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

Bearing in mind that the Chief Minister was the person that brought the proposition to change W.E.B. (Waterfront Enterprise Board) into S.o.J.D.C. (States of Jersey Development Company), in view of the release of the report and the annex at the back of the report concerning the morphing of W.E.B. into S.o.J.D.C. and keeping the same managing director who was the same individual that was involved in a similar setup in Edinburgh, and that was subsequently found to have a £7.4 million problem in their accounts by overvaluing their assets by output rather than the Red Book value, will the Chief Minister please ensure that the Red Book value will be used in Jersey?

Senator T.A. Le Sueur:

That is a slightly offbeat question. The administration of the day-to-day activities of the States of Jersey Development Company will be undertaken by a board of directors, which is currently in the process of being appointed following an open appointments process. It will be up to the new board to determine the procedures for that company and its employees. I believe that they will do that in accordance with normal professional accounting and reporting standards.

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

Written question number 30 today has a response from the Minister for Health referring to details of the exclusion and suspension and stating that they are reported to the States Employment Board and reviewed monthly in line with their agreed procedures. Can the Chief Minister confirm whether or not the first time this has happened was at the board meeting on 25th January 2011 and that following that meeting they will indeed be reviewed monthly?

Senator T.A. Le Sueur:

I can confirm that it was discussed at the meeting on 25th January. I can further confirm that it will be done on an ongoing basis as the Constable suggests. I cannot at the present date confirm it has never been spoken about in the past. I have to go back over all the old minutes. It would not have been a standard arrangement in the past but I think it has happened from time to time.

7.8 Senator A. Breckon:

On our desks today is a document, R7, in the name of the Council of Ministers. It says in there that the new Migration Law is ready to be lodged. Could the Chief Minister say when this will be and when this House may debate it?

Senator T.A. Le Sueur:

I would hope that the law could be lodged either later this month or early the following month, and I would hope that it could be debated in May. There is a timetable to be undertaken with that in conjunction with the Corporate Affairs Scrutiny Panel who have indicated an interest in this matter. I know that it is clearly and closely being followed by my Assistant Minister, Senator Routier, who has been leading the activities on this. I believe the timetable is on track for a debate in May, all other things permitting.

7.9 Deputy P.V.F. Le Claire:

May I just ask for clarification on that answer? Is the Chief Minister aware that the Migration Advisory Sub-Committee has yet to receive the final draft?

Senator T.A. Le Sueur:

The last I understood was that the Corporate Affairs Scrutiny Panel was reluctant to look at the draft until they had been cleared by the Law Officers' Department for human rights and other compliance. I think that has only recently been achieved. It may well be that the panel has not yet met but I understand that those matters have now been completed and we are in a situation where we can move forward to the next step.

7.10 Deputy C.H. Egré of St. Peter:

Would the Chief Minister in his position as the chairman of the States Employment Board please ensure that there is a formal exit interview given to the outgoing Director of Human Resources in order to ascertain whether there were any underlying reasons for her departure?

Senator T.A. Le Sueur:

Yes, I have already agreed that with the outgoing director. That is a process which I think should be followed in respect of all senior employees on their exit.

7.11 Senator J.L. Perchard:

Does the Chief Minister agree that the proposed £40 million redevelopment of the old Odeon Cinema building and nearby sites would be a welcome boost to the Island's economy? Will he, like me, encourage and support the owners of that site to make an application to the Planning Department to demolish the building and progress their plans?

Senator T.A. Le Sueur:

I agree that certainly development of that area would be a boost to the economy at the current time but one has to be careful about, of course, having short-term gains for perhaps longer term disbenefit. It would be a matter for the Minister for Planning and Environment to consider any application by any developer and to see whether on balance it is in the Island's interests. At a personal view I would support such a move but I do appreciate that there are 2 sides in any debate like this and it is up to the Minister in making his decision to have a look at the overall implications and not simply the short term economic benefit.

7.12 Senator F. du H. Le Gresley:

In hindsight does the Chief Minister agree that while he was Minister for Treasury and Resources he should have found an alternative way to pay for the Waste for Energy plant?

Senator T.A. Le Sueur:

That was a decision made at the time, which appeared to be the correct decision, which I believe is still the correct decision. It had been a general policy of the States that we do not overstretch ourselves. I believe that earmarking the funds upfront for this development when the funds were available in hand was the right decision to make at that time.

7.12.1 Senator F. du H. Le Gresley:

Could I ask a supplementary? Does the Chief Minister not agree that we are now in a position where we have some £100 million to spend on maintenance of property owned by the States which we cannot afford and that this money would have been available if we had borrowed to pay for the Waste for Energy plant?

Senator T.A. Le Sueur:

Indeed should we believe that is the right way to go forward it would still be possible to borrow that money now. I see no point in borrowing money and paying the rate of interest that may be required on that money when we had the funds sitting in our own current account doing nothing.

7.13 The Deputy of St. John:

On 6th December the Chief Minister gave this House an assurance about the Reciprocal Health Agreement, yet again today we are given an answer from the Minister for Health and Social Services that it is still not in place. When questions are given to the Chief Minister will he please give us an assurance that in future he will give us truthful answers and not answers to mislead this House?

The Bailiff:

No, Deputy. You know very well that you cannot accuse another Member of deliberately misleading the House. You know that. The Standing Order under which ...

The Deputy of St. John:

I have been in the House for many years and it is not often I have had to be pulled up by the Chair. I will withdraw that part of the question, Sir. Will the Chief Minister now act with his colleagues across the water to make sure that this Reciprocal Health Agreement is put in place because there are a lot of families who are hurting greatly at not being able to go and see their next of kin in the U.K. because of the cost of insurance to get over there which is beyond a lot of their means?

Senator T.A. Le Sueur:

When I made my comments at the end of last year it was in the genuine belief that there was no reason why a Reciprocal Health Agreement could not be signed by the end of the year. The fact is that it has been delayed through circumstances beyond my control. I am in no position to force the Government to sign it on any particular date, but we do have a clear indication from the U.K. Minister that all signs are positive towards this. I deplore the delay as much as the Deputy of St. John does but these sorts of matters unfortunately are not totally in our control. To the extent that we are able to influence them, we do, and the Minister for Health and Social Services has done, continue to press for a conclusion to this matter at the earliest possible date.

The Deputy of St. John:

Sir ...

The Bailiff:

Sorry, Deputy, but I have been advised by the Greffier that time ...

The Deputy of St. John:

Everyone gets 2 shots of it, Sir, and I get one. Cutting me off at the knees yet again.

The Bailiff:

Everyone gets 2 shots provided they are within the allocated time, Deputy. Very well. That completes questions to the Chief Minister.

STATEMENTS ON MATTERS OF OFFICIAL RESPONSIBILITY

The Bailiff:

There are no matters under J so we then come to K, Statements on a Matter of Official Responsibility. The Minister for Economic Development was going to make a statement but do I understand, Minister, you no longer wish to do so?

Senator A.J.H. Maclean:

Yes, it is deferred until probably the next sitting, Sir.

The Bailiff:

But then the Chief Minister has asked leave to issue a statement which I have granted.

8. Statement by the Chief Minister in respect of the Historical Child Abuse Committee of Inquiry

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

My apologies for this not being on the order paper earlier but it has been circulated to Members a little while ago. On 6th December 2010 I made a statement in the States in which I apologised unreservedly on behalf of the Island's Government to all those who suffered abuse in States

residential care. In that statement I also mentioned that the current Council of Ministers were considering the previous Council of Ministers' proposal to commission a Committee of Inquiry. As promised on 6th December, the Council of Ministers has now lodged a report following its deliberations, which concluded the Council believes that with the passage of time and events a Committee of Inquiry is no longer appropriate. The Council of Ministers is firmly of the view that because of the number of investigations and reviews that have been undertaken, while there may be questions there are no unresolved issues that would benefit from investigation through a Committee of Inquiry. The report is necessarily long and factual but the Council of Ministers has had at the forefront of its consideration those who may have suffered abuse. The Council firmly believes that the Island will be best served by concentrating on the steps that have been taken to improve services and to focus on continuing to meet and support the needs of those affected. I am pleased to announce that further support to those affected will continue in 2011 with Mr. Andrew Williamson agreeing to provide an independent point of contact to help those needing support to receive the most appropriate assistance. The Council of Ministers is aware that some people will not agree with this decision. I hope that those people will realise that the Council has taken this matter seriously and sensitively. The Council believes that there is nothing further to be gained from yet another investigation into these matters and has sought instead to find a sensitive way forward. We hope that the majority of States Members and people in Jersey will agree with our judgment. Finally, I think it is also an appropriate time to thank the staff in our departments, those in the voluntary sector and everybody who has worked together over the past few years to help those who may have suffered abuse in the past.

The Bailiff:

Does any Member wish to ask any questions?

8.1.1 Deputy S. Pitman:

The Chief Minister said that some people will not agree with this decision that there will no longer be a Committee of Inquiry. A few years ago the former Chief Minister, Senator Frank Walker, categorically assured the public that there would be a Committee of Inquiry. Would the Chief Minister tell us if there has been any consultation with those affected by the child abuse, such as the Care Leavers' Association?

Senator T.A. Le Sueur:

There is ongoing support with the Care Leavers' Association in terms of the continuing support that they may require. When the previous Council of Ministers brought a report to the States - and it is attached to the report that we have here - in March 2008 it was in a very different background. We had a background, as the report says, when there were suggestions of a massive situation of great relevance, which was subsequently of course found to have changed considerably.

[12:15]

Given that the circumstances have changed since that time, the Council of Ministers also took the view that with the activities that have gone on in terms of reviews of what has taken place there would be no further benefit in having the sort of inquiry which was envisaged at the time when far different circumstances were likely to happen.

8.1.2 Deputy S. Pitman:

A supplementary. The Chief Minister has not answered my question. I am talking about in terms of the decision not to have a Committee of Inquiry, has the Chief Minister consulted with these people who are affected, specifically the Care Leavers' Association and, if so, what response has he had?

Senator T.A. Le Sueur:

The decision as to whether to have a Committee of Inquiry or not was taken by the Council of Ministers on the advice of professionals who have been acting over the period since 2008 in supporting people, be they members of the Care Leavers' Association or not, who may have been involved in the allegations of abuse. It is on the basis of that advice that the Council of Ministers has come to the view that it has done.

8.1.3 The Deputy of St. John:

Is the Chief Minister aware that by not having a Committee of Inquiry, the public will never get to the bottom or will never know if any Minister or number of Ministers of the day acted with disregard or otherwise in what happened over this particular case? Therefore, does the Chief Minister not believe that the truth does need to come out in a full inquiry?

Senator T.A. Le Sueur:

I understand the Deputy's concerns but it is questionable whether any Committee of Inquiry however constituted and with whatever terms of reference would be able to categorically review what happened or may have happened 50 or more years ago. In many cases people who might have had memories of that time have now died. With the passage of time there seems little merit in trying to have that sort of inquiry. What we need to do is to see whether the circumstances in the current situation are appropriate for children in care and that, I believe, is well in hand. We have had a report on that matter from Mr. Williamson and recommendations which are in the process of being implemented. We have a Child Statutory Group working together to deliver those outcomes. I believe that we should be far more focused on that aspect rather than trying to ascertain, almost certainly unsuccessfully, what might have happened many, many years ago.

8.1.4 The Deputy of St. John:

A supplementary if I may. Does the Chief Minister believe that his former colleagues from this House who have had fingers pointed at them should not also see justice? Justice works both ways; for those who were harmed and those who have had the fingers pointed at them.

Senator T.A. Le Sueur:

I suspect in this sort of situation no matter how many inquiries you do, some fingers will still be pointed and there will still be allegations. The fact is that one can go on having inquiry after inquiry and some people will still never be satisfied.

8.1.5 The Deputy of St. Martin:

With reference to R8, page 6, subparagraph 3(9)(c), it says: "Concerns about how the police inquiry was conducted in the period leading up to November 2008 have been addressed through the publication of the police report and the implementation of key actions by the States Police." Will the Chief Minister accept that that is an error because the Wiltshire Report was commissioned for the purpose of reviewing the suspension of the chief police officer and for discipline purposes? In actual fact the review of the way in which the inquiry was conducted was carried out by the Metropolitan Police and also with the information given to them by A.C.P.O. (Association of Chief Police Officers). Will the Chief Minister please ensure that there is a correction made to this particular draft and also make available both the Metropolitan Police report and the A.C.P.O. reports?

Senator T.A. Le Sueur:

I am satisfied and I stand by the comments, which I make on page 6 and indeed every page of this report. It has only been presented after careful consideration by me and my fellow Ministers.

8.1.6 Deputy M.R. Higgins:

I, for one, do not accept that there are no unresolved issues, and I believe that there should be a Committee of Inquiry. There were a lot of unanswered questions that came out of the police

investigation and some of the reports that have come forward. I have even questioned the Minister for Home Affairs who could not give me an answer. For example, lime pits.

The Bailiff:

You are going to come to a question are you, Deputy?

Deputy M.R. Higgins:

Yes, Sir, I am. There are lime pits which were dug one day, filled with lime - and we know lime dissolves bones - and they were put back again. No explanation whatsoever. There has been no discussion about the oversight of the board of management of Haut de la Garenne, which in the past had politicians on it. There are a lot of issues that I think have not been answered in any way whatsoever. Would the Chief Minister not agree that the public would like to have answers to some of these unresolved questions?

Senator T.A. Le Sueur:

Public expectations may not be capable of being delivered in the way that the Deputy would like. I appreciate that Members only got this report on their desks this morning and they may not have had a chance to read it in full, but I just point out there are normally a number of objectives in any public inquiry, which is to establish the facts and to learn from the events, to get reassurance, accountability and transparency. To that extent we have judged whether there should be a Committee of Inquiry against those criteria because we believe that that is the sensible course to take. On balance although I appreciate, as I said in my statement, that some people may disagree with us, we believe that that is the correct course of action to take.

8.1.7 Senator J.L. Perchard:

The Chief Minister outlined the Council of Ministers' decision not to hold an inquiry. He explained that due to the circumstances having changed since the original statement - the statement by his predecessor that there should be an inquiry - and, as I say, that circumstances have changed and that there is no need for an inquiry subsequently. Does the Chief Minister then share my concern that the conduct of the original investigating team does lead to these circumstances having changed? Does he agree that the conduct of the senior officers involved with the original investigation should be inquired into?

Senator T.A. Le Sueur:

I certainly agree with the Senator that the circumstances have changed. I share his concerns but I believe they have been looked into in the context of the report undertaken by the Wiltshire Constabulary.

The Bailiff:

Very well. That brings the 10 minutes to a close.

Deputy M. Tadier:

Sir, can I make a statement on behalf of the Education and Home Affairs Scrutiny Panel in the absence of our leader who has gone to London? It is simply to say that ...

The Bailiff:

No, Deputy, you have not given notice of this at all.

Deputy M. Tadier:

It is just in the context of this debate that our panel has decided we are considering looking at lodging a Committee of Inquiry as a Scrutiny Panel. We are weighing-up the pros and cons and we will be asking for input from Members.

PUBLIC BUSINESS

The Bailiff:

Very well. We come next to ...

Deputy A.K.F. Green:

Sir, as we are coming on to public business, I thought it might be useful if I advise you that I have been asked by the Minister for Treasury and Resources and the Minister for Housing to postpone the debate on P.177 - Pomme d'Or Farm - for 2 weeks to allow them an opportunity to find an acceptable solution. I discussed this with the residents and I have agreed that I will do that. I think Standing Order 872B allows me to do that for 2 weeks, but I would like it to be debated on the 15th if we have not found that solution.

The Bailiff:

Very well. Thank you, Deputy.

Senator P.F.C. Ozouf:

May I thank the Deputy for his reasonableness in giving us some time to try and find a solution?

9. Shadow Boards and Ministerial Boards: approval by the States (P.170/2010)

The Bailiff:

Very well. So we come to public business. The first matter on the Order Paper is Projet 170 - Shadow Boards and Ministerial Boards: approval by the States - lodged by Deputy Le Claire. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to request the Minister for Economic Development to bring to the States for approval the proposal announced by the Minister on 3rd November 2010 for the formation of a shadow board to oversee all aspects of the harbours and airport; (b) to agree (i) that no such similar bodies shall be established by Ministers until the proposal to establish the body has been agreed by the States in all cases where payment of remuneration is to be made to members of the body concerned and where members are to be permitted access to information and financially sensitive data held by the department and where the body is to be established with a view to shaping government policy or informing the delivery of change; and (ii) that Ministers should, before finalising any proposals to establish bodies of this nature, consult the Public Accounts Committee, the Privileges and Procedures Committee and the relevant scrutiny panel to ensure appropriate oversight of the proposals; (c) to agree that any proposals by Ministers to establish Ministerial boards of elected members to advise them should be subject to prior States approval of the (i) proposed membership of the board; (ii) terms of reference of the board; (iii) financial and manpower implications; and (iv) scope of the policies to be considered by the board.

9.1 Deputy P.V.F. Le Claire:

There is an amendment to the proposition. No doubt during the course of the debate matters will become clearer. As Members are not fools I am going to make this speech extremely brief so we can move on to the amendment. In principle what I am asking Members to do is to look at the way in which Ministers decide to appoint boards and delegate, if not responsibilities, public funds in the management of those boards in areas that are of significance. So I am just going to make the proposition. I hope we can get on to the amendment before lunch time.

The Bailiff:

Very well. Is the proposition seconded? **[Seconded]**

9.2 Shadow Boards and Ministerial Boards: approval by the States (P.170/2010) – amendment (P.170/2010 Amd.)

The Bailiff:

Then, as the Deputy says, there is an amendment lodged by the Minister for Economic Development. I will ask the Greffier to read the amendment.

Deputy P.V.F. Le Claire:

Sorry, I am accepting the amendment, Sir.

The Bailiff:

You are going to accept it.

The Deputy Greffier of the States:

Page 2, paragraph (a) - for the words “for approval the proposal announced by the Minister on 3rd November 2010 for the formation of a shadow board to oversee all aspects of harbours and airport” substitute the words “for approval the terms of reference for the shadow board appointed by the Minister for Economic Development, as set out in points 1 to 7 in the report of the Minister dated 19th January 2011 to oversee all aspects of harbours and airport”.

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

I will also be relatively short. I would like to thank Deputy Le Claire for entering into constructive dialogue over the last few weeks in relation to this matter. As he has already suggested, he is prepared to accept the amendment. Just briefly. The purpose of the amendment was the fact that the shadow board has already been appointed. It has been through an open and transparent appointments process. Discussions with the Deputy concluded that it might be perhaps better to bring to the Assembly the terms of reference for the shadow board so that Members could have a debate on that matter. I conceded that that is exactly what I will do and that is purpose of the amendment. If Members support this amendment then I will be bringing back to the House - and it will be lodged relatively quickly - the terms of reference for the shadow board so that Members can consider those. I maintain the proposition.

The Bailiff:

The amendment is proposed. Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

9.2.2 Deputy P.V.F. Le Claire:

It might be helpful. I thank the Minister for his co-operation with myself and also with Senator Shenton. This was deferred prior to Christmas to allow Members to get away prior to their turkeys being served. What we are seeing here is an amendment by the Minister for Economic Development on the grounds that the board that he has constituted has already met. What I would suggest is that when the terms of reference come back, which is in the amendment itself, we might wish to have cognisance of the fact that some of the early indications of the paperwork that is before me and Senator Shenton from the board illustrated some concerns that the shadow board would most probably automatically become the board if the harbours and airport are incorporated. We are in my view sitting on the verge of an incorporation of some significance. Buildings in excess of £80 million worth of buildings alone and some significant assets in terms of access to Jersey and egress to Jersey.

[12:30]

It is not up to me to hold to account the Council of Ministers. It is not up to me individually to hold to account the Minister for Economic Development. I have raised the issue. If Members want to get involved with it and the Scrutiny Panels want to take this on then they can look at it in finer

detail. I have asked the Public Accounts Committee to look at this. They have taken a view on the matter. I am not going to be - I do not know what the word is - maybe obtuse. I do not know what the word is. I am not going to be unpleasant about all of this because some people have volunteered to come forward to commit their time and talents to this role. I do agree with the premise of there being access to people within our community to help us but I would just point out to Members that there are some significant issues here. I think if Members want to take stock of them they can speak to me privately or hopefully the scrutiny process will kick-in as it is meant to.

9.2.3 Deputy M.R. Higgins:

For the benefit of the House, the Economic Affairs Scrutiny Panel has set up a sub-panel to look at the airport. Part of the terms of reference is a look at the shadow board and its powers and the reasoning behind it and so on. So subsequently we shall be reporting back to the House our views on that and many other areas of concern to do with the airport. I would ask any Members who have got concerns to please feed them through to the Scrutiny Panel and also for members of the public to come forward as well.

9.2.4 Senator B.E. Shenton:

The Public Accounts Committee, in the guise of me and an officer, did have a meeting with the Minister for Economic Development and Deputy Le Claire. I can understand why Deputy Le Claire has brought this proposition because it is very much the States going down a road that has not been sign-posted or put in place by the Assembly itself. The first question the Public Accounts Committee had to ask was what exactly is a board? What exactly is this animal that we are ...

The Bailiff:

Senator, sorry to interrupt but it sounds as if it is a speech more appropriate for the proposition itself rather than the amendment of the Minister, which is merely concerned with switching the approval in paragraph (a) to the terms of reference rather than the principle.

Senator B.E. Shenton:

In switching to the approval of the terms of reference we have got to understand what the terms of reference relate to.

The Bailiff:

I think it is relevant. I am just concerned that this area ...

Senator B.E. Shenton:

I can see what you are saying but I can assure you that I will not be duplicating the speech later on. What we are looking at are the terms of reference of a board but what exactly is this animal, this board? The Public Accounts Committee wrote to the Appointments Commission to try and clarify this matter. The Public Accounts Committee wrote: "When the operation of a new board was discussed at the meeting [this is the meeting with Deputy Le Claire] and in particular its powers and accountability, there was a general consensus that a more appropriate description would be that of advisory committee, advisory board or board of advisers rather than board, Ministerial board or shadow board. The P.A.C. (Public Accounts Committee) request a copy of the terms of reference utilised by the Appointments Commission in respect of this new advisory group and particularly the parameters used to circulate an appropriate level of remuneration given the lack of powers, accountability and responsibility." What the P.A.C. felt was although this board has been given a terms of reference, it did not have any power, it did not have any accountability and it did not have any responsibility. I think, looking at this whole thing in the round, it is right that we have brought this matter to the Assembly, especially seeing that the posts were advertised back in September. What we are asked to do is approve terms of reference for a body that will be paid and yet has no accountability, responsibility or powers. So I think this is worth being borne in mind by the House. I will speak more about the P.A.C. view when we come to the main debate.

9.2.5 Senator A. Breckon:

Just a point on the terms of reference. As the Minister will remember, I was looking at the harbour and the airport where the synergy was. I did meet with him and officers to discuss this. It was a sensitive issue at the time. But there may be some merit if Ministers are thinking of doing these things then perhaps they should be sharing them with other people because we seem to have gone quite a way down this road and now we are saying we will agree the terms of reference. But the question is do we need the body? If we do, what are they going to do? Who are they accountable to? How do they report and other things? Coming back, I think it does add to the proposition to have the terms of reference but perhaps some of this should have been done before rather than later.

9.2.6 Deputy T.M. Pitman:

I know it is nearly lunch time so the Senator will be able to rush out and get a drink, but I just want to stand to really totally agree with what Senator Shenton has said in raising this issue. What we have got at the moment is something without accountability, *et cetera*, but an awful lot of money involved. More money being paid than some people earn - twice the amount of money that some people earn in a year - as an honorarium.

9.2.7 The Deputy of St. Mary:

Just a few points. One is to thank the Minister for letting us know that he has appointed a shadow board and so on, which is a point that has been made really by others. It is all a bit late in the day, is it not? We are approving something now with this amendment that has already happened. It is not a minor matter, is it, setting up a board with no precedent and so on, as Senator Shenton pointed out? I am glad people are holding this amendment back and not just nodding it through because what we are effectively doing here is agreeing something for the time being on the basis that in future, according to the main proposition, it will not happen again. I think that is the position. Would the Minister confirm that that is the position; that this is a 'for the time being' amendment? It will not happen again. Will the Minister support the main proposition because I would hope that he would? I would hope that the Council of Ministers do. Then when I read the Council of Ministers' comments I find they are not supporting the main proposition. I am getting mixed messages. This is fine. We will proceed. We like what Deputy Le Claire is saying in the main proposition and we will stick this amendment in because it tides us over and gets us through this rough patch which we should have anticipated. It is a bit of a mess. The second thing is I was not quite clear from the Minister's opening remarks whether the proposed terms of reference come back to the House or whether this is the final approval of these terms of reference. I do not know if he would like to nod so that the rest of the debate ... he is nodding, good, so the rest of the debate should carry on on that basis because maybe Members would like to say something on those terms of reference if this is the Last Chance Saloon. If it is the Last Chance Saloon, where does the Minister see the scrutiny report which will include some of these very matters; what the shadow board would do, whether it has been correctly set up, whether the terms of reference are right and so on. How does that fit in to the fact that we are approving apparently the terms of reference today now? My final question is on the back page of his report, page 4, the report says: "The operational responsibilities of the Airport Director and the Harbourmaster C.E.O. (Chief Executive Officer) are defined in the law - that is Public Finances (Jersey) Law 2005 - as accounting officers and will remain unchanged." So the 2 top people at harbours and airport, their responsibilities as accounting officers will remain unchanged. Yet I think we have already advertised for a group united director of both. That is my understanding that there is going to be a new supremo for both the airport and the harbour and that position has been advertised. If so, how does this sentence stack-up? Are they going to be the accounting officers under the new group director and, if so, would the Minister like to address that matter in his summing up and explain to us what the benefit of this new top person is if the 2 people under him will also be accounting officers and remain as C.E.O.s apparently.

9.2.8 Deputy G.P. Southern:

First of all I would like to congratulate Deputy Le Claire for bringing this proposition, for paying attention where others have not noticed what is happening, and to speak against the amendment because it seems to me that the proposition as placed before us by Deputy Le Claire to request the Minister for Economic Development to bring to the States for approval the proposal is absolutely sound. This House, on such a major issue, must retain some control. So an amendment which says: "The terms of reference", the terms of reference for such a board assumes a *fait accompli*. It is already done and dusted. The States can have no say whatsoever. We will tinker with the terms of reference and maybe you will go away happy. That seems to me a fundamental mistake that we are about to make, because this House should retain - over an issue this broad and this, quite frankly, financially, economically important - hold of that and the amendment simply gets round the proposition and negates it. I do not see any validity at all in accepting the amendment as proposed by the Minister for Economic Development.

The Bailiff:

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

9.2.9 Senator A.J.H. Maclean:

I think there was first of all a little bit of confusion, because my understanding is that Deputy Le Claire is accepting the amendment. In any event, I will just sum up on a number of points raised. I think it needs clarification and clear clarification that I have given an undertaking that any substantive changes to Jersey Airport and Jersey Harbours, will indeed be an issue that would come back to this Assembly. By that I am referring particularly to the comments that Deputy Le Claire made with regard to the shadow board, as to whether or not it would move and become eventually a full board in the instance of incorporation, is what he referred to. Now if we were to move to incorporation, and if it was intended to make a proposition that the shadow board should become in fact a board, then of course that would be a matter for this Assembly and a matter that quite naturally would be brought back to this Assembly for its deliberation and approval or otherwise. Deputy Higgins confirmed that a sub-panel has been set up. I am not sure that we have seen any terms of reference yet, but I have heard that a sub-panel is in the making. Obviously we look forward to co-operating with the sub-panel in due course. I would just say to Deputy Higgins, he made a comment about the board. The board is set up as an advisory board. It is an advisory board to the Executive and it also gives advice to the Ministerial team. Indeed, that was a point raised by Senator Shenton, who indeed came in and had a discussion together with Deputy Le Claire about these proposals and we made it perfectly clear ... he raised the point about the power of the board, the responsibility or lack of and lack of accountability of the board. It is a shadow board, it is there for advisory not supervisory purposes. We have 2 substantial, commercial operations at the ports - at the harbour and at the airport - and it is absolutely right that we look to improve governance, and it is absolutely right that we look to bring in commercial expertise from the private sector that is going to add value. Both ports are under significant pressures at the moment from a strategic perspective. The airport, in particular, with its funding gap through to 2023: we need this type of expertise. On that basis, it is absolutely right that we pay for the appropriate people to come forward. I would add that of course we went through an appointments process; 51 people applied. The Appointments Commission are thoroughly satisfied with the process that was followed. The board has been established. The board is in place. I did make a statement when the Airport Director tendered his resignation. I made a statement about that back in July of last year. During that statement I made it absolutely clear that we were looking at the future structure of the ports - the airport and the harbour - and that the intention was to move forward to the creation of a Shadow Board for the very reasons that I have just pointed out to Members. So to say it was not flagged-up was not entirely correct. I would contend, hindsight being what it is, it may well have been beneficial to have made a statement at the time of the appointment. That is a point that is noted for the future. Deputy Trevor Pitman made the comment about the cost. Just so Members are clear, it

is in the documentation here and I have mentioned this before. The total cost of the Shadow Board is £125,000 per annum. I have absolutely no doubt that the value that we will get out of this board and the restructuring that will result in due course, starting with the management at both the airport and the harbour, will lead to substantial savings as we consolidate the management structures and make them more effective and fit for purpose.

[12:45]

The Deputy of St. Mary talked about late in the day. I have just mentioned that in fact this had been signalled as far back as July of last year, that we were intending to do this and that it has, of course, been approved by the Appointments Commission. The amendment is simply brought because the board is in place. In fact, the board was already appointed when Deputy Le Claire put forward his proposition. So it is not that we are trying to do anything clever here or with slight of hand, it is just quite simply that we have moved passed the point of appointing the board, they are in place, they have already started work, they are doing a very good job to date and in that sense it was the agreement and discussions with Deputy Le Claire that by bringing the terms of reference it brought us to a position where Members would be able to have some input into the process. The terms of reference will come back to the States. They will come back in a report and proposition. We can have a debate on it, if this amendment is approved. I think that is the pragmatic way forward in terms of dealing with this particular issue. I would ask Members to support the amendment and I maintain ...

Deputy M.R. Higgins:

Sir, can I ask a point of clarification from the Minister? He mentioned that the board are doing a very good job, can you tell us how many times they have met to date, please?

Senator A.J.H. Maclean:

The board have met twice to date, but I have certainly been impressed by the way in which they have come to grasp the issues that need to be dealt with, the substantial issues that we face with both the boards.

Deputy A.E. Jeune:

Sir, if I may, a further clarification? In his summing up, the Minister said that the board would have no supervisory role, yet in (3) of the terms of reference I notice that one of the functions is to challenge and support the Executive team. Does he still feel that is not supervisory?

Senator A.J.H. Maclean:

No, it is not supervisory. It is exactly as I have said, it is advisory. It is absolutely right that they challenge and support, I think is the term that I used, but as the Deputy points out, to support the Executive team. That is exactly it, therefore, they can give advice, but they cannot give anything more than that. It is not supervisory.

Deputy T.M. Pitman:

Can I seek further, further clarification, Sir? I think the Minister gave a figure for good value, what he said this was going to cost. Is it correct that people could earn up to £26,000 for 40 days work? Is that correct?

Senator A.J.H. Maclean:

The total cost of the board to the non-Executive, is £125,000. The rates of pay for individuals and the amount of time that they work has gone through the Appointments Commission, we have looked at other similar boards and similar organisations and it is commensurate with that. It is a competitive rate to get the expertise that we required.

Deputy T.M. Pitman:

But 40 days though?

The Bailiff:

Very well, the amendment is before the Assembly. The appel is called for then in relation to the amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 31		CONTRE: 8		ABSTAIN: 3
Senator T.A. Le Sueur		Senator A. Breckon		Connétable of St. John
Senator P.F. Routier		Senator F.du H. Le Gresley		Deputy of St. Mary
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		Deputy M.R. Higgins (H)
Senator B.E. Shenton		Deputy S. Pitman (H)		
Senator F.E. Cohen		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy T.M. Pitman (H)		
Senator B.I. Le Marquand		Deputy D.J. De Sousa (H)		
Connétable of St. Helier		Deputy J.M. Maçon (S)		
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy J.B. Fox (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 S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, then we will return to debate upon the proposition as amended, but the adjournment is proposed. Therefore, the Assembly will reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

[12:50]

[14:16]

Deputy S. Pitman:

May I, before we commence the debate, inform Members that I have put off P.3/2011 for 1st March?

The Bailiff:

Thank you very much, Deputy Pitman. Yes, that is P.3/2011 - Composition of the States: implementation of the remaining Clothier reform - referendum - and that matter you were going to put off until 1st March. Very well and before we return to debate, can I inform Members that Deputy Le Claire has lodged proposition Projet 18 - Standing Orders: oral questions without notice.

9.3 Shadow Boards and Ministerial Boards: approval by the States (P.170/2010) - as amended

The Bailiff:

We return then to the debate upon P.170, that is Deputy Le Claire's proposition on shadow boards and Ministerial boards, approval by the States as amended by the Minister's amendment. Does any Member wish to speak?

9.3.1 The Deputy of St. Mary:

The proposer's speech was exceptionally brief. He is obviously trying to curry favour before the next sitting's debate. I found this proposition really, really a good thing to bring. I want to start by just reminding Members how astonishing what we are dealing with is. In his report, the third to the fifth paragraphs, what we read there is fairly alarming really. He points out that within 2 weeks of the Minister in question - the Minister for Economic Development - voting against Ministerial boards within 2 weeks he is appointing, in what can only be described as significant by any means, a shadow board with considerable powers, privileges and influence. We have heard also how much they are going to be paid. A board whose remit surpasses the economic potential of all others to date, including in my view, the States of Jersey Development Corporation and W.E.B. Now, we can argue with that, but nevertheless harbours and airport are clearly major strategic assets. All of this without so much as a statement to the Assembly on the day it was announced to the media. All of this without even a statement to the Assembly. That really sums up what I think this report and proposition are about. That is the marginalisation of the States. I thank the proposer for including in his report extracts from the debate on P.120, which are really very, very useful. He had been very selective, obviously. He has selected some very interesting excerpts from that debate. At length he quotes the speech of the Minister for Treasury and Resources. There we hear that the Minister for Treasury and Resources wanted to see Ministerial government strengthened. He talks about consultative engagement: "I think that consultative engagement is really important." He makes the very interesting point: "I really want to support this proposition [this is the Minister for Treasury and Resources speaking] because I do not want to continue with the system of real division that has become worse in Ministerial government." Then he says that people are going to have to give him confidence to vote for it in the light of technical difficulties: "Real division that has become worse with Ministerial government." I want to put just one piece of flesh on that bone. On 15th January 2009 an internal report was written by the consultants for the Energy from Waste Plant within T.T.S. - Babbie Fichtner. I asked a written question, with an answer given on 20th January, on the same matter. It was forgotten that that report existed, it was about the cost of cancellation. When the debate happened on 24th and 25th February ... on 25th February that document, written on 15th January, about which I had asked a question on 20th January, came into this Assembly and was put on people's desks. A month and a half after it had been written. It was a key document. It said what the estimated costs of cancellation would be and explained how that was arrived at. By tabling it, by bringing it to this Assembly, on the second day of the debate for the rescindment, the Minister and the department avoided the peer challenge that had been arranged and could have been done for a small consideration. They avoided the possibility of a peer review of that vital information. That surely reminds Members of a recent event in connection with the debate on W.E.B. and on the States of Jersey Development Corporation when a key piece of

information arrived in this Chamber on the day of the debate. The Scrutiny Panel had asked and asked and asked for it. So, I just wanted to recap on that, because I think this proposition is about the marginalisation of the States and the way that, in effect, in fact - not in theory, but in fact - the relationship between the Executive and States Members works out. That was my introduction to how this Assembly works. That was my first major proposition and that was a pretty unpleasant introduction I have to say to the openness and the way that this should work. This proposition is one small step to redressing that relationship. Is it the States or is it the Executive who run the show? Members might like to consider their elections. We are all elected one way or another, but only some get to be Ministers. Who decides what happens? Ministers. Who decides who are the Ministers? Basically, the Chief Minister and then the Assembly has the right to nominate, but normally the Chief Minister gets his or her way. What say does the public have in all this, in the choice of their Ministers? Not a lot. Zero in fact.

The Bailiff:

You are coming back to the proposition?

The Deputy of St. Mary:

I am coming back to the proposition.

Deputy J.A. Hilton of St. Helier:

Excuse me, it is the States Assembly who decide who the Ministers are, not the Chief Minister.

The Deputy of St. Mary:

I quite agree with that. I said so. I said that the Chief Minister nominates and effectively chooses and the States Members have the right to nominate opposing Ministers and then we vote on it. It is within the States, I agree, but it is very much the Chief Minister who proposes. I take the point that the States Assembly has the final decision. The public, in terms of: "Who are the 10 Ministers and who is the Chief Minister?" have no say, apart from electing us. Note that in a party system that would not be the case, because everyone knew that if they were voting labour they would get Tony Blair as Chief Minister or whatever. So we all get elected, but 10 people inherit all the power. I thank the proposer for bringing this and also for quoting Deputy Duhamel, who I think made some excellent, excellent points. When I heard his speech on P.120 I thought: "Ah ha, now that is really, really to the point." It absolutely goes to the heart of what we are talking about today. He said about the need for ... Senator Breckon was wishing to take away the corporation's soleness, so to speak, of the Ministers and to allow the responsibilities for taking decisions to return to the Chamber. As I say, the key issue is one of whether or not we can participate in a meaningful way to the creation of strategies and policies, which the Ministers can execute through the departments. He goes on in similar vein. On re-reading it, I see just how excellent that analysis was, about where we are and the confusions around ... and difficulties of operating the way we are. We are marginalised. We are told, as the report said on the first page, what is happening or rather we are told what has happened. We were told after the media even in this case. Yet we have been elected by the public of the Island and the Ministers have not been. This is the context for the propositions we are going to come to later on. How many people do you have to sign a nomination paper ... the next sitting about the length of speeches. These are really small matters compared to what we are talking about with this proposition. Of course, I will not go there now. This is the context, it is the way in which the Executive decides and the States are told. I really do feel that the later propositions are fiddling while Rome burns, while the major issue of how we have arranged our Government, how it now works, is put to the side. I just want to refer Members briefly to the comments, first of all of the Council of Ministers on this. Oh dear: "This could impede, if we accept the proposition", say the Council of Ministers, "the ability of Ministers to appoint individuals, including States Members, to form *ad hoc* advisory panels to advance policy development in a timely manner." But we are not talking about an *ad hoc* advisory panel. I am on

an *ad hoc* advisory panel, which is called the Cycling Strategy Working Group. There was not a great big kerfuffle about that. The Minister needs a bit of expertise around the table to progress the cycling strategy. Likewise, there was a working group which worked, and has now resulted in a proposition which we are going to debate today, on the police authority. I do not remember a kerfuffle about that. To say that this shadow board with its enormous remit and powers is comparable to those 2 is, I am sorry, obfuscation. What have those 2 groups I cited to do with this shadow board, which may very well turn into the board for the harbours and airport? The answer is: "Not a lot." The word "advisory" does not even come into the name of this board. It is not the Shadow Advisory Board, it is the Shadow Board. So the comments of the Council of Ministers really, I find, do not shed much light, but rather confusion. They compare this Shadow Board with things that it cannot really be compared to. If we approved this proposition it does not change whether Ministers or this Assembly can set up *ad hoc* groups to progress certain matters. Then in the P.P.C.'s (Privileges and Procedures Committee) comments the last sentence: "The introduction of Ministerial boards would alter Jersey's machinery of government. Ministerial boards should not be formed until the States have agreed their function and that they should be established. The final part of Deputy Le Claire's proposition should be rejected." But I thought the Minister was setting up, in effect, a Ministerial board. The Minister is doing what the States have not yet agreed how to do. I am sorry, this is not good and I am now also confused about exactly the way this relates to what we should be doing. Senator Shenton said we need to have some road signs before we start driving down the road.

[14:30]

I think he has a point. I find that we are progressing down something that we have not yet designed. Then on the other hand we are saying that we cannot do it. I urge Members to support this proposition. It gets us a little way along the road of asserting the primacy of this Assembly.

9.3.2 Senator B.E. Shenton:

When I spoke earlier I mentioned that this was not perhaps a board at all, because of the lack of power, accountability and responsibility. The P.A.C. wrote to the Appointments Commission and also said: "We shall also require insight into the rationale behind the decision to make this a remunerated advisory body, rather than an honorary position that is commonplace in other areas." I mean, you could almost look upon the P.A.C. as an advisory board in some way, but of course it has honorary members of the public that are not even given sandwiches at lunchtime let alone any form of remuneration. The reply from the Appointments Commission was as follows: "In all appointments that the Commission are involved in it is normal for the department to set out the specification for the roles and this is what indeed happened in this case." The Commission is very clear that it is a recruiting department. It is the recruiting department's role to set out what is required to meet the business needs along the appropriate level of remuneration. I have attached both a brief issue by E.D.D. and the advert that was placed for the harbours and airport shadow board. But if I quote from the extracts it says: "Purpose and aims. In the first instance the shadow board will be expected to work with its management of Jersey Harbours and Jersey Airport to find the optimum operational and government structure and make a recommendation to the Minister for Economic Development." Well that is fair enough: "Once this has been approved and any necessary structural and legislative changes are underway the shadow board will assume a normal board governance role for both entities to ensure viability and sustainability." This is in fact saying that they are going to move the harbours and airports to an incorporated body with a proper board. Now, maybe I missed that debate. I do not seem to remember that debate in the House, probably because it never took place. These people have been recruited on that basis. The Appointments Commission go on to state: "It is clear from these documents and from discussion with E.D.D. at the time that the remit was beyond the advisory role that was set out in your letter." In other words, what they recruited was totally different to what the P.A.C. say that they have, i.e. an advisory committee. They recruited a Ministerial board, paid board salaries and ended up with a board with

no power, responsibility or accountability. The Appointments Commission go on to say: “As I am sure you would expect, the recruitment was designed to meet the brief set out by E.D.D.” So, the appointment was made on the brief set out by E.D.D., which was for a shadow board, which would then move to a full board with full powers upon incorporation of the harbours and airport. In respect to remuneration, this was also set by E.D.D. I understand from E.D.D. that research into appropriate levels of remuneration was undertaken at the time, based on the brief. So again, we have a slight overlap there. Now, from the point of view of the P.A.C., I think what we would like to see is a little bit more structure in something like this. We would also like to see that the Executive if they are going off with a severe policy change, i.e. the incorporations of the harbours and airport, that they bring it to the House first and not start setting up advisory committees based on policies that have not been sanctioned by this Assembly. On this basis I welcome the proposition by Deputy Le Claire, but I do think it is a bit of a pity that he has to bring it in the first place.

The Deputy of St. John:

Could I seek instruction from the Chair on this, Sir? I am a Member of the shadow interview board for S.o.J.D.C., which is interviewing some candidates to do with shadow boards, *et cetera*. Can I speak on the proposition or do I have to declare an interest and step aside?

The Bailiff:

It does not sound to me as if you have to declare an interest, Deputy. Sorry, tell me again what it is you are on?

The Deputy of St. John:

On the interview board for the Chairman of the S.o.J.D.C.

The Bailiff:

Just remind me what that is.

Senator P.F.C. Ozouf:

States of Jersey Development Company. With the greatest of respect to the Deputy of St. John, he is not on the interview board, he is on the Technical Advisory Panel, which is going to advise the panel that is appointing the chairman.

The Deputy of St. John:

Thank you. Yes you are right.

The Bailiff:

I think you have a free hand in this debate.

9.3.3 The Deputy of St. John:

I have a free hand. Okay. I did not want to sully any position that may be coming forward. I must say that this is one of Deputy Le Claire’s better propositions. No offence to Deputy Le Claire. I think this does merit a good debate. We do need to be able to see exactly what is going on. We are the elected Members of the House. It is important that things get passed through this Chamber, earlier than later. We do not want to hear about things once they have already happened. These things need to be debated in this Chamber in the first instance. As far as I am concerned, I am supportive of what the Deputy is trying to do and therefore he will be getting my support on this proposition. It could be tweaked in one or 2 different ways, but that can be done at another time. I will give him my support. Thank you.

9.3.4 Senator P.F.C. Ozouf:

I have no issue with part (a) of the proposition as amended. I certainly agree with Senator Shenton that issues of importance - such as incorporating an entity - should certainly come before this Assembly. There is a related issue, which I think some Members may be not in agreement with or confused about, which is concerning. I would say that the world over the last 30 years has changed very significantly. The world in which a plethora... or services that were previously run by governments: airlines, coalmines, electricity grids, airports, water boards, in the United Kingdom and elsewhere... there has been a whole separation of the concept of service delivery and policy. State ownership can be a feature, but we have seen an increasing amount of bodies which have been set up which can deliver better value services. Standing incorporated entities can - not always do, but they can - achieve better value services. Indeed, the N.H.S. (National Health Service) in the U.K., while there are some changes in relation to what the Coalition Government is doing, the N.H.S. is not a government department, it is a statutory body with a governance structure, which is separate from policy, obviously on a much larger scale. I believe that there are roles in the future for Ministerial boards and incorporated entities in focusing on better value delivery. I think that this Assembly does need to be clear about, and indeed the Deputy of St. Mary, I think is ... perhaps we need to have a debate about what the issues of policy and the issues of implementation are. I think some Members sometimes would like the world, which is perhaps the comfortable world, of a committee running a department and almost fusing the responsibilities of policy and implementation. I have wrestled with whether or not I could vote in favour of parts (b) and (c) of the proposition. I do not think that this proposition stops, for example, the appointment of Ministerial board members of an individual to focus on policy. I sent around a note to Ministerial colleagues before Christmas of the existence of Ministerial boards in the United Kingdom department, where non-execs sit on Ministerial boards and their sole focus is to focus on delivery and implementation. In a way, non-execs can be more effective in holding senior executives, permanent secretaries, chief executives to account than sometimes politicians. Our focus should be on policy and strategy. Our focus should not and cannot be on the focus of implementation. I do not think that the appointment of, for example, C.S.R. advisers, is a problem in relation to part (b), because it is quite restrictive. Certainly I agree that the Housing Department is moving potentially towards a stand-alone, incorporated entity. That is a matter that the States will decide. Clearly there are some transitional arrangements that would need to be put in place in order to move towards the move to housing. We have done it with telecoms and postal. I think that was the right thing. I think that postal and telecoms are more efficient. They are in many way more attuned to their customer demands and they are delivering better value for money. We do need to rehearse how we got to the point of incorporation with postal and telecom. We had an agreement in principle to the States and then there was a shadow board set up. I am still struggling with the definition as to whether or not that does stop the necessary evolution of some services to being separated from policy and strategy, whether or not it is possible to appoint non-execs for Ministerial boards, and whether that is going to be a difficulty in relation to some of the important work that needs to happen with C.S.R. I have no problem with part (a). That needs to come to the States, because we are clearly, I hope, on a journey with harbours and airports of a different structure in the future, but I am worried that parts (b) and (c) are going to be restrictive. I note that it does say: "and, and, and" so I am not sure that the wording of the proposition is quite as wide as Deputy Le Claire would perhaps have intended, knowing what some of his views are. But I will see how the debate progresses. I am concerned that this could stop some of the necessary separation of between policy and implementation in terms of service delivery.

Deputy P.V.F. Le Claire:

Would it help if I took direction from the Chair, Sir, as to what I intended in my wording and just clarify that with you, Sir? We seem to be running a few hares and I would like to stop those if I can: "To agree that no such similar body shall be established [so, similar bodies is the first part] by Ministers until the proposal to establish the body has been agreed by the States in all cases where there is payment of remuneration" and that is key.

[14:45]

I am not saying they cannot go off and appoint States Members or advisers or shadow boards or tourism boards, but where there is £125,000 of taxpayers' money disappearing, I would like the States to have something to say about it.

9.3.5 Deputy G.P. Southern:

I think I have just seen the gleam of privatisation in the eyes of the Minister for Treasury and Resources, which is usually achieved in this Island through incorporation first, moving on and readying for privatisation. Certainly that is an initiative which is in the Strategic Plan and forms part of the Minister's agenda. I too share some concerns for completely different reasons with part (c) of this proposition. So I will be waiting to hear from the proposer as to what he really means by part (c), because at the moment I cannot vote for that and I will explain why shortly. The Minister for Treasury and Resources spoke of better value standards achieved through the use of private companies to run things rather than the public. I would say and for that very reason, not better standards, but what we are seeing time and time again as a result of privatisation all around the world worse standards, lowering of standards from privatisation. We should absolutely back parts (a) and part (b) of this proposition. To prevent, as Deputy of St. Mary suggested, this increasing marginalisation of the States. I could not agree more with Deputy Le Claire, when he says: "Until the proposal to establish the body has been agreed by the States in all cases, where payment of remuneration is to be made, where Members would have access to information that we do not and where the body is established with a view to shaping government policy are informing the delivery of change; 100 per cent backing for that paragraph. It is absolutely vital for the function of this body. Where I start to differ is as he goes into (b)(ii) and then he talks about: "The Minister should consults Public Accounts Committee, Privileges and Procedures Committee and the relevant Scrutiny Panel to ensure appropriate oversight of the proposals." There he appears to be giving more power, more control to those 3 sets of bodies, to the Scrutiny Panel, for example. That is the one that I am particularly concerned about. I am concerned about it, because what I find with part (c) is that we have there apparently, and certainly that is the impression that P.P.C. have of part (c), this is a rehashing of P.120, this establishment of, so-called, ministerial boards. Now I think that would be completely a wrong move and could lead in the longer term to the withering away of the scrutiny function. It was no better illustrated by the words of the Minister for Treasury and Resources when he started saying: "And if we were to establish these ministerial boards then non-Executive members could be selected in and could be more effective at holding to account the Ministers." Hang on. That is a duplication of roles. So people chosen by a Minister on to a board could be more effective at holding them to account. They of course, would not be their best friends in any way, shape or form. Absolutely not. Imagine it. Already in Scrutiny, we are having problems getting enough active Members that are prepared to roll up their sleeves and get really stuck into deliver proper scrutiny. Imagine the case where we have another barrier in the way where some Members have been invited on to these ministerial boards and therefore having had their input on the Executive side would feel somehow constrained from criticising what they had helped to make, even if they made criticisms at the time, they might feel somewhat constrained. Getting less effective scrutiny out of the body that is supposed to be doing scrutiny and that is scrutiny. So, part (c), to me, is a repeat of P.120, which we voted out and I would suggest Members should throw out part (c), unless we are going to have some sort of assurance that that is not going to happen. But that is the danger, that is the route forwards, that Scrutiny withers away because everybody is doing a bit on the Executive side, so nobody can get their act together to do some real positive scrutiny and hold those Ministers to account. Ooh, that was a bit passionate. I should have a brick in my hand next time and I will chop it in half. So that is my reservation. Certainly, wholeheartedly behind part (b), part (a) with its amendments - less so, but I will vote for it - but (c), please, please, Members, join me and leave (c) out of this. This is another issue for another day. If we want to return to P.120 or something similar, it is a separate proposal on its own, we should kick (c) out. Thank you.

9.3.6 The Connétable of St. Mary:

Just to follow on from what Deputy Southern said, I think we probably do not agree on exactly the way we expect Scrutiny to evolve or whatever, nevertheless, I have to say what he said is exactly what P.P.C. were trying to get at. That this Assembly took a decision, I did not agree with it but it was a decision taken by this Assembly that we would not move to a system of ministerial boards. This proposition does not give a definition of ministerial boards. I think that is a flaw. I think Members should bear in mind that when a concept is put down in a proposition, and it is not a concept that we already have in our Standing Orders or whatever, we ought to set a definition, so that we are absolutely sure what we are talking about. The shadow boards relate to the shadow board that the Minister for Economic Development has set up. So by inference we can tell what we are talking about. But ministerial boards is not defined. The report mentions and plays on Senator Breckon's proposition. So P.P.C. took the view that that was probably what Deputy Le Claire was talking about, a quite different concept from the shadow board, which is why our comments are split separately. But this Assembly took a decision not to go there. By saying that we will not ... as the proposition does in paragraph (c), that any proposal to establish the board should not come without various criteria being filled, is really a tacit acceptance of ministerial boards without any of the supporting work and underlying framework that went with it. For that reason, and I hope the Deputy of St. Mary now understands our comments, P.P.C. was strongly against the adoption of paragraph (c) without the necessary overarching principles or ministerial boards and the concept being defined and being agreed as the way this Assembly wanted its machinery of government to go. I hope that has clarified things.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon Deputy Le Claire to reply.

9.3.7 Deputy P.V.F. Le Claire:

In reverse order, part (c); I am not too fussed really if Members support me or not. I am not being facetious. I do not think it is a deal breaker, as far as I am concerned. I must take the blame really for what has been pointed out as a flaw by the president of P.P.C. for not wording the definition of what a board was. My intention in part (c), and I want this to be clear, was not to agree that we should have boards, it was to stop exactly what Deputy Southern has pointed out as the extrapolation of Members on to executive bodies and the befriending of them by the Executive and the in-confidence sharing, subtle, come-under-my-wing proposals that we have seen recently. I have said that unless in the future we have those bodies endorsed by a States mandate they really should not be happening. It is a great shame Deputy Southern is not in his seat. I hope he is listening. I do want to make this point to him. He reiterated the concerns of the Deputy of St. Mary, which were the marginalisation of Members. What I am suggesting in my proposals is that if there was to be a shadow board set up one afternoon on the whim of a Minister then that shadow board which would be announced to the Assembly, would not come before the Assembly, without our having a say in it. Deputy Southern has returned to the Chamber. So, I will just go over that, because I think it is important. He was listening. I just wanted to make it absolutely concrete that if there was a board being set up this afternoon for, let us say, tidal power, something like that and a group of people were being chosen to be on it, there would be an opportunity for us to present an alternative makeup of that board. This is why I wrote this part (c). It was about stopping that sort of cosy-club get-together, which is occurring at the moment. It is not about re-visiting P.120 at all. But then conversely on this argument, what is the protection that the public and the States Assembly has that a board will not come before the States Assembly? It is the view today of P.P.C. that the overarching principle should come back towards the States. But I am sorry, the States of Jersey does not function upon reports that have been scribed by P.P.C., however well meaning they are. I do take some blame with this, but however well-meaning P.P.C. is and however correct they are it is not an agreed principle of the States. All we have is the comfort of this current elective Privileges and Procedures Committee that that really should come back to the States. It is not an

agreement by the States, whereas my part (c) does make it a requirement that any such board needs the States approval, not only to be set up but in its membership and its terms of reference and its finance and manpower implications and the scope and the policies, which are to be followed by that board. So it puts back the power from the Executive into the hands of the Assembly. There was confusion there and I do take blame for it, but I do think it is important for Members to realise that part (c) was about stopping the marginalisation of Members and stopping the erosion of Scrutiny and empowering the States Assembly, which I have highlighted for a number of years, and it is becoming more and more evident, the supremacy of the States has completely disappeared. It disappeared when we debated Clothier and a move to Ministerial government. I was passed a note by the former Deputy of St. Brelade, Deputy Layzell, which he pointed out to me: "You do not seem to understand, Paul" were his words: "In the future the States will not be the Government. The Executive will be the Government." I stood up to read it out verbatim and he said: "Do not, do not. It is a private note, do not read it out." I wish I had done at the time, because the Executive clearly understood what they were moving to. The law officers advising the Policy and Resources Committee clearly understood what they were doing with sole corporations. They have basically disempowered the vast majority of States Members from the electorate. In terms of what they can do, what they know and, this morning, what we can ask. So that is part (c). So Members can rely upon the strength of the P.P.C.'s words as comfort that we should have an overarching principle or take this as at least a good first step in the overarching principle, but I am saying there shall be no boards, unless it comes back this Assembly. We establish that principle today; part (b), more power to Scrutiny. Maybe it is better from here if I go back to the order that Members spoke in so we can get this put to one side. The Deputy of St. Mary, I thank him for his kind words and spoke of marginalisation. He is absolutely right, that has and is occurring. Senator Shenton, I thank him for his time and his officer's time at the meeting and also the point that he makes about the Shadow Board and the role that it would assume, the incorporation of harbours and airports and the remit that was set out to the advisory role. I think when Deputy Higgins and his Scrutiny Panel look at this on their sub-panel, hopefully they will look at the transcripts of these debates and the transcripts of these propositions, because I think that is key. That is the area of questioning I would ask: what was the remit that was sent out? Because it does not match the timeline, in my view, there certainly is some concern there about what was sent out at what time and to whom. By way of evidence, for Scrutiny is evidence-based, we have the introduction to the States Trading Operation Shadow Board printed in May 2010. On the third page - and I questioned this at the meeting - purpose names. In the first instance: "The shadow board will be expected to work with the management of Jersey harbours and Jersey airport to define the optimum operational and the governance structure and make a recommendation for economic development. Once this has been approved and any necessary structural and legislative changes are underway, the shadow board will assume a normal board governors role for both entities to ensure viability and sustainability." It goes on in the minutes to say: "The role of the shadow board is purely advisory now. This may change in future with any move to incorporation." Then the subsequent paragraph, which you know, it is all good for speeches: "The board agreed that there should be a new level of openness, candour and trust." There was a political dimension to matters under discussion and this is recognised by the shadow board. The board feel that they can strengthen the Minister's hand and enhance the ability to face political challenges. Engagement with Scrutiny will come at a later date and the shadow board may offer to meet with other politicians at some point. It needs to be very clear that the shadow board is a non-political group. Agendas will be circulated to the ministerial team before any future meetings." It is a non-political group made up of the past Chief Executive Officer of the States of Jersey and a past Chief Minister for the States of Jersey. It is to do with our airport and it is to do with our harbours. The book value of the buildings alone on those 2 entities is in excess of £80 million. Let alone the numbers of people and the amount of goods that travel through them. The Port of Jersey has a roll-on roll-off ferry operations and a small cruise liner ship market, it has 3 marinas, it has a coastguard service and in 2009 it handled 730,000 movements and 500,000 tonnes of freight, which represented 99 per cent of all goods consumed in the Island.

[15:00]

So, 99 per cent of everything that is consumed in Jersey comes through these 2 places. I thank Members for supporting me and for giving me kind words about whether or not this was one of my better proposals. It certainly is in my view a no-brainer. The Deputy of St. John kindly gave me his support. As he said, importantly, these things need to come earlier and they need to be debated in this Chamber. Other Members do not need to worry about this, because they have power, but the rest of us really need to start making more of a fight for it. Because we have silently and unknowingly, in many cases, it has been abdicated by our predecessors over to that end of the Chamber and whoever else is of the same view. While I do not criticise the Minister for Economic Development for doing this, because I think the move to get a leaner harbours and airport structure is absolutely correct, I do not apologise. I might be in a position where I should, but I do not apologise publicly for having brought this proposition. It may have caused some degree of embarrassment, but the facts of the matter are we do not need to be led either by the commercial elements of these organisations. Their executives or the people that are hired in, any honorariums, to tell us what the policy and future directions of these 2 entities are to be. These are significant States assets. These 2 things have to be watched like hawks. If I am not here next year any of the others that remain need to continue to be vigilant to watch over them, because the easiest thing to do is to incorporate them into a private company and watch them toddle off up the road and then look at the cost of getting on a plane and getting on a boat and getting anything into this Island in the future. It certainly may be cheaper to do, but it certainly will not be cheaper for us or the public we are meant to be serving. Senator Ozouf feels that this may preclude him from doing what he wants to do. I have never met a politician in this Assembly that has had the ability to do what they want to do or is able to do that better than Senator Ozouf. In my experience, Senator Ozouf practically gets everything and anything Senator Ozouf wants. Not to be demeaning. He is a very adept politician, a very shrewd, very talented and intelligent man. If my little proposition is going to get in the way of him doing his job, I think we really need to wake up. I am sorry, Senator, as enduring as it may seem to other people ... you may have the party whip out on this one. I am not sure. We will find out. But I certainly do not believe my proposal is going to stop, through the Chair, the Senator doing anything he wants to do. So I am going to help make it easier for Members and ask for all the parts to be taken individually. I am just going to query whether or not ... I am happy to take them (a), (b) and (c), but I am just wondering if Deputy Southern or any other Member wants me to break them up further and I will be happy to.

The Bailiff:

I think the position is Deputy, you must take (a) and (b) together, because (b) refers back to (a), so that would not make sense on its own. So (a) and (b) together, but (c) can be separate if you so wish.

Deputy P.V.F. Le Claire:

I am wondering if (b)(ii) is able to be stripped-out, Sir, because I think there was some concern there.

The Bailiff:

No, I think (a) and (b) as a whole.

Deputy P.V.F. Le Claire:

Okay, (a) and (b) as a whole, please, and a vote on each, Sir.

The Bailiff:

And then (c) separately.

Deputy P.V.F. Le Claire:

Please. Thank you, Sir.

The Bailiff:

Very well, is the appel called for? The appel is called for then in relation to the proposition of Deputy Le Claire. So Members will be invited first of all to vote on paragraphs (a) and (b) together. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 36	CONTRE: 11	ABSTAIN: 1
Senator T.J. Le Main	Senator T.A. Le Sueur	Connétable of St. Mary
Senator B.E. Shenton	Senator P.F. Routier	
Senator J.L. Perchard	Senator P.F.C. Ozouf	
Senator A. Breckon	Senator F.E. Cohen	
Senator A.J.H. Maclean	Connétable of St. Saviour	
Senator B.I. Le Marquand	Connétable of St. Clement	
Senator F.du H. Le Gresley	Connétable of St. Peter	
Connétable of St. Helier	Deputy J.B. Fox (H)	
Connétable of Trinity	Deputy of St. Ouen	
Connétable of Grouville	Deputy of Trinity	
Connétable of St. Brelade	Deputy E.J. Noel (L)	
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Lawrence		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
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 S. Pitman (H)		
Deputy K.C. Lewis (S)		
Deputy I.J. Gorst (C)		
Deputy of St. John		
Deputy M. Tadier (B)		
Deputy A.E. Jeune (B)		
Deputy of St. Mary		
Deputy T.M. Pitman (H)		
Deputy 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)		

The Bailiff:

Very well, then the Greffier will reset the machine and we will then turn to part (c) and I invite the Greffier to open the voting.

POUR: 21	CONTRE: 27	ABSTAIN: 0
Senator B.E. Shenton	Senator T.A. Le Sueur	
Senator J.L. Perchard	Senator P.F. Routier	
Senator A. Breckon	Senator P.F.C. Ozouf	
Senator F.du H. Le Gresley	Senator T.J. Le Main	

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

10. Standing Orders: additional signatories on propositions (P.174/2010)

The Bailiff:

Very well. Then we move next to proposition 174 - lodged by Senator Routier - entitled Standing Orders, Additional Signatories on Propositions. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are to decide whether they are of opinion to request the Privileges and Procedures Committee to bring forward an amendment to Standing Orders to require a proposition for debate lodged by a Member of the States in his or her own right to be endorsed and countersigned by 7 other Members.

10.1 Senator P.F. Routier:

This proposition asks Members to agree to request the Privileges and Procedures Committee to bring forward an amendment to Standing Orders so that there is a requirement for 7 Members to endorse and countersign a proposition before it is lodged for debate. Later on during the sitting, I will be asking Members to consider a further proposition, which is P.194, to increase the minimum lodging periods. Both of these propositions seek to bring some measure of order and discipline to the way in which our Assembly carries out our business and, importantly, the way that we use our very limited resources. I am aware that it is becoming more and more difficult for Ministers to carry out their duties within their departments because of time constraints and I have also been told by Scrutiny members that they do not have enough time to scrutinise policies and legislation which are due for debate. In fact, this afternoon, we have heard from Deputy Southern himself who said that there are not enough Members prepared to roll up their sleeves. Well, because probably not having enough time to devote to the Scrutiny process. We are spending more and more time in this Assembly when we could be usefully progressing or scrutinising new policies or legislation. The public is demanding that we control our spending and only do things that are really necessary. Everyone in all walks of life are having to reassess the way that they lead their lives and the way they do things because of limited resources. We are also asking our own States employees to do

things differently. I believe that as States Members, we have a responsibility to play our part and to use our own resources carefully and effectively. When the Greffier recently published the statistics of last year's activity in the States, I recalled discussions I had with colleagues in Guernsey about the processes that they have and the amount of time that they spend in their Assembly. We also discussed, for comparison purposes, the time that they spend in Scrutiny Panels and in their departments and helping constituents. It is evident that the balance of how we are now working has changed considerably in recent times. We are having less and less time to do the real positive work to help our constituents. I would suggest that we would be serving our Island far better if we were to spend more time in Scrutiny meetings or in departments, ensuring that the policies and services to our constituents are being developed and provided effectively. We could also spend more time with our constituents. Out of interest, I asked our Greffier if he would contact his counterpart in Guernsey to see if they had comparative figures to what he had published regarding the time we spend in this Assembly and how we spend that time, and I hope Members have before them now a chance to look at that document which has just been passed to you. I think Members will find that the contents make really interesting reading, not for today, I know, but just look at the section on questions. Perhaps something might progress with that at a later stage. **[Aside]** Of course I am not saying that Guernsey have got it right; I am not saying that in any way, shape or form, but there has to be some recognition that there is a real difference in the way our operations work, our 2 Assemblies work. I have shared those figures with Members and also the Rules of Procedure in my appendix to the report. I am also aware that there are many jurisdictions, and I say many, that have more stringent procedures than what I am proposing before a debate in a full Assembly is possible. While some may feel that this is a proposition which is a restriction on Members' rights to progress a topic that they want to debate in the Assembly, I believe that what I am proposing can help all Members to have the likelihood of a successful proposition because they will have the comfort of knowing that their proposition has had oversight of other Members. We have had experiences today where there have been little tweaks and things have been talked about with other Members or departments that the proposition would have been far better having had that oversight originally, and would have been a much more successful proposition. So I believe that this is going to be a great help to any Member who does want to bring forward a proposition because they will know they will have that degree of support before it is debated. Of course, I cannot say that this proposition will not stop a Member from progressing an issue being debated. However, in that case, it must be pretty evident to that Member that there is no support for the matter at that time. If a Member cannot get the initial support of 7 Members but still wants to gain support and continue to publicise an issue, then all the usual avenues are still open for the Member to progress his or her cause. At a later stage, after due reflection, when the support is there, there is more a groundswelling of support, then bring the proposition forward for debate rather than perhaps on an *ad hoc* day just get up early one morning, write a proposition, bang it into the Greffier and for it to be debated, as our present processes stand, in 2 weeks' time. Hopefully we will be debating a little bit later extending that. There are a number of amendments. Perhaps it would be helpful for Members to let them know at this stage that I will be accepting the third amendment of Deputy Southern, which extends the requirement for 7 Ministers and Assistant Ministers to endorse a proposition. I had thought about including Ministers in the initial proposition but I knew that the majority of propositions that Ministers were bringing forward were either a response to decisions this House has already made perhaps in the Annual Business Plan or in other earlier debates, so there was already that amount of support from the Assembly which they had bringing those forward. But, for instance, if there were a major policy, it would have already been supported by the Council of Ministers so I took it personally. I took it for granted that the oversight and support was already there so I think that, as I say, I am quite prepared to support Deputy Southern's amendment because I think it will be achievable. The remainder of the amendments I am afraid I do not consider that I will be able to support but I will save those comments for a little later. This is a very straightforward principle focused on ensuring that propositions are well thought through and have a measure of support before the Assembly is asked to consider a matter. I am grateful to the

Privileges and Procedures Committee for their comments, which are very clear and supportive, and I would also like to thank Senator Shenton, Senator Ferguson, Connétable Vibert, Connétable Refault, Deputy Duhamel, Deputy Noel and Deputy Dupre for supporting and being the first to test-run this principle of gaining 7 Members to review and endorse a proposition. If Members support this proposition, which I hope they will, the proposers and supporters of any proposition will have all considered the principles before it is lodged and we will, in future, have debates that will be well informed and have some initial oversight and, importantly, a measure of support. I make the proposition.

[15:15]

The Bailiff:

Is the proposition seconded? [**Seconded**] Very well.

10.2 Standing Orders: additional signatories on propositions (P.174/2010) - amendment (P.174/2010 Amd.)

The Bailiff:

Then we have a number of amendments. The first one to be considered is that of the Deputy of St. John and I will ask the Greffier to read the amendment.

The Greffier of the States:

Page 2. For the number “7”, substitute the number “2”.

10.2.1 The Deputy of St. John:

Firstly, I would like to tell Senator Routier and other Members who backed this proposition, including 3 who are not in the Chamber - who in fact come from Parishes in the main part ... the majority of them come from Parishes where they only have 2 representatives or less than 8 representatives, unlike St. Helier - that it will be very difficult to get 8 signatures to a proposition that is of parochial concern, and that is why I seek to amend this to reduce this number. By limiting it to 2, in effect, we are acknowledging that this is a real parochial problem by engaging both representatives of any Parish plus also introducing a signature from a representative in another Parish or one who boasts an Island-wide mandate to merit the issue worthy of debate and I have serious concerns. But having these 2 signatures, we are addressing Senator Routier's concerns that the proposition is unlikely to be withdrawn as it has multiple signatures indicating the importance, while also acknowledging the benefit that a proposition with 2 signatures will bring to members of the public as it is recognised by numerous Members as being a vital issue. Similarly, if one is to look at the proposition cynically then time would be saved on propositions that could not find a second signature. Moreover, I stated in my report, I am not pleased that Senator Routier, as a non-elected Assistant Minister and subsequently a member of the Executive branch of our government, is trying to stifle debate. [**Approbation**] I am not at all happy. It is important that as a Member of the legislature, we should be able to bring up the issues we feel worthy of debate despite any resistance from the Executive. The Executive do try to force themselves upon us. It must be reiterated that one of the key points to any democracy is the ability to hold debates on any issue - on any issue Senator, especially in this Chamber - as it identifies the people of Jersey's right to freedom of speech which is democracy in this Chamber. I again urge the Members of the House to support this proposition because failure to do so will be once again putting another nail in the coffin of the democracy within this House. We will be being guided by the Executive. I noticed the Assistant Minister in his speech, or the proposer who has done this as a Back-Bencher in his speech, accepted the third amendment of Deputy Southern here. But it is quite simple. We have got our 10 Ministries therefore it is quite easy to get 7 signatures on to the paper. It is not so easy for myself as a Back-Bencher to do it if I want to represent a member of the public who has approached me. I would have to put the whole argument to 8 people or 7 other persons. It is all well and good that the Assistant Minister wishes to go down that particular road just for expediency

so that Members do not have to spend that long in the Chamber but, at the end of the day, we are here to do what is right for the people who put us here. It may be trivial to the proposer of the main proposition but every time I meet one of my constituents and people from across the Island who I do represent... and you will see from a proposition I have just laid today from a person from another Parish, that I take on all issues for people from right across the Island, not solely from St. John. It would be wrong to have to put every item to a test of 8 separate meetings with different people to have to present it to them and I may have to go to 12 or 15 because they are not in agreement with seeing democracy in action. I think it is totally wrong. I think if I can convince 2 other persons that this is the right way forward, then I can convince my Connétable in St. John and an Island representative or a fellow States Member that it is worthy. Then it is worthy of debate, but going to the lengths that the Senator is proposing I personally think is a bridge too far because we are here in a democratic Chamber. We just noticed what happened with Deputy Le Claire's proposition earlier, which was a fair proposition. The bulk of it was accepted. What I am proposing is the centre ground. It is not the extreme right as the main proposition that has been proposed. This is the centre ground. This is to allow Members, all of you in this Chamber... You may be Ministers today but tomorrow you may be a Back-Bencher or on Scrutiny or whatever and you will need to be able to convince 2 other persons to make this happen. I ask all Members in this Chamber to think of those people who put us here. They may have a little issue and it may be to do with the main drains, for instance, in their area, but they have... and we are all here and we all represent different things or we should do. That is why we are made up in part of a lawyer, a plumber, a car dealer, a house salesman, a former fire chief and the like, a decorator, and we are made up specifically. That is how government works, people from all walks of life, including a number of school teachers, and you do not need too many of any one particular area of expertise. We could do with one or 2 more lawyers I think. We have got an abundance of accountants or so-be accountants but, that said, we are here to be able to help the people of this Island. I think when you are voting on this before long - I hope the debate will not last that long - but I think people deserve to have their say. We have to think of the people out there who need a voice in this Chamber and, as I have already said, it may be some small issue to 95 per cent of the Chamber here but to the person and the family or the society that you are representing - the group of people - it could be a make or break decision. I think if Members can take that on board when they are voting, I would appreciate it.

The Bailiff:

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

10.2.2 Deputy P.V.F. Le Claire:

I think the Deputy of St. John has brought what can only be described as a fair amendment, fair to the outlying districts in the countryside where perhaps there is only one Deputy and there is an issue that is dear to their hearts where they have elected somebody and sent them to the Assembly. Senator Routier stood up and circulated a piece of paper from a nearby jurisdiction called Guernsey where they disposed of Executive Government and kept a smaller committee system, thereby empowering their members and keeping them all informed, all in the loop. Thereby there is less need for such long questions, such long debates and so many other things that have become more and more necessary as more of the power has been sucked away from the ordinary elected Member of this Island. May I just take a moment for Members to reflect? Since I became a Member, what has changed about the requirements of not only lodging questions but also propositions, because Senator Routier said that maybe we need to focus on questions in the future. When I came to the States Assembly, there was no limit to the amount of Oral Questions you could ask and there was no limit to the amount of Written Questions you could ask. We have now been reduced to 2 Oral Questions and 5 Written Questions. When you tabled a proposition, you were not required to show that there was some counterbalance in the economics that you were putting forward in a financial and manpower implication statement that you have somehow got to reconcile between the numbers

that the department is willing to show you and the numbers that you feel you can add to your proposition. To request the Privileges and Procedures Committee, who are meant to be protecting our rights as Back-Bench Members, to bring 7 and then to see elements of this protection dissipate in front of our eyes is really ... I would like to say quite frankly a move to further ostracise ordinary members of the public in having a role to play in government. If the Council of Ministers and those who are at the moment supporting them believe that this is the best thing for Jersey in the future on how we spend our time, then I am sadly going to have to devote more of my time in the future to oppose this sort of thing and get down to just basic democracy rather than constructive debate, because what is continually happening is there is an erosion of what the ordinary member of the public wants out there who elect us and what ends up happening in here. They do not get a say and nor do we much on Assistant Ministers who can bring these propositions after they have been denied Ministerial roles by popular vote. They do not get a seat or a say as to how their Chief Minister is appointed or their Minister for Foreign Affairs or what the Foreign Affairs policy is. They do not get a say as to who is appointed to boards on remuneration levels or levels of recompense that far outstrip the earnings of the average individual out there. If this Council of Ministers and if these politicians that are endorsing this proposal believe that this is the way forward for Jersey, then I am sorry, it is back to the trenches. Let us go and see how many poor people we can find to come to the ballot box. Let us go out there and see how many ordinary people we can find to come to the ballot box because that is what we are going to be doing for the next 4, 8, 12 years. That is what it is going to be about. It is going to be about division and forming political parties because this current political party - a covert political party, and they know exactly what I am talking about - are endorsing this kind of ostracisation and radicalisation of this Assembly, and I am sorry to say Senator Routier does himself no favours whatsoever in bringing these types of proposals before this Assembly. If he wants to see matters speeding up in this Assembly, take a long hard look at the answers to Oral Questions and take a long hard look at the answers to Written Questions. In Written Questions that are helped by the department, you will see facts, figures and timelines. In Oral Questions and the answers that they are prolonged by, you will see waffle upon waffle upon obfuscation and tangent upon misdirection. At the very least, 2; at the very most, 2. I will not be supporting Senator Routier. I am appalled that he has brought this proposition and the other on the guise that we are going to somehow speed-up matters. That is the same guise that we were told Ministerial government would bring. Better decision-making, more involvement, more gelling of departments, cross-fertilisation. What is Deputy Noel? Cross-fertilisation. We have seen Deputy John Le Fondré recently treated in a manner that really is absolutely despicable in my view of not toeing the party line, and I am sorry to say too many departments and too many Ministries have been failing and falling apart and not serving this community because too many politicians have thought more about their posts than their principles in the past. I am asking Members here today because I do not want to spend the next 4 years pounding the streets, raising a rabble, which is what we will be forced to do to get back democracy in this Island if Members believe that this is empowering our community. It is taking away the rights of individuals to bring proposals.

[15:30]

Let us not forget; once those proposals are here, there is always 'Move on to the next item', the guillotine motion. That was introduced prior to the migration policy being implemented, a migration policy that was scrutinised by shadow scrutiny, 2 of the main members of shadow scrutiny, Deputy Southern and myself, itching at the bit to speak, were cut off from contributing to that debate because of a guillotine motion so we did not even hear ... the contrary side to the migration policy that was adopted has never seen the light of day. Today we are told it is going to be in in May and the Migration Advisory Group that I have been asked to go on is going to be able to see that off inside a month. We have been asking for months and months and months where is it, where is it, where is it. We did not want it because it was not finished. We wanted the final version rather than continually poring over and with the little time that Senator Routier has

identified that we have, poring over draft upon draft upon draft which were not the final drafts. So I am sorry, the Migration Advisory Group will do its best job in looking over that proposal but if there is any blame to be shouldered for the delay in migration, Senator Routier, step forward, Sir, through the Chair. This proposal is going to divide us. My normal speeches of trying to make us work together will fall silent because we will be divided.

10.2.3 Deputy G.P. Southern:

I will start by addressing some of the words that the proposer used in proposing the main proposition because whether it is 7 or whether it is 2, I believe the principles behind what is being proposed, it does not matter whether it is 2 or 7, are the same. There is a clear indication with the give-away in Senator Routier's words when he said: "What I am trying to do" and it sounds very reasonable, said it with a smiling face, sounds very reasonable indeed: "What I am trying to do is introduce a bit of order and discipline into the House." How wonderful that would be and I think it was Winston Churchill who said: "Democracy may be a lousy way to run a country but it happens to be the best one that we have." Democracy, unfortunately, is a messy business and it is not subject to order and discipline and for order and discipline read control. For all the sweet-sounding words that Senator Routier gave in his attempt to say that: "I am trying to help you" the fact is this is a measure to reduce the level of democracy and to restrain and restrict the activity of Back-Benchers. Now, I just worked out that I have been in the House 9 years last month and it occurs to me that despite moaning - and I do when I get home a lot, in those 9 years - I have become increasingly proud to be a Member of these States, and increasingly proud, why? Because I have seen more and more Members as Back-Benchers come on to these benches and get stuck in. Over the years, the sets of figures here if we were to look historically about numbers of questions, about propositions brought by Back-Benchers, about amendments brought by Back-Benchers, would have gone up and up and up and that is something that we should all be proud of. **[Approbation]** We are developing an active and committed democracy in this Island where things are really working based on independent Members and their actions, and increasingly I feel proud to be part of that. Whether 7 or 2, this is a mechanism to put an obstacle in the way of this increasing activity. One has to ask why, particularly that this proposition has come not from Back-Benchers to introduce order and discipline and for order and discipline read control but from the Assistant Ministerial benches because as that activity has gone up, as that commitment has gone up, it has got more and more difficult for Ministers to get their own way. It used to be that, I do not know what proportion, I should say that a third of propositions came to the House and nobody knew what was really going on and the Minister said: "You have my assurance that this is the best way forward" and a number of Members on these benches would just nod away: "Okay, well, that is good enough for us" and that would go through. It happens on fewer and fewer occasions. Why? Because the commitment and dedication of Back-Benchers to ferret things out, bring amendments to bring out the nature of the legislation that comes between us or to ensure that something happens on an issue because the Minister is sitting on it giving us waffle after waffle: "Yes, I will do something about that this week, next week, some time, never, when I get around to it and my Auntie Mavis asks me to do it" and Back-Benchers are the ones who say: "Right, well, if that is your attitude, then, come on, I will bring my own proposition and we can debate it and then maybe you will commit yourself, Minister, to doing something about it, if not my proposition, then your own proposition" but you bring something in order to deal with it. The Assistant Minister really gave himself away when he said: "Just look at the amount of time we spend answering questions." Dear oh dear oh dear. What a give-away that is and how inconvenient that is for Ministers to be responsible being accountable to this House by having questions asked of them about what they are up to, whether or not they answer them and most of them they do not, which would cut down, as Deputy Le Claire has just said, the time on questions if they gave straight answers. It would be a start. Just briefly, I was looking at some propositions that have been brought from a Back-Bench basis, some of which failed, some of which got the approval of the States. The abandonment of a proposed youth wage to make sure young people got paid less than everybody else. Back-Bencher stopped. Legislation

on butane gas and the dangers of that. Back-Bencher proposition. The defence of school milk in the States for 4 years. Defence of language assistance until this year, this *annus horribilis* of cuts. Defence of language assistance again for over 4 years. Town park funding, a bit of a lucky victory that was but a Back-Bench proposition nonetheless, and one that finally got through and we are seeing the town park developing. Here is something else. Tax allowances and raising them so that we do not get fiscal drag. Social security ceiling being raised. First lodged in 2003. The idea was there, failed - failed miserably - but nonetheless put the seed there and eventually Ministers have come round to it almost 8 years later but that is happening. That sort of democracy and that sort of responsibility and accountability on the part of Back-Benchers doing what they think is right, never mind if you have got 7 or 2 supporters with you or not, is the way forward. Rental deposits, minimum wage, redundancy pay. They happen to be all Back-Bench propositions which have succeeded and have made this society, I believe, a better society where they have succeeded. Now, they happen to be mine but I am sure many Members on these Benches could come up with their own list and they would be right too. Putting obstacles in the way of Back-Benchers doing what they see as their democratic duty, to bring issues to the House, putting obstacles in that way, whether it is 2 signatures or 7, is to be abhorred and I urge Members to reject not only the 2 but certainly the 7 and to vote against these propositions which are bringing an obstacle to get in the way of Back-Benchers and an active and vibrant democracy.

10.2.4 Deputy T.M. Pitman:

I must congratulate all 3 speakers, very good speeches, which means I do not have to say so much. I just have to focus on the fact that this is of great concern because these proposals, they are about dumbing-down politics and about dumbing-down democracy and that cannot be good. Why is it that the Council of Ministers ... what do they really hate? They hate having to debate big issues but more than anything, they hate being challenged and it is funny I was reading in the establishment party house journal, the other day, the *Jersey Evening Post*, and they were saying that we must have the better quality of States Members. Well, the real reason all these questions have gone up is because we have got better States Members. We have not got so many people who just sit there, as Deputy Southern says, and nod and democracy, whichever side you are on, is about being held to account and about everyone having a say in that decision. I am afraid I am going to have to save most of my comments for the proposer, Senator Routier, but this is all about limiting the possibility of influencing policy to an ever decreasing number and that is not right. It is wrong. If I may, something that will, I think, help everyone. Chatting to Back-Benchers, I think there is already more than 8 of us who, as long as it does not impact negatively on human rights, social justice issues, reading this, I will countersign any Member's proposition. So what good is Senator Routier's proposal going to do? It is going to have no effect because we are undermining which again we have 53 Members. We are trying to shrink this down to just a handful of people having a say. It is really wrong and I am surprised ... well, I am not surprised that Senator Routier has brought it. Yes, the proposer here is right; the amendment is the centre ground. It is better than what is being put forward by Senator Routier but it is still not something that should happen and I would ask all Members to reject all of those things because it is just something that is being put in place to stifle democracy and that cannot be good. It is just like when you look at apparently the length of speeches and you find out that people do not all speak for 3 hours. Most people speak for 5 or 6 minutes. The real issue, I think, lost in all these proposals is the fact that bringing something to debate can be more important than knowing you are going to win. It is getting that issue that might never be aired and I have only had one thing I have brought. Yes, I have not won many but I have only one thing that I got less than those 7 or 8 votes but that was about young people with serious crime, and I can honestly say it is a fact only 2 of us really understood the issue and it has contributed to what has happened with the Children's Plan so it was all good and well that it got out. Senator Routier's plan is going to take that away from us, so I know what the Deputy is trying to do here and I respect him for that but I would be like Deputy Southern. I would ask the Senator to withdraw this because it is not a good thing.

10.2.5 The Deputy of St. Martin:

I am really disappointed at the small number of people in the House. I think we are just over quorate. This is a very important debate because, as I think the Deputy of St. John has said, it is really important that every Member here has the opportunity of bringing forward a proposition and I think, as we just heard from Deputy Pitman, there will be a number of people who will sign it just out of principle and not necessarily have to support it as, indeed, I have on a number of occasions stood up and seconded someone when they bring a proposition because I think that is what we are elected to do, and I do not think we should be inhibited in any way. I had a bit of a joke with Senator Routier. I said: "I hope it is not a kicking match" but it is not, we know that it is not that, but I think he has to understand this really gets down to the root of a lot of concerns a lot of States Members personally like myself have, and can I assure him that I have never ever got up in the morning and said: "Oh, I think I am going to do a proposition this morning." **[Aside] [Laughter]** I have brought dozens and dozens of propositions and like Deputy Southern, I can say how many I have been successful with and I have lost some. But those I have lost I think in many ways at least we have put across a point of view and sometimes even though you may lose a proposition, there are some winning parts from it as well. It brings things out to the notice. So never be afraid to speak up if you think you are right, and I can assure you I have never got up in the morning.

[15:45]

I might say it looks as though Senator Routier got up in the morning and thought: "This might be a good idea" and also to note that he has got 2 more propositions coming back to the House, which will have difficulty again and it is interesting that he managed to find 7 people to sign this particular proposition, but he has not got 7 people to sign the other 2 he is bringing forward. **[Aside] [Approbation]** I would have hoped that at least you do, and I know Deputy Noel is not in the House at the moment but I know that he is one of the signatories and he took a great amount of care to ensure that he did have 7 signatories for his P.2 about reducing the number of Deputies in the House and even though he had 7 signatories there, that was withdrawn on the very morning. So what does it prove? Nothing. All it means is that someone has gone out and got 7 names but they are meaningless. Also there is reference to Guernsey. Well, yes, it is good over there but I would hope we do not have our system in Guernsey that we have in Jersey. I am quite happy. There may be occasions I might not be happy with the Bailiff when he may turn down my proposition but I think the system we have here is far superior to what we would have in Guernsey. But the way I understand it, and I may stand corrected, but I am going on the information given by Senator Routier, but it looks as though if you wish to bring forward a proposition, you have got to go through the Policy Council, I am not quite sure who they are, but maybe when Senator Routier sums up, he will tell us who they are. But it gives me the impression almost you have got to go to the Council of Ministers to ask if you can bring forward a proposition. Senator Routier is nodding. Well, shock, horror. If that is what we are heading for, I would certainly hope we will kick this into touch way early on. Interesting also that Senator Routier, I cannot really recall him speaking to his own proposition. It is all round the House. We know that it is intended to help Members. Well, I think every Member who has spoken so far thinks how unhelpful it is. I can understand he sees it based on frustration on the number of propositions lodged and withdrawn on the day of debate or before. Well, Members may recall I wanted to have some idea of how many propositions had been withdrawn and I have twice emailed Senator Routier for the information and we have not got it, and I will say that Senator Routier did email me recently and said he had not had time to get it. Well, that was quite a surprise because as I said in my initial email, which I circulated to all States Members, I would have thought you had that information to give to those 7 signatories. What are you signing for? "Oh, well, this is what we got, this is the evidence." Well, it is quite clear they have not heard the evidence so they have signed a blank piece of paper, those same 7 signatories and, of course, P.P.C. have also agreed to this without even knowing what the problem is. In fact, when I look up at P.P.C.'s own committee members, I see what the comments are but if one goes through their minutes, one will find out that they never had a meeting. It was an electronic

meeting. The proposition was lodged on 19th November and it was in such haste that P.P.C. wanted to give their support that it had an email meeting of which 4 members agreed to it and 3 were not present, as they obviously could not get back on the email. So P.P.C. are giving their support on the basis of an email that has gone round without any consultation in such a rush, and yet where are P.P.C.'s comments on the amendments? Again, if one were going to look at P.P.C.'s evidence, one would almost say: "Well, let us rip it up because it is not worth the paper it is written on. We will forget that one." So what is the evidence? Well, I have taken the trouble to go through the propositions and last year, there were 199 proposed; 29 of that 199 were withdrawn. Of those 29, 11 were by the Ministers and I do not have a problem with that because having brought propositions myself, I know that some have to be withdrawn. In actual fact, we will find out that 18 were by non-Ministers, 2 of which were mine and I will tell you why 2 of mine were withdrawn. One was in response to the Minister for Home Affairs who lodged a proposition asking Members to support the appointment of a police chief and I lodged a proposition saying let us wait until we have had Napier and I think everyone agreed to it, even including the Minister, so I think it is quite justified that when the Minister withdrew his, and I could understand why the Minister withdrew his, I naturally had to withdraw mine. The other one of mine was one with the Children's Law which I proposed and then after having more consultation with the Health Department, I withdrew it to make a slight amendment, which I did, which I thought I was doing to help Health but, at the end of the day, it was defeated. At the same time those are the only 2 I have put forward. So we have 29 withdrawn and I think if we look at Home Affairs, 1; Planning, 3; Chief Minister, 1; Economic Development, 1; Social Security, 3; P.P.C., 2. Of the non-Ministers, unfortunately top of the class has to be Deputy Le Claire.

Deputy P.V.F. Le Claire:

Could I ask the speaker to sit down and give way for a second, Sir?

The Deputy of St. Martin:

Yes, I am quite happy. I am not deriding you at all because I think there is a reason for it. I will help you.

Deputy P.V.F. Le Claire:

No, no, may I, as a point of clarification, as with today, it is normally upon the request of the Minister that I give them more time to go and talk to them so the predominant feature of my withdrawals on propositions have come about because of the fact that I wanted to co-operate with Ministers, as I have done with 2 propositions on this Order Paper.

The Deputy of St. Martin:

It is a point and I am certainly not deriding. I am just pointing out a case because I have had 2, the Deputy of St. John has had 2 and he has got waylaid with the Esplanade. Both are there and I can account for everybody, Deputy Hilton, 1, Senator Shenton, 1. Interestingly, with Senator Shenton, I can understand he is also a signatory but we are not bringing any proposals here for any 7 signatories for when we look at amendments, and when I can think of last year, all that work that Senator Shenton did - a tremendous amount of work - and all the work that was put in by the departments to answer the 47 amendments that Senator Shenton put forward for the business plan debate and they were all withdrawn. So let us look at equality. Deputy Maçon withdrew one, quite understandably. He managed to get that resolved, his Le Clos Gosset petition; but Senator Le Gresley, 1, again I understand why. I think those people who have lodged them would have realised there has been a genuine reason for withdrawing it so when I asked Senator Routier for the evidence, he was not able to give it. I am now giving you the Members the evidence. I am giving P.P.C. the evidence. So I would now ask Members where is the argument, where is the strength of the proposal coming forward from Senator Routier? There is none. So having looked at what the problem allegedly is, let us see what we can do about it. Well, I am disappointed with P.P.C.

because having given their comments in support based on no evidence, they have not said how the system is going to work because is it that when I - I will use myself as an example - I wish to lodge a proposition, do I go and see the Greffier first and say: "This is my proposition." The Greffier puts it in the right order. We are always grateful for that. It then goes to the Bailiff for approval. Does the Bailiff say: "Hang on, has he got 7 signatures?" Well, Standing Orders does not say at what stage one has got to get 7 signatures. So does a Member go out to do all that work first, put all their proposition together, then find out he cannot get 7 signatures or else he goes out and asks the people for support who say: "I cannot give you the support until I know what your proposition is." So we have a chicken and egg situation and, again, there is no mention of that in the proposition. There is no mention in the comments either by P.P.C. so, again, how anyone can give their support to this proposition without any consideration of how it is going to work defeats me. So I make it quite clear and I have spoken to those who have their amendments, I am not supporting any and I would hope that Members will kick this into touch as soon as possible because it is really creating so much work. What for? For nothing so, with that, I will sit down and I hope that I can hear as many arguments now as to why we should have it because I think there is not much more we could say as to why we should have it.

Deputy M. Tadier:

Can I seek clarification of the last speaker? I am still not clear whether the Deputy of St. Martin is saying that he is supporting the amendment or not.

The Deputy of St. Martin:

No, I am not supporting the amendment. I am not even supporting the actual proposition.

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

I did find it quite bizarre with our Guernsey counterparts who normally sit for one day once a month, sometimes 2, and we sit twice a month sometimes 2 days, 3, and sometimes even 4. I am all for streamlining business. However, 7 signatures I believe is a step too far and it does not happen very often, but I find myself in support of the Deputy of St. John with getting his 2 additional signatures. I am quite glad that this does not apply to Scrutiny Panels otherwise the Deputy of St. John would be in trouble having to go outside of his panel [**Laughter**] to get the additional signature. I will support the 2 additional signatures but I cannot support the 7.

10.2.7 Senator P.F. Routier:

I will focus on the issue of the difference between 7 and 2 rather than go into a lot of the wider issues, which have been raised during this part of the debate, other than to say that I have to say that I am very sorry that I have antagonised Deputy Le Claire in the way I seem to have, but that is not the purpose of trying to ostracise any Member at all in bringing stuff forward. It is really a measure of just trying to enable Members to bring forward propositions which are going to be successful, and there are opportunities to enable Members to progress causes that they have other than bringing it to this Assembly. There are certainly ways, through the media, through all sorts of ways, to achieve what they want to do before they eventually bring a proposition to the States. That is just a general position that I have taken, and also the comments of the Deputy of St. Martin about the numbers and the evidence which is there. We all are aware of the feeling that there has been a number of propositions that have not perhaps been thought through as well as they should have been, on both sides of the House. There is that and that is why I think it is important that ... I am agreeing with Deputy Southern's amendment that it also applies to the Ministers and to the Assistant Ministers. It is not in any way, shape or form to try and stop any Member bringing a proposition forward to this House. It is really just a matter of trying to enable Members to be successful in what they want to bring forward to this House, that they will have had that prior oversight and the ability of knowing that they have the support of those people. So with regard to the difference between 7 and 2, the reason firstly that I picked on the 7 is because that is the number

which is used in Guernsey. I thought long and hard about what number I would suggest to the House because nearly every jurisdiction has a process of checking a proposition before it gets to this House. In Guernsey, they do have, as was suggested, I think it was the Deputy of St. Martin with regard to... it goes to their Policy Council first. I am not suggesting that in any shape or form. It is not a process that I think is right because there should be the ability for any Member to bring forward a proposition and that is what I hope there will always be that circumstance. So with regard to the difference between 7 and 2, when we get to this Assembly, we need to convince 27 people if we have got a full House. If we have got a low number in here, it might be as low as 20 to win a debate and that is the whole purpose of having a debate in this Assembly, to gain the support of the majority of Members. To have that prior knowledge that you have the backing of another 7 Members before you go into a debate has to be a bonus for any Member to know they have got that support. The Deputy made the point about the issue about small Parishes just having perhaps one or 2 Members of this House that they can call on to deal with parochial issues. The point is still there that even if there are 2 parishioners who are Members of this House, they still have to get to the situation of convincing another 20 to 27 Members that what is being proposed is the right thing to be doing.

[16:00]

As I say, this is in no way, shape or form trying to stop any Member bringing anything forward. All it is is just to know that there is the backing of Members. I will leave it at that. I will not be supporting the number 2. I still believe that 7, as is used in Guernsey, is the right thing to be doing. Other jurisdictions, the U.K. Government have ... even where I think Deputy Southern mentioned Winston Churchill about his comments about how you operate your government. They have strict rules about how a proposition gets to the floor of the House and so we need to focus on how we use our time effectively and I believe that that is what we should be aiming for.

10.2.8 Deputy M. Tadier:

It seems like yet again we are playing a numbers game here. First of all, to correct Senator Routier, his proposition is seeking to get 8 signatures on the paper not 7. Guernsey says that if any 7 or more Members desire a request to be laid then it may be done, but we are looking at 8 so it has nothing to do with the Guernsey model. I do not know where that 8 has come from. It is a different arbitrary number but we can perhaps address that in more detail later on. Also, and I appreciate this may be seen as a more general comment, if you are to take the logical step that Senator Routier has just mentioned, that even if you have 3 signatures, you still need to convince a majority which may be, under certain circumstances the maximum of 27 Members, one might as well just go down the road of getting 27 signatures on the paper before you even start. But then, of course, that defeats the object of having a debating chamber. So of course it is a case of getting a balance right, and I appreciate that there is a practical and pragmatic element that is perhaps lacking here. But really what we are looking at here is whether or not we think 2 additional is preferable to 7 additional. Now, I will take the pros and cons there first of all because I think the figure of 2 is also fairly arbitrary. We have heard from the Deputy of St. John that there may be a particular issue. Let us take, for example, it is in his Parish and it is something which is of a great deal of concern to the Parish of St. John but not necessarily to the rest of the Island so it may be something which every other Parish and every Senator in the Island is quite happy to be going on in St. John. It could be a development, it could be, let us say, a park and ride scheme next to Senator Cohen's own house in St. John in a field parked across the road. It could be anything anyway, that is probably a bad example because then Senator Cohen would have a vested interest. But the point is, even if that were the case, there would still only be 2 signatures so the Deputy of St. John could conspire with the Constable of St. John, and I am sure they have a very good working relationship, to put a proposition in. They would nip round the Chamber and say: "We need another signature" and nobody else is willing to put their name to it simply because they do not have the same interest. Therefore, even under the Deputy of St. John's amended figure, he would still be in the "schtuck"

so to speak if that is parliamentary, perhaps not. So it really does not solve the issue. I think the issue here is you either leave it as the *status quo* where a single States Member with a seconder on the day can represent his or her constituency, and perhaps a better example would be looking on my left with Deputy Jeune who is a single seat in St. Aubin, St. Brelade No. 1. There is a particular issue in St. Aubin. She should have the right democratically to be able to stand up and voice the problems and the concerns of her residents irrespective of whether the other 52 States Members share those concerns and it is up to her on the day in the Chamber to try and convince with her arguments and to get support. That could happen to anyone. It could happen to the Deputy of Trinity. It could happen to the Deputy of St. Ouen and this is really what we are debating today. So I am not going to be supporting the 2. I do not think it is the right number. If it had just been the one extra signature, by all means. I think it should be formalised so that somebody who is seconding a proposition should do so in advance so we know. But I think the decision ultimately is either the 8 or leave it as it is. If you do want to go to the 8, of course, if you are in favour of party politics, then of course go for the 8 and reject the Deputy of St. John's amendment because, of course, we know that this is what it will lead to. It will engender hopefully and cultivate a culture of party politics, which I am sure is what Senator Routier has in mind, so that is why I am slightly ambivalent with the 7. I reserve my comments for that but I am quite positive that, one way or the other, you could have a positive outcome of whatever is decided today but it may not be the outcome which is intended by Senator Routier.

10.2.9 The Connétable of St. Mary:

Firstly, I was going to save my comments for the main proposition. I only want to speak very briefly but as the Deputy of St. Martin has made some comments about P.P.C., I feel I really do need to address some of them. I would like to assure the Deputy of St. Martin that, contrary to what he has uncovered, the minutes of 23rd November 2010, item A9 of P.P.C., considered fully the proposal and agreed to draft a comment. The comment was simply circulated later for endorsement by the members, and having gone through the committee process once the majority was reached of course that was all that was required. So I would like to advise the Deputy of St. Martin that in fact this did come to a full committee meeting. I stand by the comment that P.P.C. has raised for the main proposition, supporting generally the intention, I understand, of gaining oversight and support prior to the debate. However, I will not be supporting this amendment and this is now me speaking in my own capacity as a private Member, nor will I be supporting the main proposition, despite P.P.C.'s comment, simply for the fact that it has been raised by several other Members during this particular debate on the amendment. It will not make any difference at all. I believe we need to do something drastic to streamline our business, not to exclude one kind of Member or another kind of Member, but simply to make sure that we consider the proper business of the Parliament in the most efficient way possible, wherever it comes from, wherever that business originates. However I would also say that I looked at P.2 that Deputy Noel brought earlier in the year and of course did not debate, and that was signed, as it has been said - there were counter-signatures to that - and I spoke to a couple of them at the time that P.2 was going forward. One of them told me he was not going to support it and one of them told me he had not read it. Now if the whole purpose of Senator Routier's proposition and all the amendments in one form or another is to assist Members to make sure there is a reasoned and rational broad base for bringing anything, it is not going to make any difference. As one of my mentors wise beyond his years, Mr. Spock of the Starship Enterprise, said: "A difference that makes no difference is no difference" and therefore this is futile, and so I would also urge the Senator to withdraw and I will not be supporting anything of this. Thank you.

10.2.10 The Connétable of St. Lawrence:

I too, like the Constable of St. Mary, will not be supporting any of the amendments or the substantive proposition. When I got the Senator's proposition through the post I just thought to myself: "What on earth are we doing to democracy in Jersey?" I have had a chat with the Senator,

he knows how I feel, he is a likeable chap **[Laughter]** ... He still is in my view, but I believe that this is an ill-considered proposition. We have just reduced the number of Senators who will be representing the electorate in this Island. I believe that was a grave error of judgment. We have already therefore reduced the voice of the electorate in this House. The Senator's proposition is encouraging us to take another step further on the road of the reduction of democracy in Jersey. I cannot support it. I believe we should be doing everything we can to give the electorate more say in what happens in here. I am sure that they do not want to be listening to us debating this today, they think we should be getting on with more important matters, matters that affect them in their daily lives. If we support this we will be affecting them by reducing their voice and I cannot support this or the substantive proposition, and I do think that the Senator should give consideration, as has already been called for, to withdrawing this and not taking it any further. Thank you.

The Bailiff:

Can I just remind Members at the moment we are on the amendment. Although I have allowed Members to speak to the main principle because clearly some Members say that they are against the amendment because they are against the main principle, so I do understand that.

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

I shall stick to the amendment and to the Deputy of St. John. I find it incredible that the Deputy of St. John with his wide experience of life is having difficulty in finding 2 Members when he wants to put a proposition. That is what you are inferring. It is 7 and you want it to be 2. Now let us take the facts. We have an Island-wide mandate which at the moment is 12 Senators of which he can ask any or all of the 12. That is not bad. He has got a Constable which he can also ask but I understand that he is getting an increasing number of Deputies that are moving to the Parish, like another 3. So I rest my case. I do not think that I need to vote in favour of this one and we are sticking to this one. This is unusual, but thank you anyway. That is all I have to say.

10.2.12 Senator J.L. Perchard:

I notice P.P.C. have lodged a proposition recently that suggests to Members that they should support a minimum deposit for Members seeking election to the States of £500. Somewhere a debate took place about drawing a line in the sand and coming up with an arbitrary figure of £500, that if you do not receive a certain percentage of the votes, I cannot remember what the proposition is, you would be liable to lose your deposit of £500. A decision was made, and this debate is a bit similar to that. It is a case of not punitive in this case but a line in the sand as to, I think, everybody who has spoken has said that we do need, a proposition should have some support - except for Deputy Tadier that is - a proposition should have a level of support. The Deputy of St. John is just saying it should have at least 2 Members supporting the proposition, and of course the substantive proposition said should have at least 7 Members in support. It is a case of where one Member will draw the line in the sand. The principle most Members seem to accept, that there needs to be some support for a proposition if it is brought to the States. Members have spoken about 2 supporting and it should not be less than 2 because of the rights of the minority, but 2 Members in support of that minority proposition or proposer is okay. Well, I suspect whether it is 2 or 7, the rights of that minority Member are protected and the rights of this House are also being protected, whether it is 2 or 7, because this House has a right to debate something or not. If a proposition is brought that is an absolute no-hoper this Assembly can discard it, move on, and that is why I am to a certain extent confused. But Members must remember with their rights as Members come responsibilities, and this is why I have some sympathy for the substantive proposition as opposed to the amendment. With these responsibilities comes the requirement to behave in a statesmanlike way and I have witnessed in this Chamber, and thank goodness not so much in recent months, very wicked, nasty, malicious, damaging propositions lodged by Members that would never, ever succeed, would be unlikely to get any level of support, and probably not even obtain signatories. If this proposition

just ensures that those wicked, malicious, vindictive propositions that could be lodged by one Member or 2 Members never arrive on the floor of this Assembly again, propositions that damage the reputation of this House but more importantly damage the reputations of good people, their families and this Island ...

[16:15]

Deputy M. Tadier:

As a Standing Order, as a point of order ...

Senator J.L. Perchard:

I do think that Deputy Tadier has already spoken, Sir. Perhaps when I am finished my speech, Deputy.

The Bailiff:

As a point of order, let us see if it is a point of order.

Deputy M. Tadier:

Am I correct in thinking that Standing Orders would not permit a Member to bring something that is wicked and pernicious - I cannot remember all the words that Senator Perchard used - because it is incumbent on a States Member not to bring the House into disrepute and I am sure that the Greffier and your good self would not allow any kind of proposition.

The Bailiff:

I do not think that is a point of order. The Senator is referring to propositions which have been brought and in his opinion have those characteristics, so there is no point of order on that.

Senator J.L. Perchard:

Members will know exactly what I mean, that propositions can be brought that are designed to be damaging and that alone is good enough reason to support this. If a proposition brought to this Assembly ...

The Bailiff:

When you say: "support this" you are talking about the amendment?

Senator J.L. Perchard:

Yes. If a proposition brought to this Assembly cannot achieve a certain number of votes, certainly more than 2, it has no place here. This is the first stage of democracy. I know the Constable of St. Lawrence was worried, when she said: "What on earth are we doing to democracy?" and she almost said it with an exclamation mark, I certainly put one down alongside it. I understand her concern. But this is the first stage of democracy. It has to pass a certain test, any proposition has to pass a certain test in order to be debated by this Chamber, and as I said at the beginning, it is a case of where Members draw a line in the sand. I shall not be supporting this amendment because I think the line is too close to the start, and I think if the proposition cannot receive 6 signatories of support it is not worthy of being debated in this Chamber.

10.2.13 Deputy M.R. Higgins:

I will be exceptionally brief, because besides having a blinding headache I think everything has been said that really needs to be said. I do believe this proposition is a total and utter piece of nonsense. It is going to accomplish absolutely nothing. The Deputy of St. Martin has explained there is no real basis for this proposition being brought, and secondly I believe so much in the right of Members to bring a proposition that I will be one of those who my name can be circulated among any Member of this House, I do not even care if they are on the opposition. I really do not care. The Executive, yes, the opposition. What I am saying there is quite simply I believe that all

Members should have the right to bring anything forward, and the only time I would object or not give my right to it is on a vote of no confidence in, which I would like to determine that for myself. So on any proposition I feel that any Member should be allowed to bring it and it is totally undemocratic and we should reject it. In fact I will be voting against them all, to be perfectly honest.

10.2.14 The Deputy of St. Mary:

I am not with the purists on this and I think 3 is better than 8. I will explain why, and to do that I will have to obviously criticise the 8, because if 8 is too many then 3 is better and that is what we are looking at, whether we should go for the 3. The original proposer, Minister Routier, it sounds so plausible, does it not, to control our ... I know he is not a Minister, I have just promoted him. Control our spending, control our resources and even reassess the way we live. But it is not, is it? It is not that plausible and he does not mention the word democracy at all. Just firstly the point about the 8 and the 3, because that is what it is, it is not 7 and 2, it is 8 and 3. If a Member of a "party" goes around, it is quite easy to get the 7, as we saw with his own proposition. Most of the people who signed are from one stripe, if you like, within the House. If you were to take around a proposition to rescind a pay freeze I am sure you could get 7 from the other stripe. But there is a minority of propositions, which I am really concerned that a proposer would have a real difficulty in perhaps getting the 7. That really, really should concern us, because as people have said there is a right of Back-Benchers, particularly in our set-up which we know is exclusive, we have established that, it is very oppositional, as the previous speaker used the word: "opposition". I do not agree with that. I do not think that is the way we should go but it is in practice unfortunately the way it is. So if a Back-Bencher wants to bring a proposition it could be that they could not get the 7, and I do not think that is just a theoretical issue. We have seen Senator Perchard draw a line in his own way and say: "Well, if a proposition was malicious or damaging in somebody's view [I do not know whose view, but in somebody's view] then none of us should sign it and it should not come to the House." Well, that is the problem, is it not? Who would be deciding that? So I think the 7 and the 8 is really too many and the 3 is a lot better. Context. This will be seen to be oppressive if we go for the 7 or the 8 and we have talked about that in the debate on P.170. I think that there is a lot of anger and frustration, it seems to have ebbed away a little bit earlier in this debate about the antagonism and about the way this is really going to be seen to be oppressive. But I want to refer Members to the report of the working group on States efficiency because that is what the proposer is trying to do, he is trying to make the States more efficient. P.P.C.'s own working group on States efficiency did not point us in the direction of propositions like this. The sub-group, this is their findings on page 20 of R.59: "The sub-group does not consider that making small adjustments around the number of propositions that may be lodged, time limits on speeches, the number of questions, to mention a few items, will make any appreciable difference without looking more deeply at why the increases in questions and individual Members propositions is occurring." Remember they took evidence, they invited all Members to comment, they are the ones that P.P.C. entrusted to look at these issues: "The sub-group is of the view that the exclusivity of the Ministerial system of Government which provides that only a small number of people have real insight into Government, means that most do not have access to the decision-making process or to the information on which it is based." I would add to that that the way we do business and the fact that we do not have anything like the committee system or the Ministerial board system means that those with differing views are effectively excluded from the decision-making process. It is all right if they critique, it is all right if they get stuff afterwards, in fact in Scrutiny we are told that we have to wait. Well, not told, but we abide by waiting until the law is finished, waiting until the policy is in a finished state, then we look at it. Well, in fact that means you are looking at it when it is done, when it is finalised and then you can do a critique. I think it would be better, and we know it would be better, if there were wide views around the table in the first place. So this is simply to point out that the sub-group is recognising how deep this difficulty is and it cannot be solved by *ad hoc* propositions like this one. Their recommendation was to P.P.C., its own committee, that it consider

whether to conduct a review into the machinery of government, to establish the efficiency of the system. I entirely agree with my Constable on this. She said: "Tinkering is not the way forward, we really have to look at the whole system in the whole and see why it does not work and how to improve it." They recommended that P.P.C. look at whether to conduct a short review, whether to conduct an in-depth review, the membership of any review and how to fund and staff the review. Then their last comment: "If the review is approved [and I do not know whether P.P.C. have discussed this or not] the sub-group recommends that no piecemeal amendments to Standing Orders are made in advance of such a group reporting back." No piecemeal amendments. What have we got today? A piecemeal amendment. Who brought it? Not P.P.C. It was brought by a Back-Bencher, an Assistant Minister acting as a Back-Bencher. But P.P.C.'s own working group have told P.P.C.: "No tinkering" and may I just remind Members of a very good phrase in Deputy Duhamel's speech, which was copied in the report of P.170: "If it is not broken, do not fix it" but we agree it is broken. "There is a corollary to this that if you do wish to fix a system that is broken you must do it properly." You must do it properly, and what we are seeing today and what we will see next sitting is not doing it properly, *ad hoc*; we will fix this little bit, we will fix that little bit, and it will not help solve the real problem. Senator Routier in his remarks to the amendment said that other jurisdictions have procedures to limit propositions and to filter them and so on. Well yes, they do. So let us look at how other jurisdictions do that, which they have done in R.59, there is a certain amount of information on how other jurisdictions like the House of Commons manage propositions coming to the House, but where is the considered look at all these options for filtering propositions? We probably, I agree, do not think we can carry on with total open access, I am not sure that is the way to go. But we can only adjust that in the context of a proper look at the way we operate as a whole. The 8 names, someone said 8 names - it was the Deputy of St. Martin - but it is meaningless. Seven names, but it is meaningless. The proposer of the main proposition said: "The propositions are not thought through as well as they should have been in some cases." Well, yes, they are not thought through as well as they should have been and there are ways of dealing with that. There are requirements you could put on reports of accuracy, you could have a requirement that said that a report has to say what the problem is, what ways of tackling the problem have been looked at, what the research was, what the consultation process was. Not going around 7 Members to find 7 signatures, some of whom may not have read it, but what consultation went into the particular report and proposition. But no, we are not going to look at any of that. We are just going to pick out of the air one particular possible mechanism for trying to maybe improve matters a little bit. It is muddled thinking. I just find it extraordinary that we are debating this. P.P.C., I would remind Members, is not bringing this, another Member is and yet it is really their baby. This is an easy fix, it is a cheap fix and it is entirely in the lap of the Gods whether it has any improving aspect at all, because it has not been looked at in the round. I beg Members to support the amendment, at least it will be not as bad if that goes through but frankly we should kick this out as a whole. Thank you.

10.2.15 Deputy A.E. Jeune:

I will only speak the once and I will do it during this amendment. The majority of us are here as independents, and we are here to represent our constituents. We will answer to our constituents. But when P.2 was brought to the House by Deputy Noel he brought it with 7 additional signatures, and I spoke with Deputy Noel and said that I would bring an amendment to that. Now I knew there were certainly about 12 who definitely were not going to support the amendment, but I was going to endeavour to get 7 signatures. But working in a timeframe of getting the amendment in on time was not easy when you are trying to contact 7 others, explain to them what it is you are trying to do and meet the deadline. It was not easy. If we think a proposition does not have value we do not have to speak to it. We could all be very quiet, it could be introduced and summed up in a very short time. But knowing that we are a rather fickle group I will be voting in favour of the amendment but I do so as damage limitation should the main proposition go through which I will not be supporting. Thank you.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Deputy of St. John to reply.

[16:30]

10.2.16 The Deputy of St. John:

I will just thank all those who have spoken, for and against. I would be remiss in not raising a few issues that have come up. Given the comments we had from P.P.C. who are supposed to be looking at the whole, not just the part. Given that I have put in an amendment, I have not seen any comments come from them on my amendment. Other amendments have also come forth and there have been no comments. Their comments came out so hastily behind the main proposition of support, although we now find out that it was done in part through an email which has not been challenged, so I presume that is the case, and I think: "Well, what are P.P.C. doing?" They are there to look after the good running of this Chamber. I would at least have expected even a one-liner about the comments of each of the amendments. That has not happened. Can I refer to the Guernsey comparison with ourselves? Having been an old-timer in this House, or here before the days of Ministerial government, in fact we would probably have had 28 sittings in a year, the same as they would have in Guernsey. We would have had a similar amount probably of written or oral questions until I came into the House and they started limiting them because I was becoming a bit awkward to the president of the day by putting questions, and I can remember the president of Public Services at that time threatening to punch my teeth down my throat and invited me into the Royal Square and marching out of the Chamber because I embarrassed him about a speedboat that was used while they were building the new marina. Given that there is only a 5-knot speed limit, why do they need a speedboat? But that said, they had a speedboat. So he marched off out the Chamber and the Bailiff of the day, Sir Peter Crill I believe it was, raised his hands knowing full well I could not ask the president any more questions, he had gone, so I left the Chamber also **[Laughter]** heading for the Royal Square, should we say, only to find that I was being followed by half of the Chamber. Into the Members room they all shot, they came in with their mouths open to see myself and the Deputy Carter of the day drinking coffee and having a laugh over the embarrassing position he found himself in with the speedboat. That is how politics happened in those days and things did get done. It took longer but in some respects it was a full 53 Members who partook in Government, not as we have today. But when I look at all these percentages, *et cetera*, most of the things, yes, Guernsey has got a committee system. We have got a dictatorial ministerial system. We have got our dictators with us now, our 10 Members which, if you do not toe the party line, you are kicked into touch as we saw around Christmastime by the Deputy of St. Lawrence, and probably it has happened again today with the Minister, if he has not had his knuckles rapped he will have been kicked into touch. Really do we need that kind of restriction in this Chamber? I do not think so, I do not really think so. What I brought here as an amendment was the lesser of the 2 evils. All I will ask is Members to reconsider, I will ask them to reconsider my amendment and vote for it solely so that at the end of the day they have the final say. The Chamber will have the final say today. Accept mine at the moment but kick out the main proposition. Vote against the main proposition. That is what I would ask of all these Members who have said that they are not supporting the Deputy of St. John because they want to kick out the main proposition. I feel exactly the same as they do. I want total democracy in this Chamber. I do not need my hands tied at all, but with that everyone who brings a proposition has a responsibility to democracy and to good government. I ask Members, vote for my amendment knowing full well that you have got the final stroke, you can pull the final toll on the bell and with that accept my 2 additional signatures, knowing that we can kick out the main proposition and hopefully the Minister will see what is happening and he might withdraw it. In fact I would ask him to withdraw it and let us move on with the next item. I do not think I am going to go any further than that but I would be remiss in not taking Deputy Fox to account, given his comments that he made. I thought he has not been listening to the debate, I was wondering if he was one of those Members who dealt with this

by email, dealt with issues about bringing this to the House by email, because he did not really understand that a Back-Bencher, which he is, and he might at some time in the future, in these next 8 months before he retires, want to bring a proposition and if we go down the road of 7 signatures will he get 7 signatures from within his district? I wonder. That said, I am not going to vilify him anymore, because I think I have said enough in relation to that. I do not want to upset anybody. **[Laughter]** All I really want of Members in this Chamber is to have a little bit of common sense. Support this end of this amendment and kick out the main proposition and we will have total democracy if we kick it out. I ask Members for their support and ask for the appel. Thank you.

Deputy M.R. Higgins:

Sir, can I seek clarification from the previous speaker? I stated that I was not going to support any of them. If I change my vote and do support him on this will he also be voting against the main proposition if his is passed?

The Bailiff:

He gets another speech and another point of clarification and the Deputy really has dealt with the matter.

The Deputy of St. John:

Yes, I will vote against the main proposition.

The Bailiff:

Very well. The matter before the Assembly is the amendment lodged by the Deputy of St. John. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 19	CONTRE: 28	ABSTAIN: 1
Senator A.J.H. Maclean	Senator T.A. Le Sueur	Deputy J.B. Fox (H)
Senator B.I. Le Marquand	Senator P.F. Routier	
Senator F.du H. Le Gresley	Senator P.F.C. Ozouf	
Connétable of St. Helier	Senator T.J. Le Main	
Connétable of St. Martin	Senator B.E. Shenton	
Connétable of St. John	Senator F.E. Cohen	
Deputy of Grouville	Senator J.L. Perchard	
Deputy P.V.F. Le Claire (H)	Senator A. Breckon	
Deputy J.A.N. Le Fondré (L)	Connétable of Trinity	
Deputy of Trinity	Connétable of Grouville	
Deputy S. Pitman (H)	Connétable of St. Brelade	
Deputy K.C. Lewis (S)	Connétable of St. Saviour	
Deputy I.J. Gorst (C)	Connétable of St. Clement	
Deputy of St. John	Connétable of St. Peter	
Deputy A.E. Jeune (B)	Connétable of St. Lawrence	
Deputy of St. Mary	Connétable of St. Mary	
Deputy T.M. Pitman (H)	Deputy R.C. Duhamel (S)	
Deputy T.A. Vallois (S)	Deputy of St. Martin	
Deputy M.R. Higgins (H)	Deputy J.A. Martin (H)	
	Deputy G.P. Southern (H)	
	Deputy of St. Ouen	
	Deputy of St. Peter	
	Deputy J.A. Hilton (H)	
	Deputy M. Tadier (B)	
	Deputy E.J. Noel (L)	
	Deputy A.K.F. Green (H)	
	Deputy D.J. De Sousa (H)	
	Deputy J.M. Maçon (S)	

10.3 Standing Orders: additional signatories on propositions (P.174/2010) – second amendment (P.174/2010 Amd.(2))

The Bailiff:

Very well. Then the next amendment to be dealt with is that lodged by Deputy Le Claire and I will ask the Greffier to read the amendment.

The Greffier of the States:

1, page 2 - After the words “other Members” insert the words “although the names of the Members who endorse and countersign the proposition shall not be disclosed or published by the Greffier of the States unless he or she is requested to do so by the proposer”, 2 - page 2, renumber the proposition as paragraph (a) and insert a new paragraph (b) as follows - “(b) to request the Privileges and Procedures Committee to bring forward, as part of the amendments to Standing Orders to give effect to paragraph (a), a further provision that any Member wishing to lodge a proposition that requires endorsement and countersignature under the new provisions shall be permitted to submit it to the Greffier of the States prior to obtaining the necessary signatures and, once this is done, the Greffier shall not be permitted to accept a proposition in the same or substantially the same terms from any other member for a period of one week.”

10.3.1 Deputy P.V.F. Le Claire:

I feel like a surgeon that has been wheeled into the morgue and they have been asked to look at the patient who is lying on a cold slab and has been dead for 4 days. Can I do something for the patient? Not a lot. So what can I do for the rest of the Members in the Assembly? I can say this. I am not supporting the main proposition. I hope that the reason why the Deputy of St. John's lost was because a lot of people also feel that same way. I will try to make this as least bad as possible before I get on my walking shoes and begin my old hobby of knocking on doors day after day after day among the public and really canvass hard against this move. So what I am trying to achieve in this is I am trying to lessen the extent to which control is exercised over the Assembly, and I say that in the first part because when Members bring a proposition these days and it is not part of the Council of Ministers bag, they are often ostracised and ridiculed and demonised by Members to my right, predominantly, and I have done it myself so I cannot say I am not guilty, who use the phrase: “usual suspects”. How many times have we heard the phrase “usual suspects”? It is a form of bullying when you persecute people in that way, the same as when you leave people out or when you send them to Coventry, that is identified, that exclusion is a form of bullying. I did not know that until I heard a lecture from my brother to States Members not so long ago when he explained how far bullying has reached into the society that we live in and having been sent to Coventry for a number of years by the general Executive here because I speak my mind, and I have a mind to speak my mind, rather than follow on blindly with bravado and buffoonery, which we often hear from the bellows to my right. I would rather express my opinion and be damned for it than be silent and go along and pretend that for some reason because I got the vote I was somehow intelligent. So that is what this is about. It is to try to remove the names so that we are not going to get the usual suspects labelled on to us. Also the second part is to try to enable to tackle the dilemma that the Deputy of St. Martin has highlighted to Members, which is when do you start to get your numbers? You know, you give everybody your idea and say: “Here is this great idea I have got” or once in a while anyway and 6 people run off with it. Before you know it they have got their 7 signatures and it is their proposition that they are bringing to the Assembly, slightly different. I wish I had a pound for every time I had an idea that was blocked, stopped, ridiculed, changed, altered and brought back resurrected as something completely different by people who sit in the offices to my right, some to my left. In the past their departments, not necessarily this current conglomerate because we do have some thinkers there and we do have some professionals, but I have certainly seen it from a Back-Bench Scrutiny perspective where my ideas have been

shared and taken. So there are 2 parts. The first part is to try to eliminate some of the bullying, and that is what it is, that occurs in this Assembly and you hear: “Uurgh” from the bullies in the corner, and I shall not be bullied because I am too thick-skinned for that, and the second part is to ask Members if they will have some ability to keep their propositions to themselves while they get names. I have not sought a seconder and just for information purposes I will not be supporting the main proposition.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?
Deputy Tadier.

10.3.2 Deputy M. Tadier:

I rose for clarification as the rationale was not immediately obvious, so that is appreciated. I cannot support this, though, for 2 reasons. First of all, it is not transparent. I think that anybody who is willing to sign up to a proposition first of all should have read it, and they should understand it fully, and they should in theory also support it. I do not subscribe to this whole idea that you just support a proposition for a point of democracy, although I appreciate why Members would do that for good intentions. Anyone who signs up to a proposition should be willing to put their name in the public domain and it is right that should be done beforehand, unless there are exceptional circumstances they should also support that proposition. But there is also another issue to do with this part which says that they should not be disclosed unless he or she is requested to do so by the proposer, so that is not clear and the order in which they would be asked by the proposer to disclose is not clear either. so presumably I could put a proposition into the Greffe and it has got the 7 extra signatures, and then afterwards I could say: “I would like to make your names public now” and they would have to agree to that, because it is in the proposition, it is in the wording of the amendment there, although perhaps internal politics would normally not lead to that.

[16:45]

I mean talking about pragmatism would not necessarily lead to that eventuality but it seems a bit of a strange and unclear wording, what we are being asked to do here. So on those 2 grounds I do not think it is clear enough, perhaps because he has not consulted with enough Members before bringing the amendment, and maybe he should have done that first of all. Secondly I do not think it is a good principle of democracy to be having these things not disclosed. It is against my basic principles.

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

It is unfortunate probably that the Deputy was comparing about saving a patient who was very ill. I think this amendment absolutely kills everything that this House stands for and he is agreeing with me himself. I will be short. I really hope he will withdraw this amendment A.S.A.P. (as soon as possible) because it does not stand up. It is one of them that really probably would have needed, as Deputy Tadier has already said, somebody else to really have a good look at it and say: “What are you really trying to achieve here?” Ideas do ...

Deputy P.V.F. Le Claire:

Can I ask the speaker to give way, because she has asked me to withdraw it. I am happy to do so with the leave of the Assembly on the grounds that you do not need 7 signatures to bring an amendment for anything as ridiculous as this, which demonstrates the point.

Deputy J.A. Martin:

I am in the hands of the Deputy.

The Bailiff:

Are you seeking leave to withdraw?

Deputy P.V.F. Le Claire:

The irony is that I did not require 7 signatures to bring it but now I require the States Assembly's approval to withdraw it. Now how barking is that? So with the Assembly's permission I withdraw the barking mad amendment that I brought on my own.

The Bailiff:

Just before you do, I think we had better give Deputy Martin the courtesy. Do you wish to continue, Deputy?

Deputy J.A. Martin:

No, I think the Deputy speaks very much sense on this occasion. Thank you, Sir.

The Bailiff:

Very well. Does the Assembly agree to give the Deputy leave to withdraw his amendment? The appel is called for then in relation to whether Deputy Le Claire should be given leave to withdraw his amendment. If you wish him to do so you vote pour, if you do not you vote contre. I would invite Members to return to their seats and the Greffier will open the voting.

POUR: 37		CONTRE: 3		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy P.V.F. Le Claire (H)		
Senator P.F. Routier		Deputy of St. John		
Senator P.F.C. Ozouf		Deputy M. Tadier (B)		
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				

Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

10.4 Standing Orders: additional signatories on propositions (P.174/2010) – fourth amendment (P.174/2010 Amd.(4))

The Bailiff:

Very well. We come next to an amendment lodged by Deputy Trevor Pitman. I will ask the Greffier to read the amendment.

The Greffier of the States:

Page 2, Number the existing proposition as paragraph (a). Insert new paragraph (b) - “(b) to request the Privileges and Procedures Committee to bring forward an amendment to Standing Orders to require a proposition for debate lodged by the Chief Minister or another Minister to be endorsed and countersigned by all other 9 Members of the Council of Ministers.”

10.4.1 Deputy T.M. Pitman:

Oh, the pantomime season, so we debate about something which is to do with withdrawing propositions and we withdraw one of them halfway through. Great. Well, I can do this in about 2 minutes because I am going to save my main comments for Senator Routier’s proposition. I would just have to start by saying that I wear disagreeing with the Council of Ministers as a badge of honour because one thing, it proves I am intelligent and the other thing, it proves I have not sold out just for an honorary bag-carrying title. I will not change that view. This House should be about democracy, anyone bringing their views. But I think this is an attempt to make a silk purse out of a sow’s ear, I think that is a saying. I did bring this with good intention because I think this could help the States, because a good example I have used is what has happened recently to the Minister for Education, Sport and Culture. We were told that we had agreed policy and then suddenly some of the electorate were not happy, and then suddenly some of his Ministerial colleagues were backtracking as fast as their ... backstabbing and backtracking as fast as their Italian Second World War tanks could go. I have got Italian blood so it is not being rude. This would make things better, because at the end of the day we are constantly hearing whispers on the grapevine from within the Council of Ministers that there is an inner circle and that there are 4 or 5 people that decide everything. This would ensure that the only policies brought to us were agreed by everyone, and yes, no doubt there would have to be some compromise along the way, but that is surely a good thing for democracy. It would surely be a good thing for joined-up thinking, and that is why I think this would be a real benefit. I am sure we will hear the sort of red herring that this would allow one Minister to block a whole proposition from the Council of Ministers, but as they are all meant to be team players and they are all meant to be singing from the same hymn sheet, I think with a bit of compromise that would not happen and I think the result would be that policy would be all the stronger for it. I have to say, as I said in my report, that if the Council of Ministers are not going to support this then I think it really just proves the fears that many of us have got of Senator Routier’s proposition, it is just about closing-down policy suggestions to fewer and fewer people, further negating the influence and the representation that many of us can provide to the people who elected us, because all 53 of us were elected. So this I think has arisen out of I am sorry not a very good proposition, but credit where it is due, Senator Routier has got me thinking 10 propositions, is that so hard to achieve? I think not. It would have the impact of having good collective responsibility, the Minister for Education, Sport and Culture would not have been left hung out to dry, rapidly surrounded by the Indians, wheeling his wagons into a circle, only to find that some of his friends’ tomahawks were in his back. This would strengthen the decision-making process, as I say, and I think that is all I need to say. I hope someone will second it. I think this can do something positive and if we are going to go down this route, which I really do not want to go, I will not be supporting the main proposition, I will leave it at that.

The Bailiff:

Are you going to second it? [**Seconded**]

10.4.2 Deputy G.P. Southern:

I am supporting this amendment because I feel it makes sense and I will take that a stage further, I think it perhaps makes more sense than my own amendment, and I am mad keen to get this debate out of the way so that we can get to the main debate and kick it out, because we really should not have spent approaching an hour and a half now on this piecemeal approach from the Assistant Minister which is designed to sabotage, as far as it can, democracy in the Island. So is there a logic that says to the Ministers: "You really ought to check out your policies and strive to get some sort of consensus from your Ministers by getting all 10 to sign up"? Why? Because in an ideal world that might lead us to some moderation of some of the more extreme policies, in an ideal world. However it is not that likely with the make-up of this particular Council of Ministers, because as the Deputy of St. Mary has said they are very much all of the same stripe. This is not an inclusive Council of Ministers, it is not spread throughout the talents of this House. It is selective, very selective, of the few friends that the Chief Minister still has remaining to him. Therefore what we are likely to see, I am afraid, is an exercise in group thinking, whereby you will get the 10 signatures but nobody will have really thought things through. I just want to point out one example that has happened recently where thinking has not been done. It happened with the consultation process for taxation - personal taxation - when an item, one of the 4 options, appeared on the consultation paper that said: "A proposal for a higher rate of tax for those earning over £100,000" and the Minister for Treasury and Resources and his department had not thought that one through, because there was an obvious flaw in it, that if you were to do that with our current tax law, you would discriminate against married couples and not against those who live together. That was not spotted, so this proposition that says we ought to have Back-Benchers have 7 signatures so that they can improve their propositions, there ought to be some equivalent for the Ministers. The Ministers should get their heads together and rip things apart and put them back together again and decide whether anything is workable, as illustrated by the last gaff of the current Minister for Treasury and Resources who put out for consultation an unworkable proposition and surprise, surprise then abandoned it and did not pick it later on. But some members of the public spotted it, why did the Minister not spot it, why did the Council of Ministers not spot it? So I have got a proposition which may come up in a minute which says: "We ought to have 7 signatures from the Ministers too" and I have entitled it, when I was writing it and lodging it, the Snow White proposition and I will leave Members to work out why. But I think if we are going to get any progress and any better thinking from the Council of Ministers then perhaps we may get some if we insist that they get all 10 signatures so people have to talk about and moderate, compromise, what they are bringing forward. It maybe stands a chance of improving the standard of Ministerial decisions from henceforth. So I will be supporting this amendment.

10.4.3 Senator P.F. Routier:

Our system that we have with our Council of Ministers does not have collective responsibility and those Members who value, as I think we all do, the possibility of individual Members being able to stick to their guns and take a position which is different to other Members, is vitally important. I think we really want to try and hold on to that, and that has to apply to the Council of Ministers as well. So I will be supporting, as I said earlier, Deputy Southern's proposition, because I think that is a fair way of looking at this issue, but I think it is vitally important that Ministers retain the ability to take a different view on a position from other Ministers and I believe we should maintain that. So I will not be supporting this amendment but, as I said earlier, will support Deputy Southern's.

10.4.4 Deputy J.A. Martin:

When I saw this had been lodged I thought, well, yes, right from the start I was not in support of Senator Routier's proposition and then we have had some, I can only say: "barking" attempts to either improve that or not, whatever way you may be looking at it. Funnily enough, though, on this amendment my sentiments are similar to that of Senator Routier. I think you ought to be worried. This is a debating chamber, and we fought hard and long, I did not vote for Ministerial government but it was to not have corporation sole Ministry. Now if you have to have 10 signatures, the whole 10 Ministries, why bother to try and change any of their minds? It has been done, we have done it in these debates, we have done it on employment laws, we have done it on other laws, and that is why we are here. So I am very sorry, basically I say maybe tit-for-tat, all things should be equal, but as we have already discovered we are not all equal. The Ministers are more equal and behind the scenes they make their decision, but some may be sitting on the fence until they have heard all the evidence and sometimes the vote does not go their way. So I think this is a very dangerous proposition for a debating chamber and the politics we already have today. So I am very sorry to Deputy Pitman, I can see where he is coming from to try and even things up but I think this makes what the Constable of St. Lawrence said earlier on: "What are we doing here?" and the whole of this afternoon I cannot support anything but this just makes it worse.

10.4.5 Senator A. Breckon:

Just a few comments. As others have said, I think it would be confusing if the Council of Ministers had to debate something to the *n*th degree to convince them all. Examples of that, and I look to the Minister for Economic Development, if he were to bring forward say gambling legislation and have to get the signatures of others then perhaps he may have some difficulty. There is not a 3-line whip that he or the Chief Minister could use, and I think this will frustrate the process of government because with matters of conscience Members also may have stated, when they stood for election, that they were against this, that and the other, and if they then sign up to it the electorate would not be convinced it was for the benefit of collective responsibility. I am sure that there are some healthy debates among the Council of Ministers and, as Deputy Martin has just mentioned, one or 2 Members may vote against something and say that.

[17:00]

I mean we have had a tradition of committee systems where perhaps somebody disappeared while a debate was going on and did not vote and maybe that has happened, I do not know, I have not checked on the situation with the Council of Ministers, but I think what has been proposed here in this amendment is unworkable. Thank you.

10.4.6 The Deputy of St. Martin:

Very short, because I have made it clear I will not be supporting anything this afternoon, but I think it would be helpful ... we have had no comments from P.P.C. and no comments from the Council of Ministers, maybe I could persuade or encourage maybe the Chief Minister to speak on behalf of the Council of Ministers and see if they are giving their support and also P.P.C. because I am just looking for consistency. Generally speaking comments do come from the Council of Ministers, certainly it seems to be whenever I lodge a proposition the Council of Ministers have got a comment and maybe we could hear the same from P.P.C. Are they giving it their support?

10.4.7 The Deputy of St. Mary:

Very briefly. Deputy Southern said that achieving this unanimity, or the Council of Ministers having to all agree, might lead to some moderation of the policies. He also said getting the 10 means that thinking will be done. I have to say that this is entirely wishful thinking and to make sure that the Council of Ministers all agree means that we are heading towards all the Ministers thinking as one. Well, we are all independents in this Chamber and they do not all think as one and nor do we think as one. It makes it a lot harder to get anywhere, but that is the way it is and that is the process that we work under at the moment. We do not have parties, we have independents. I

think perhaps that is, tongue in cheek, although the proposer might like to comment on that, and it might be a wrecking amendment, but I really cannot support this.

10.4.8 Deputy J.A. Hilton:

Just very briefly, both Deputy Martin and Senator Breckon made some very good points and I rise to just say that I agree with Senator Breckon, he did mention about matters of conscience, and when Deputy Pitman started talking the thing that popped into my head was, if this amendment were successful, how on earth the Council of Ministers would deal with the very tricky matter of abortion if it ever came up for debate in this House, and so for that reason I believe his amendment is just unworkable. Thank you.

The Bailiff:

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

10.4.9 Deputy T.M. Pitman:

I am not going to withdraw. I am pleased to have identified exactly the whole point of what is an absolutely ridiculous process, because this, as we saw just a session ago with the attempt to undermine the representation of some people for political ends by these really foolish propositions, is what is going to happen all the time. We are going to have these ridiculous long, drawn-out debates where, because we should all be equal but there are some I am afraid in the House who do not want people to be equal, we are going to have these amendments attached. It is just going to happen and happen and happen again if Senator Routier's is followed. I appreciate the one comment from Deputy Hilton, but again it just flags-up the issue of the absurdity of the way some within the Council of Ministers are wanting to take us. Senator Routier, well, he really highlighted everything, did he not, because he totally contradicted himself. We all must protect our rights to do things but not the Back-Benchers. You know, confused, bewildered, I am not sure. Give him a glass of Irn-Bru or something to pick him up. This process is why I have had to bring this amendment and why I believe the Deputy of St. John had to bring his. Because we are being dragged away from democracy all the time, and I really admire Deputy Martin's great faith that some of the Ministers cannot be swayed, but hey, she has got a lot more faith in them because I have been here 2 years and I have seen the way it works all too often. It is a shame that they cannot sign up to something where we would get some more joined-up policy, because yes, there are some flaws and Deputy Hilton has alighted on a major one, which I thought of myself, but you cannot have this one rule for one and one rule for another. Fifty three of us are elected. You cannot have this chipping away at democracy and everyone's right to represent the people who elected them. Only the other week we saw a certain Senator in the paper very conveniently forgetting the 30,703 votes that the likes of Deputy Higgins, Southern, myself, Tadier, St. Mary, Maçon, got in the Senatorial elections when doing his sums. We cannot have this side-stepping of democracy whenever it suits them. All of us have got a mandate from some people. Senator Cohen looks confused, perhaps the figures are a bit big for him so I will explain them to him later. He has probably got jetlag from Bosnia. So I call for the appel and I wait with bated breath for the result and then we can get on to Senator Routier's and I can say what I really want to say.

The Bailiff:

Very well. The matter before the Assembly is the amendment of Deputy Pitman, the appel is called for and I invite Members to return to their seats and the Greffier will open the voting.

POUR: 4		CONTRE: 39		ABSTAIN: 0
Deputy G.P. Southern (H)		Senator P.F. Routier		
Deputy P.V.F. Le Claire (H)		Senator P.F.C. Ozouf		
Deputy S. Pitman (H)		Senator T.J. Le Main		
Deputy T.M. Pitman (H)		Senator B.E. Shenton		
		Senator F.E. Cohen		

	Senator J.L. Perchard		
	Senator A. Breckon		
	Senator A.J.H. Maclean		
	Senator B.I. Le Marquand		
	Senator F.du H. Le Gresley		
	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		
	Deputy R.C. Duhamel (S)		
	Deputy of St. Martin		
	Deputy J.B. Fox (H)		
	Deputy J.A. Martin (H)		
	Deputy of St. Ouen		
	Deputy of Grouville		
	Deputy of St. Peter		
	Deputy J.A.N. Le Fondré (L)		
	Deputy K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		
	Deputy of St. John		
	Deputy M. Tadier (B)		
	Deputy A.E. Jeune (B)		
	Deputy of St. Mary		
	Deputy 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)		

10.5 Standing Orders: additional signatories on propositions (P.174/2010) – third amendment (P.174/2010 Amd.(3))

The Bailiff:

Very well, and then we move next to an amendment lodged by Deputy Southern and the Greffier will read the amendment.

The Greffier of the States:

Page 2 - Number the existing proposition as paragraph (a). Insert new paragraph (b) – “(b) to request the Privileges and Procedures Committee to bring forward an amendment to Standing Orders to require a proposition for debate lodged by a Minister to be endorsed and countersigned by 7 Ministers or Assistant Ministers.”

10.5.1 Deputy G.P. Southern:

Following the previous debate it has given me food for thought about my own proposition, and what else has given it food for thought is the statements made earlier today by several Members alongside me that if we vote for the main proposition and 7 signatures, 8 signatures in total - 7 extra signatures - then what we shall do on this side of the House among the allies and progressives, we

shall simply get a list of electronic signatures and apply them. Because the fundamental proposal behind what is proposed here is a limitation on the rights of Back-Benchers and the democratic principle to try and stifle what is going on in this Chamber. The other reason why I think what I will do is seek permission to withdraw my amendment is that **[Approbation]** ... all right, all right, give me 30 seconds, (a) the Assistant Minister, the proposer, has accepted it and that makes me doubt its validity, because **[Laughter]** he has shown no logic in what he proposes and he is accepting mine, so it must be either pusillanimous or defective. I think the answer is it is not defective but it is pusillanimous. If you cannot get 7 signatures from this bunch of Assistant Ministers any day of the week within about 5 minutes you must want your bumps feeling because it is an easy task. Phrenology. The art of phrenology. **[Aside]** As to how capable you are. But yes, with the House's permission, I seek the House's permission, I think I have to do that to withdraw my proposition in order to get on the main business so we can dish it.

The Bailiff:

No, Deputy, you do not have to get the leave of the Assembly to withdraw it because the debate has not opened as you have not finished proposing. So you may withdraw it unilaterally.

Deputy G.P. Southern:

I may now withdraw it unilaterally. I do so, Sir. Thank you.

10.6 Standing Orders: additional signatories on propositions (P.174/2010) – resumption

The Bailiff:

Very well, so now we return to the debate on the proposition of Senator Routier. Does any Member wish to speak? May I just say this; some Members in the course of the amendment of Deputy St. John did speak at some length on the main issue. I do hope they will not repeat themselves again this time. Does any Member wish to speak? Senator Le Gresley.

10.6.1 Senator F. du H. Le Gresley:

By now I think the 7 Members who signed P.174 must be regretting that they did so, or at least said that they endorsed it, and notably some of them are not in the House today. I was tempted to speak during the amendment of the Deputy of St. John, which I supported when we came to vote. There were a number of points made by speakers at that stage of the debate and I want to reflect to how I felt about the Assembly before I joined the States. Before I joined the States I believed that it would have been wise to have private Members' propositions signed by additional Members and that was strongly how I felt, and in fact I recall and I had probably only been in this Assembly for less than a fortnight, I suggested that to somebody and I cannot remember who that was, unfortunately, but I certainly did feel that that would be a good way of limiting the number of propositions that we have to debate. However I have to say that I have changed my mind, that I think that democracy would be stifled if Back-Benchers in particular were not allowed to bring their own propositions without requiring signatures from other Members of this House. I think that would be a retrograde step and I am disappointed that the Senator has brought this proposition, which has not really been discussed with the P.P.C., because that obviously is the way forward for something of this type. What I believe - and I think this is probably a flaw in our current system of government - is that for Back-Benchers who have a proposition they want to bring and which they want to discuss with other Members before the day of debate, there is no forum for this at all. You may say that there are Scrutiny Panels but really they are working on different issues to private Members' propositions. So there would be merit in having the ability to discuss a private Members' proposition with other Members of this House, to get a gauge, a view, as to how many would support what you are proposing. For example, I have a proposition on cold weather payments coming up in the next sitting. I have no idea at the moment if anybody is going to support it and it would be quite encouraging to me if I had an inkling that at least somebody would

give me a vote on the day. So that is a flaw in our system. But referring back to the debate on the Deputy of St. John's proposition or amendment, Deputy Tadier made a very good point, that what would happen if we require all these extra endorsements or signatures on Back-Bencher propositions, we would be moving towards party politics, there is absolutely no doubt about that. That is what would happen and if that is the wish of the Senator who is proposing P.174, fine. I mean I am happy to probably go down that route, if that is the way forward, but I do not really think he realises the potential of what would happen if we support his proposition. I would also pick up on the abandoned amendment of Deputy Le Claire because he made the same point. He said: "In fact as arranging any consensus in independent politics is extremely difficult it would probably lead to groupings and formations of political parties which, if that is what the supporters of P.174 wish, then fair enough." I think that that is the way that we will go if Members decide to support this proposition. Thank you.

10.6.2 Deputy G.P. Southern:

I will be brief and I will not repeat myself, apart from to say that it is now not just over an hour and a half but nearly 2 hours we have been debating this ridiculous proposition. I simply turn to say the proof of the pudding is in the eating. Will the addition of 7 signatures improve any Back-Bencher proposition, any proposition whatsoever? The answer is no. The answer is no clearly because Senator Routier has brought forward this proposition with 7 signatures on it and it has got no quality and no value whatsoever. Please vote this out.

[17:15]

10.6.3 Senator A. Breckon:

I will be voting against this and I voted against the amendments and my reason for doing that is because of the basis of the elections that we stand in and how we get there, and that is generally as individuals. Therefore I believe as individuals we should have the right to bring a proposition. How it gets on is another story, but the fact is you can get something on the record, and in a few years' time you might be able to say: "What a fool I was" or: "I told you so" and I would just like to recount some of that, because it is not just about Ministers and departments. Over the years many matters have been brought to this House by individuals, some of them committee presidents on another subject, bus passes, Christmas bonus, tax relief on child care, TV licences for the over-75s, there were a number of other issues and they never stemmed from any committee Minister or department, they came from an individual who Senator Le Gresley has just expressed the view: "You do not know how you are going to get on, whoever is doing that." I am reminded, we have got a ceiling here of 7 but in I think it was 1994 I brought a proposition to the States about capping mortgage relief and I suggested at the time it should be on your principal place of residence only and it should be set at a certain level. The big guns came out, advisers, more than you could shake a stick at, that the economy would collapse, housing would be a disaster, and look where we are now. Housing would be a disaster, we would be out of step with the Isle of Man and Guernsey, all sorts. The only thing is the benefit I have is the Finance and Economics Committee of the time wrote their opposition down, so when I do retire I am going to have this framed and put up and say: "There we are. These are the people who knew what they were doing. This is the view at the time" and of course when you look at it now it was absolute nonsense. When I brought it to this House I got 6 votes. I got 6 votes. I brought it again 2 years later, I got 14 votes and then about 3 years later, I think Senator Walker was President of Finance and Economics then and he said: "You know what? You are right about this, we are going to bring this in as a policy. This is going to be a policy." Now under this system I would not have been able to get this debated in the first place and the Deputy of St. Ouen has brought things, I remember Deputy Gerard Baudains has brought things. Unless we can air them in this House then, as individuals, we are becoming a bit redundant, as it were. Because everything does not stem, I would say, from Ministers and departments. Sometimes they are too busy doing other things. But the other thing, there are other issues as well, again I was just thinking of something else I was involved with, was an Ombudsman scheme.

Again nobody had that, again I brought it twice and got walloped - law drafting in the Business Plan. I remember at the time Senator Ozouf - it might have been Deputy Ozouf then, I am not sure - but he had responsibility for licensing. I was looking at the licensing, and the issue for not having the Ombudsman in for law drafting was because we were going to review the licensing law. We still have not done it and that was probably 6 or 7 years later. So that is why I think it is important that individual Members on their own, if need be, and as Senator Le Gresley will find out, what the support is you will find out on the day in this House but I think that is good and it is healthy. The other thing again, Senator Le Gresley's point, is that there is no forum for airing your views, because if you had to go around every Member and say: "What do you think?" you would never get off the ground. At what stage do you do that? I am thinking of doing something or other, somebody would say: "You are crazy for doing that, somebody else is doing it", the department would do it, it would just never see the floor of this House. Sometimes what you have to do is do some work, put something together, test this House and if it gets short shrift then so be it. But it does give Members the opportunity to think about the issues and perhaps with things that have happened over the years, as Deputy Southern mentioned, there are other issues as well, it will change things in time if not immediately. The ideas for that came from many individuals with propositions, and I think we move away from this at our peril. I think it is good and healthy if Members can do that, and I do not think as we are elected individually that they should need the support of anybody initially to do it. If it is off the wall then I am sure the message will soon get through and, as has happened, it will be withdrawn. I do not think to that extent we have wasted that much time. It is worth doing and I think I have demonstrated there are probably loads of other issues as well that have come through from individuals and they are worth doing because there is a benefit some time. If not on that day, then some time in the future, and that is why I will not be supporting this proposition.

10.6.4 Deputy M. Tadier:

The absence of Deputy Le Hérissier in the House today does not mean that you are not going to get a bit of a balanced view so I am almost split, I think, it is fair to say, or ambivalent to this particular proposition because I think sometimes a proposition can maybe be brought for the wrong reasons but it can have later on positive consequences. I think that is perhaps what is happening here. So in spite of my earlier comments I am minded at present to support this proposition because I think it does several things which are very good, and the Members at the front are looking at me puzzled, but I will try and convince them why they should also be supporting this. Let us start off, as Senator Le Gresley quite rightly said, this will bring about the fruition of party politics which at some point or another in any modern democracy must be inevitable. We simply cannot carry on doing politics like we are in Jersey. This whole idea that we are an independent Chamber, all elected as independents, really does not stand up to scrutiny. Also I know Deputy Le Hérissier has once said it before, he says that Jersey politics is a one-party state masquerading as independent politics and that is essentially what I agree with. So because I believe in party politics, because I believe also that it is good for Members to work together, I believe it is good for any proposition to have 8 eyes looking at it rather than one pair of eyes, I think that can only be a good thing. So in that sense I am minded to support this proposition. I would say that the Members on the front row, and it has been quite rightly said by Deputy Southern, although his conclusion was different to mine, that the Progressives or however you want to use these labels, most of us on this side will easily get 8 signatures. I know I could produce something completely rubbish, not that I intend to do that because I hope that I do not, and I would get 8 signatures and that is fine, it would get rubber stamped. But then again I do not think that I would do that, but you have to know that when you are signing a piece of paper, this idea that people will sign up to anything is simply not quite true. Because if I am putting my signature on something I want to read through it, I want to know that what am I signing up to, this is going to be in the public domain. It is not simply that I am going to be seconding someone so that they can have their democratic right to say something in the States, it is because I also believe it. I think that is why it is important and, if anything, can get

States Members working together in a more homogenous and thoughtful way, irrespective of whether that is to do with party politics or not, must be a good thing. I also think that certainly in the short term it is a bit like the Senator's thing, there has been a massive outcry although I suspect it has been directed from a very centralised nucleus within the Council of Ministers, which is precipitating out into the media, that the removal of 4 Senators is the biggest threat to democracy we have ever seen. So much so that we have to call the Queen in with all her cavalry to come and bring in reforms. Of course it is limited to those Senators. The point I am making is that I think in a short term it probably is quite undemocratic. Certainly I have said before it looks undemocratic, but in the long term what is the point in bringing in propositions? Even if I am the only States Member who wants to represent my constituents, is it really democratic to say that I should have the chance to bring a proposition which we know is going to fail because you cannot even get 7 other signatures? So your constituents have the right to have their case heard in the States even though we know it is going to fail. We do not operate like that in court, do we? We have a test which is done, and it has certainly been done by the Attorney General when deciding whether or not to prosecute, it is not done on the balance of probabilities - in court it has to stand up to reasonable doubt and it is not done on the balance of probabilities - but nonetheless when the Attorney General is deciding or not whether to prosecute he is not going to go down that road if there is not at least a 50 per cent chance of success. So I think what Senator Routier here is saying is the same, there is no point in bringing propositions that have not been thought through. We are not asking for 50 per cent of the Chamber to sign up to the paper. We are simply asking for 7 Members to sign up to it. I think that is quite reasonable and I would ask my Progressive colleagues to think again. We have the number here and it would force those individuals who like to think that they can work on their own without any consultation and then bring propositions perhaps only to withdraw them or to make a point, to grandstand, from taking a step back and not being able to do that unless they work with other States Members on either side or on both sides of the Chamber. So I am supporting this and I encourage other Members to do the same because I know you all want party politics.

10.6.5 The Deputy of St. John:

I had prepared 8 pages of notes but I am sure Members do not want at this time of night for me to give you that rendition, so I have got some notes that will only be for a couple of pages. I am thinking back, Members, to the days when I was vice-president of Public Services, wanting to extend main drains, believe it or not. Deputy Routier it was in those days, and my President was the late Senator Vernon Tomes. Nobody was supporting me off the committee at the start of the debate when I walked in here but obviously I must have performed very well because I got £1.3 million added to the budget and the support of my committee or fellow committee members of the day to make it happen. That is what can happen. It is not getting 8 signatures and it cannot, it will not happen. My final point of clash relates to the wording in the Senator's report. The Senator points out that we are elected representatives, and should use our time effectively for the benefit of the people we are elected to serve. I would like to point out that as the Deputy of St. John nothing, but nothing, will stop me from going to any length to help but a single member of my Parish on any given issue. Although the Senator may have been elected by 12 Parishes, I have a duty to my electorate that I will support them even if 7 other Members will not back me. As Alexis de Tocqueville identified, a real consequence of democracy is the tyranny of the majority, and we as elected representatives must act responsibly, acknowledge the plights of any individual no matter what they stand for, and this is my concern. I hope that my fellow Members realise these concerns and vote accordingly. We must remember we are, as Lincoln said: "Government of the people, by the people, for the people." This must not be restricted in order to save time, and especially not to save money. With that, I cannot support the proposition. I will support the people.

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

As Members will note on page 12, I was one of those Members who was seduced - no I will not say misguided - I was seduced into putting my name as a countersignature in order to get this proposition debated. I think I should explain my rationale for doing so. This Assembly is a debating chamber and I think contrary to what has been expressed by a number of Members today that we have wasted our time, I do not think we have. The reason why is I think the fact the debate has gone on for so long in my mind is symptomatic of an underlying problem, the tip of an iceberg. I think although we are a debating chamber, the style of working and the style with which we conduct a debate is far from perfect. We all have to speak only once, we have to judge when we are going to speak in order to make our voice, our viewpoint, most effective, and in doing so we must bear in mind that we should not adopt the stance of some Members and go on for too long and lose people by speaking for too long.

[17:30]

There is certainly a new backdrop to encourage Members to be concise and brief, but really in my mind that goes against the best principles of proper debate. I would like to see, and it is probably not practical, a debate in the debating chamber where we can thrash out all of the different nuances of a particular argument to our ultimate satisfaction. Now quite clearly the time involved would probably be a lot longer than we involve ourselves with at the moment with our States debates, and on that basis a lot of Members would not be prepared to do it. But realising why we debate things is to add value to the system of government and the decisions that we are taking. I feel that in some instances and on some occasions we do skate over the surface of various arguments or indeed find ourselves locked into a particular set of arguments that bear little or no relation to what we are here to debate. So I think with my signature was the desire to perhaps aspire to a slightly higher set of principles which would begin to move towards a new system whereby Members could tease-out, not necessarily on the floor of the House but behind the scenes so to speak, the nitty gritty of the propositions that were being put forward. In doing so I think that might well have been a useful concept to bring a greater sense of ownership or participation to this House when indeed the propositions were put to the main Assembly. It is useful to notice how the States of Guernsey do it, and one of the reasons why I think they do sit for much shorter times is that indeed they do follow this practice. A lot of the issues that are discussed are discussed lower down, if you like, by more Members and the subjects are effectively put to bed and in some ways their debating chamber becomes more of a rubber stamping process because they have done the work behind the scenes. Of course if we did operate a system on that basis, again there would be those who would suggest perhaps that they could not support it because a lot of the reasons for doing things would perhaps be more hidden than they are during the course of the debate. A couple of final points. It has been said that asking for signatures is perhaps the wrong thing and anti-democratic. But I think that there remains a bit of an anomaly in terms of why you are supplying a signature, and if we read the proposition there are 2 reasons. There is the rubber stamping issue type of signature that is called for in order to bring a debate forward to the floor of the House, and indeed I would stand up as I have done on many occasions to endorse everybody's absolute right to bring forward a debate to be discussed, even if there is a move to shorten the agendas. Then there is the signature of the endorsement or general support, which goes a stage further to say that irrespective of what is going to be discussed on the floor of the House, when we get into the meat and drink of the main proposition, that you do give general support to the proposition come what may. Again that raises the issues as to whether or not any Member can be put into that situation because if you do come to this House ready to listen to alternative arguments and you have not made your mind up or you are not so bloody-minded as to put your blinkers on and say: "I am not going to listen to any other reasoned attempts to move you away from your persuaded outcome" then indeed you are probably not playing the debating game properly. So I think the wording of the proposition is perhaps a little bit flawed in that it is asking to do 2 things, an endorsement and a countersigning which is 2 different things, and I think the 7 Members, as has been pointed out by a lot of other Members, if indeed it is just for a rubber-stamping type of countersignature, then it does not matter whether it is

2 or 7, or as Deputy Tadier said when I nudged him, perhaps the majority of the House, we did not need a debate in the first place. So I think all in all to move in this particular direction was probably asking for a level of political maturity in the House that I do not think we have got, as yet, and on that basis I probably shall not be supporting the proposition.

The Bailiff:

It is now 5.30 p.m.

Deputy P.V.F. Le Claire:

Shall I propose the adjournment, Sir?

The Bailiff:

There are 4 Members still wishing to speak. The adjournment is proposed.

The Deputy of St. John:

Can we test the water and see if we should not finish this debate this evening? I would ask that that be put to the appel.

The Bailiff:

Very well. What exactly would your proposition be, Deputy?

The Deputy of St. John:

That we finish this particular debate this evening. Thank you.

The Bailiff:

One moment please. That proposition has been proposed. Is it seconded? **[Seconded]** Very well, and you asked for the appel. The appel is called for, if you want to continue you vote pour, if you want to adjourn you vote contre. The Greffier will now open the voting.

POUR: 12		CONTRE: 31		ABSTAIN: 0
Senator F.E. Cohen		Senator T.A. Le Sueur		
Senator A. Breckon		Senator P.F. Routier		
Connétable of Grouville		Senator P.F.C. Ozouf		
Connétable of St. Clement		Senator T.J. Le Main		
Connétable of St. Peter		Senator B.E. Shenton		
Deputy R.C. Duhamel (S)		Senator J.L. Perchard		
Deputy of St. Martin		Senator A.J.H. Maclean		
Deputy G.P. Southern (H)		Senator B.I. Le Marquand		
Deputy I.J. Gorst (C)		Senator F.du H. Le Gresley		
Deputy of St. John		Connétable of St. Helier		
Deputy A.E. Jeune (B)		Connétable of Trinity		
Deputy T.M. Pitman (H)		Connétable of St. Brelade		
		Connétable of St. John		
		Connétable of St. Saviour		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		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 S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		

		Deputy of St. Mary		
		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 Bailiff:

So the Assembly will therefore adjourn until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:36]