

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 14th APRIL 2015

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to His Excellency The Lieutenant Governor

The Deputy Bailiff:

On behalf of Members I would like to welcome His Excellency, the Lieutenant Governor, to the Chamber this morning. **[Approbation]** I am particularly pleased he has been able to come on the first occasion that I preside.

1.2 Welcome to Deputy Bailiff – first meeting as President of the States

Connétable L. Norman of St. Clement:

Before the sitting starts fully, I hope you might allow me on behalf of the Members, firstly to congratulate you on your appointment as Deputy Bailiff and to welcome you to your first sitting as President. **[Approbation]** Sir, you will probably have noticed with great pleasure that this sitting is likely to be a short one but nevertheless I can assure you that Members can still be challenging even if it is a short sitting. On behalf of all Members I wish you well in your new role.

[Approbation]

The Deputy Bailiff:

Thank you very much indeed, Connétable, and indeed all Members for your very warm welcome. I am sure Members can be challenging, but you are quite right, Connétable, it was with a huge relief that I saw the size of the Order Paper today and I hope that my relief is not going to turn to disappointment as the morning progresses. I very much look forward to my time as Deputy Bailiff and to learning more about the Assembly from this vantage point and the unique perspective that it offers, so thank you very much indeed.

1.3 Tribute to former Member of the States – the late Reginald Robert Jeune, C.B.E.

The Deputy Bailiff

Members will be aware that a very eminent former Member of the States, Mr. Reg Jeune CBE, passed away on Sunday. He was born in 1920, educated at De La Salle College and by profession was a Jersey solicitor. It is fair to say that it would be difficult in the time available even to list all of Mr. Jeune's achievements and contributions to the Island and to the Assembly, let alone to say anything very much about them. He was first elected in 1962 and he served as a States Member for an impressive 35 years. First as a Deputy of St. Helier District No. 3. He was a member of a number of important committees including Defence, Education and Telephones, and he was elected as President of the Public Works Committee in which role he served between 1964 and 1969. He finished his time as a Deputy as President of the Education Committee. He was then elected to Senator in 1972 and went on to serve on many other committees, among the most important presidencies that he held were those of Finance and Economics from 1989, Policy and Resources also from 1989, Education and Constitution. He also served as a member of many other standing and special committees of the States and was President of the Special Committee on the Review of the Machinery of Government which successfully proposed the introduction of the Policy and Resources Committee of which he was particularly proud, and of which, as I have said, he became President. It was also a source of pride to him that he successfully proposed the introduction of the Administrative Appeals Tribunal, which was introduced in 1972, and he continued to serve the Island after his retirement from the States by remaining as chairman of the panel from 1997 until 2003. He was heavily involved in the Commonwealth Parliamentary Association and served during his time in the States both as chairman of the Jersey branch but also as International Treasurer of the Association, the first time ever that this position as an officer of the C.P.A.

(Commonwealth Parliamentary Association) had been given to someone who was not a member of the U.K. (United Kingdom) House of Commons. As an active C.P.A. member he represented Jersey in many conferences, including those in Canada, India, the Bahamas and Kenya, and in many other places. He was instrumental in enabling Jersey to join the L'Association internationale des parlementaires de la langue française, now the L'Assemblée Parlementaire de la Francophonie. His services to business were recognised and honoured in 1979 when he received an O.B.E. (Order of the British Empire) and in 1996 he was appointed C.B.E. (Commander of the Order of the British Empire) for his services to the community of Jersey. He was a family man with deep Christian faith. He was very close to his wife, Monica. Married in 1946 they had 3 children together and her death in recent times affected him very deeply. His interests stretched beyond his duties in the Assembly and I am sure that fitting tributes will be paid to him for those other activities. It will be, however, for being among the eminent and influential of Jersey's post-war statesmen that he will be best remembered. In 2003 he published his memoirs, in which he recalled his first day in the States as follows: "I remember making the conscious decision to listen and observe on my first day and not utter a word during the debates because I felt it was important to get a clear understanding of procedure and a feeling for how the machinery of government worked. Keeping silent was never my cup of tea so years later it was not surprising that I had made it into the *Evening Post* top 5 talkers in the States." He did not hold back from taking an active and passionate interests in his Island and in the work of the Assembly and, as that quotation illustrates, was happy to share his energies and opinion whenever he felt that he had something to contribute. When reflecting his time as a Member of the Assembly he said: "I believe that the reason I became a States Member was to try and make my native Island a better place to live." I know that one of his proudest achievements was to bring forward the proposals to set up the Strategic Reserve or "Rainy Day Fund" at a time when States income was growing and it would have been easy to increase public spending irresponsibly or reduce taxes further than he was able to do. The Strategic Reserve was one of a number of measures he promoted to ensure that Jersey gained a reputation for sound and prudent financial management for the benefit of future generations. I am sure all Members would agree with me that he certainly achieved his objective of making his native Island a better place to live. May I invite Members to rise for a minute in silence to his name? [**Minute's Silence**] May he rest in peace.

[9:45]

QUESTIONS

2. Written Questions

2.1 THE CONNÉTABLE OF ST. PETER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING MOTOR HOMES:

Question

With the onset of the summer season, will the Minister advise whether there is a need to control of use of motor homes and caravan type vehicles using the wider St. Ouen's Bay area overnight and, if so, will he further advise whether the existing planning legislation is the best form of control or does he consider that this matter could be dealt with using other methods or legislation?

Answer

By way of background, the Planning and Building (Jersey) Law 2002 contains provisions which control the importation and use of caravans - requiring permission granted by Minister for Planning and Environment. Caravans include (by definition in the Law) any vehicle, or other structure capable of being moved from place to place, which is designed or adapted for human habitation.

The controls enacted by the Minister include the ability to attach conditions to the grant of permission to import and use a caravan. Amongst other matters, these conditions require that the caravan is not used for human habitation unless on a registered camp site.

If a caravan is imported or used without securing permission, or in breach of the conditions, then the owner or user may be charged with an offence which, if found guilty, shall incur a fine of Level 2 on the standard scale (currently £500). The Law also allows the Minister to seize and retain the caravan for 2 months while this process is administered and if found guilty the owner / user may also be required to export the vehicle from Jersey.

In practice this element of the Planning Law has been very effective in controlling imported caravans and ferry operators will usually not allow such vehicles to be loaded on the boats without sight of the necessary permissions. Any caravanner visiting the Island as a holidaymaker will therefore be clear about the condition requiring use only on proper camp sites.

This legislation has perhaps been less effective in controlling the use of caravans by Islanders within the Island. A caravan can include a motorhome or auto-sleeper vehicle, which a local owner might use as a main or second vehicle on a day-to-day basis. This could include using the vehicle as a base for a family day out to St Ouen's Bay, or perhaps an evening barbeque. There is a grey area as to whether such an activity would constitute "human habitation" for the purposes of complying with the conditions on the permission, or whether the threshold of "human habitation" would indeed be overnight sleeping. There is the further question about what constitutes overnight sleeping and how evidence would be gathered.

Where the Department receive complaints about caravans which are clearly being used for habitation, outside a registered campsite, we do take proportionate action and matters are usually concluded without need to revert to the formal options available under Law. An example would be when the caravan is plainly being used as a primary abode by visiting seasonal workers, who then voluntarily leave the Island with their caravan. This is a time and labour intensive process and its administration must be balanced against other Department priorities and responsibilities.

The situation in St Ouen's Bay is more complex than just overnight sleeping, and the Department are aware of the difficulties in facilitating access to the countryside and enabling the enjoyment of our coastlines, but making sure that is done in a managed manner, and is not just for the benefit of a few users who might perhaps dominate a particular locality to the detriment of others. The Department clearly have a role to play in relation to the management of caravans which become used for human habitation, but that is not the only issue of relevance to the range of users in St. Ouen's Bay.

I consider that a broader approach is needed to assist with the more general management issues, beyond overnight sleeping. For example, we understand that Le Port, along St Ouen's Bay, is not formally designated as a "car park" for the purposes of parking enforcement. Other car parks do have such designations and enable, for example, parking controls to be instigated, such as maximum stays of 6 hours in a 24-hour period, and proper parking bays to be marked out – which may enable larger recreational vehicles to be properly catered for alongside vehicles for other users. New services may also include regular and managed waste collection facilities and perhaps even include public toilet provision. Clearly this will come with an initial and ongoing cost. If sites are designated and run as formal car parks the management of the vehicles across St Ouen's Bay becomes in-step with other car parks and consistency, coupled with simplicity, can only be beneficial for both the users wanting to enjoy the beautiful coastline, and those seeking to deliver sensible, straightforward and proportionate management.

In conclusion, given the limitations of the Planning Law, I consider that there are other approaches to more effectively control overnight stays, which will enable the proper management of other issues to also be addressed. Primarily, I consider this could be through mechanisms available in car parking legislation.

I look forward to working with the Transport and Technical Services Minister and the Comité des Connétables to find the most straightforward solution for all involved.

2.2 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING DOCUMENT RETENTION POLICIES:

Question

Further to the response given to written question (8706) on 24th March 2015, will the Chief Minister -

- (i) publish the document retention policies of each States Department, highlighting any differences between the departments and the reasons for these;
- (ii) publish the legal obligations of each department with regard to document retention;
- (iii) confirm that he is content that there have been no exceptions to the automatic removal of email from the email archive system;
- (iv) explain whether all internal correspondence between officers, and external correspondence between officers and third parties including e-mails regarding a particular case, complaint or matter, constitute official records and if not, why not;
- (v) define what constitutes an appropriate business records management system with the use of examples; and,
- (vi) explain what oversight or audit system is in place to ensure that Chief Officers and Departments are abiding by the letter and spirit of the Freedom of Information Law and best practice in the UK.

Answer

- (i) I will be seeking advice on which retention schedules can be published. There are currently 148 approved retention schedules and 36 in draft form awaiting approval of the relevant chief officer. Copies of the retention schedules are published on the States intranet and are available on application to the relevant Department, unless the information in the schedule is restricted or sensitive, as, for example, the schedules of uniformed services.

Any differences between retention schedules are due to differences in legislation and functions. Records common to all departments, like Human Resources, Finance, Health and Safety, have the same retention schedules.

- (ii) Copies of all Jersey laws are available online at www.jerseylaw.je. Few of these mention records retention periods but where they are mentioned it is the responsibility of the Department to be aware of its own legal obligations.

- (iii) I am content there have been no exceptions to the automatic removal of email from the email archive system.
- (iv) For the purposes of the Public Records (Jersey) Law 2002, a public record is one that has been created, or received, by a public institution in the performance of its functions and to the possession of which the public institution is entitled. All correspondence, internal or external, may therefore be a public record.

The Law clarifies what is classed as an archival record, which means that it has significant permanent value, whether for the purposes of public administration or as a matter of cultural heritage.

The Law is format neutral and there is no difference between physical and digital records. It is the information contained in each piece of correspondence that determines its retention period. Correspondence may be captured within a case file, for example, and inherit the retention period of that kind of record. Once a case is concluded and the file closed, the standard retention period should apply.

There is no organisation-wide case management system.

- (v) A records management system manages records from creation or receipt through active use to disposition, either by secure destruction or by transfer for permanent preservation. Records management systems are format neutral and based on business requirements.

Such a system could be paper based if that suited the business in question. A system could also cover both physical and electronic records, or could be purely electronic.

- (vi) The Office of the Information Commissioner has regulatory oversight of the Freedom of Information (Jersey) Law 2011.

2.3 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE EMPLOYMENT OF SOCIAL WORKERS:

Question

Further to question (8633) of 24th March 2015, will the Minister show in a table –

- (i) the length of time each of the 94 social workers has worked for the department;
- (ii) the total length of service of each of the 94 social workers has in Jersey and elsewhere;
- (iii) the type and qualifications held by each of the 94 social workers;

Will he further explain the role and number of social workers engaged in operational and management capacities in each of the following areas -

- (a) Director Children's Services and Heads of Service for Community and Social Work; Specialist Support; Social Work and Residential and Support;
- (b) Director of Older Adult Services and Heads of Community and Social Work; Nursing (Mental Health) and (Residential Care); and,

(c) Director of Adult Services and Heads of Alcohol and Drug, Community Services and Mental Health.

Will he provide the figures relating to days lost through sickness for the period 1st January 2014 to 31st December 2014?

Will he explain the nature of the 12 adult and 15 child placements in the UK and list the institutions involved and their specialisms and break down the annual cost of these placements?

Answer

(i) The length of time each of the 94 social workers has worked for the department

	Up to 5 years	5 years up to 10 years	10 years up to 15 years	15 years or more	Total
Adult Services*	13	6	11	6	36
Children's Services **	20	21	11	6	58
Total	33	27	22	12	94

Please note, numbers across services have been aggregated so individual staff cannot be identified.

*Adult Services includes Older Adults Social Work, Adult Mental Health, Adult Social Work, C&SS Governance, Occupational Therapy and Alcohol and Drugs Services

** Children's Services includes Children's Mgmt & Administration, Children's Social Work and Residential & Support Services

(ii) The total length of service of each of the 94 social workers has in Jersey and elsewhere

The length of service in Jersey is answered under i). It is not possible to track the length of service of every individual member of staff prior to their employment by the Department. Staff coming to Jersey will range from newly qualified social workers who have just finished their degrees to those who have many years of service across a number of employers and service areas.

(iii) The type and qualifications held by each of the 94 social workers

The range of qualifications will depend on when an individual formally qualified as a social worker. Since 2003, social work has been a degree-based qualification and therefore all staff employed since then will hold either a first degree or Master's degree in social work.

The previous qualifications are listed below and all registered social workers in Jersey will have one or other of these, depending on when they qualified.

The main qualification for social work is the [undergraduate](#) Bachelor's degree (BA, BSc or BSW) in social work, offered at [British universities](#) from September 2003 onwards. There is also a Master's degree (MA, MSc or MSW).

These have replaced the previous qualifying award, the undergraduate Diploma in Social Work (DipSW), although the postgraduate counterpart, the Postgraduate Diploma in Social Work (PGDipSW) is still awarded and allows the holder to register and practice as a social worker. The DipSW was first awarded in 1991 and phased out across the UK by 2009. Prior to this, the recognised qualification was the Certificate of Qualification in Social Work (CQSW), awarded between 1975 and 1991.

Will he further explain the role and number of social workers engaged in operational and management capacities in each of the following areas –

(a) Director Children's Services and Heads of Service for Community and Social Work; Specialist Support; Social Work and Residential and Support;

The 2002 Children's Law establishes the legal framework for children's social work (CSW) in Jersey, the fundamental purpose of which is to safeguard and promote the welfare of children.

CSW can be understood as a pathway, which filters children and families, ensuring those at risk of significant harm receive appropriate protection and care services and those who have lower level needs are signposted to more appropriate services or stepped down when the risk of harm has been moderated to an acceptable level.

[MASH \(Multi Agency Safeguarding Hub\)](#) led by CSW receives all enquiries about children believed to be at risk of harm. MASH gathers information, assesses risk and need and makes a decision about next steps.

Cases which meet the threshold for CSW, as set out in multi-agency procedures, are referred from MASH to [CIRT \(Children's Initial Response Team\)](#). CIRT carries out Article 42 child protection enquiries and initial and core assessments, each designed to respond to a specified level of risk and need. There are three routes from CIRT depending upon the assessed levels of risk and need. A family can be stepped down and the case closed to CSW or stepped up and allocated to a Social Worker in the [Children in Need \(CIN\) Hub](#) or [Adolescent Hub](#) or to a Social Worker in the [Statutory Team](#). The hubs respond to lower levels of assessed risk/need and the Statutory Team responds to the higher levels for children requiring inclusion on the Child Protection Register and/or applications to court for Emergency Protection Order or Interim Care Orders.

Social workers working with children in the community will be leading a multi-agency system delivering interventions, directly or commissioned, designed to support, challenge or change parenting in ways that reduce the risk to children. They will also undertake direct work with children to satisfy themselves that the welfare of the child is being safeguarded and promoted and to support the child to deal with whatever adverse experiences s/he has encountered. Children can be stepped up or stepped down from community interventions. The Hubs will include some children who are in care as a result of voluntary agreement with the parents, where the intention is that ultimately the child will return home.

Where final care orders are made, or where a child is voluntarily accommodated without a planned return home, responsibility for the child transfers to the [Permanence Planning Team](#)

(which includes responsibility for leaving care). The PPT delivers the care plan for a child who will not be returning to the care of parents (adoptions, long-term fostering, kinship care arrangements or residential care). Its task is to work with the multi-agency system and with those providing direct care to ensure the child achieves the best possible outcomes against the 6 domains in Jersey's Children and Young Peoples Strategic Framework.

A separate team for Children with Complex Needs deals with all aspects of the social work task (CIRT, CIN, Statutory, PPT) for disabled children and those with complex needs. The Fostering and Adoption Team recruits and assesses potential adopters and foster carers and trains and supports those that are recruited to look after children in the care of the States of Jersey. ISS, the Independent Safeguarding Service, is the quality assurance arm for CSW. ISS chairs all child protection conferences and reviews for looked-after-children as well as developing and maintaining the infrastructure for best practice and the quality assurance framework.

Qualified social workers have leadership roles in some of our residential homes. The task of the staff in the home is to deliver the care plan for the child.

Some aspects of work must be carried out by a professionally qualified social worker; others can be carried out by differently qualified staff. Each team (excluding residential) has a team manager, and at least one senior practitioner, social workers and family support workers. Practice supervision is shared between team manager and senior practitioner but management responsibility for all aspects of practice rests with the team manager in consultation with the Head of Service. There are two heads of service, one for safeguarding and one for children in care.

Across Children's Services* there are 48 social workers in operational roles and 10 in managerial/team leader positions

* Children's Services includes Children's Management & Administration, Children's Social Work and Residential & Support Services

(b) Director of Older Adult Services and Heads of Community and Social Work; Nursing (Mental Health) and (Residential Care);

and

(c) Director of Adult Services and Heads of Alcohol and Drug, Community Services and Mental Health.

Unlike Children's Services, there is no statutory framework for the provision of social care for adults in Jersey. Therefore, all engagement with social care services is undertaken on a voluntary basis. The only area where statutory legislation applies to social work regarding adults is under the Mental Health (Jersey) Law 1969.

The Adult and Older Adult Services employ social workers at a number of levels within the organisation including Service Managers, Team Leaders, Senior Social Work Practitioners, basic grade Social Workers and Social Work Assistants. The social workers work very closely with other health and social care professionals such as nurses, doctors, occupational therapists and other allied health care professionals. The role of the social worker in Adult Services includes working towards promoting the best interests of individuals and groups in society and

respecting the individual's right to self-determination whenever possible. Social workers should respect, promote and support people's dignity and right to make their own choices and decisions, provided this does not threaten the rights, safety and legitimate interests of others.

The social work teams will receive direct referrals from GPs, health and social care professionals, police and self- or family referrals. These referrals will be assessed and, where appropriate, allocated to an individual or multi-disciplinary team dependent on the complexity of the presenting issue.

Other than the direct social worker referrals, the Adult Social Work teams also provide:

- Long-term care assessments to establish the needs of individuals who have long-term care requirements and to support colleagues in the Social Security Department to establish if the individual is entitled to long-term care benefits.
- Hospital discharge planning and follow-up community support for those people who have had a hospital admission, either at the general hospital or in one of our mental health units.
- Adult safeguarding co-ordination and investigation as part of a multi-agency team. This includes protecting adults from the risk or effects of physical abuse, financial abuse, sexual abuse or neglect.
- The Mental Health Law (Jersey) Law 1969 requires a duly authorised officer, most commonly a social worker with specialist training in mental health law, to carry out assessments on people presenting with mental disorders. Through the assessment, the duly authorised officer will decide if an application for the person needs to be made to the Minister of Health and Social Services for the person to be detained for their own safety and/or the safety of others.
- Care co-ordination and case management of people with complex needs, which includes learning disabilities, mental ill health and physical disabilities.

Across Adult Services* there are 29 social workers in operational roles and 7 in managerial/team leader positions.

*Adult Services includes Older Adults Social Work, Adult Mental Health, Adult Social Work, C&SS Governance, Occupational Therapy and Alcohol and Drugs Services

Will he provide the figures relating to days lost through sickness for the period 1st January 2014 to 31st December 2014?

Adding to the information already provided in the response to Question 1240/5 (8633):

Division	Percentage of days lost through sickness	Sickness days lost
Older Adults Social Work	1.9%	69.2
Adult Mental Health	4.6%	36.3
Adult Social Work	1.7%	66.4
C&SS Governance	3.6%	28
Children's Mgmt & Admin	6.4%	185
Children's Social Work	4.7%	537.5
Residential & Support Services	2.3%	18.3

Will he explain the nature of the 12 adult and 15 child placements in the UK and list the institutions involved and their specialisms and break down the annual cost of these placements?

The UK placements involve a range of adults and children with highly complex needs that cannot be adequately met in Jersey. These complex needs may arise from learning disabilities, mental health challenges, physical disabilities, autism or sensory disabilities or indeed a combination of a number of these factors.

In order to accommodate these individuals' complex needs, we rely on a range of specialist service providers, which includes secure accommodation, specialist hospital provision, highly specialised children's resources and other units. All will be commissioned with the needs of the individual being paramount.

Total UK Placement Expenditure	2012 (£)	2013 (£)	2014 (£)	Total 2012-2014 (£)
Adult Services	2,121,879	2,318,782	2,102,006	6,542,667
Children's Services	1,783,115	1,984,617	1,660,641	5,428,373
Grand Total	3,904,994	4,303,399	3,762,646	11,971,040

2.4 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ACTING ATTORNEY GENERAL REGARDING THE POLICE PROCEDURES AND CRIMINAL EVIDENCE (JERSEY) LAW 2003:

Question

Further to question (8707) of 24th March 2015, will H.M. Acting Attorney General -

- (a) confirm that only police officers are required to act in conformance with the Police Procedures and Criminal Evidence (Jersey) Law 2003 and have the powers contained within that Law;

- (b) confirm that no enforcement officers are governed by, or have the powers contained in, the aforementioned Law;
- (c) advise whether he considers it appropriate for Enforcement Officers in States Departments to state that they follow the aforementioned Law as best practice when it does not apply to them; and,
- (d) outline the legal powers of the Enforcement Officers in the Planning and Environment Department, Population Office and Andium Homes and any other States Department, advising members of the legislation in which they are contained?

Answer

One reads the answer to question 8707 of 24th March 2015 to confirm, as is the case, that police officers and not enforcement officers have the powers contained within the Police Procedures and Criminal Evidence (Jersey) Law 2003. The answer given to question 8707 also outlines the legal powers referred to in part (d) of the question above.

The only new question appears to be part (c). The Police Procedures and Criminal Evidence (Jersey) Law 2003 saw the introduction of related Codes of Practice which sets out in detail best practice in respect of the conduct of an investigation. For example, one of the Codes relates to how best to interview a person who is the subject of an investigation so as to protect that person's rights. If an enforcement officer has decided to follow a Code of Practice so as to ensure that their investigation is in accordance with best practice then one cannot readily discern the difficulty. This view is offered on the somewhat limited information provided.

2.5 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ACTING ATTORNEY GENERAL REGARDING THE PROCEDURES FOR PROSECUTIONS IN THE MAGISTRATE'S COURT:

Question

Will H.M. Acting Attorney General outline the procedure for prosecutions brought in the Magistrate's Courts by Centeniers and in particular explain -

- (a) whether offences committed in a particular Parish have to be brought by a Centenier of that Parish;
- (b) whether there is any provision for the Chef de Police/Centeniers in St. Helier to bring prosecutions for offences committed in another Parish, whether or not requested to do so by the Centeniers of that other Parish, and will he further state in which legislation the provisions are contained; and,
- (c) who was responsible for bringing prosecutions before the Magistrate's Court before the policing role of the Connétables was removed?

Answer

Most prosecutions are instituted when a person is charged with an offence by a Centenier.

- a) The principal law which governs the powers of the Honorary Police to exercise their powers and bring alleged offenders to court is the Honorary Police (Jersey) Law 1974 (“the 1974 Law”). As a general rule, charges are brought by the Centenier of the Parish in which an alleged offence has been committed. Under the law, the Honorary Police are empowered to act within the territorial boundaries of their Parish and this includes the power to charge and present a person before the Court.
- b) Article 2 Criminal Procedure (Centeniers) (Jersey) Law 1996 (“the 1996 Law”) enables Centeniers (which would include Chefs de Police) from all Parishes to bring charges for offences committed in another parish when authorised to do so by a Centenier from the Parish in which the offence is committed. Article 3 of the 1996 Law provides a similar power in relation to presenting offenders at Court when authorised by another Parish. These powers apply to all Parishes.
- c) Before the enactment of the Connétables (Miscellaneous Provisions) (Jersey) Law 2012 (“the 2012 Law”), the powers now expressly reserved to Centeniers by article 3 of the 1974 Law were exercisable by both Connétables and Centeniers. The 2012 Law amended the 1974 Law to remove the Connétables’ powers to charge or bring alleged offenders before the Magistrate’s Court.

2.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ACTING GENERAL REGARDING COURT REPORTS:

Question

Will H.M. Acting Attorney General advise members what the duty of H.M. Attorney or lawyers in his department is if it is discovered that a States department has provided the Court with reports that contain inaccurate and/or misleading information which may have led to the Court taking a particular action or reaching a particular judgment, which may or may not have prejudiced one of the parties?

Answer

The prosecution lawyer in a criminal case has an ongoing duty of disclosure during the course of criminal proceedings. In summary, it is the Crown's duty to disclose to the defendant anything which had become known to it and which might reasonably be considered capable either of undermining the prosecution case or of assisting the defence. If the prosecution becomes aware that information put before the Court was inaccurate, then the prosecution lawyer would disclose that information to the defence and, depending on the precise circumstances, raise the matter with the court.

In the event of a conviction, then there is an ongoing duty of disclosure during any appeal. If the information only comes to light after the criminal trial, then the prosecution may well disclose the information to the defence for the purposes of any appeal. After the conclusion of an appeal, and assuming the conviction is upheld, then the duty of disclosure becomes more limited to material which comes to light and that might cast doubt on the safety of the conviction. Decisions on disclosure would turn on the facts of the particular case.

In the event of an acquittal, then there is no ongoing duty of disclosure.

2.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING E-GOVERNMENT:

Question

Following his responses to several questions on the e-government (e-gov) project can the Chief Minister inform members –

- (i) What the “new initiative” which is being developed, along with re-planning, to start in May 2015, actually is and how this connects with the £579,000 spent on redesigning gov.je along with the £328,000 deemed necessary to establish a “core design and business case”;
- (ii) What proportion of the £1.47 m spent on e-gov so far has been on consultancy work with ATOS or others;
- (iii) What budget has been allocated to the e-gov project in 2015 and beyond and does the Chief Minister have an estimate for a cap on spending to develop e-gov services;
- (iv) When the Chief Minister has stated in response to questions that “not all of the spend has been wasted” what sums does he consider as wasted; and,
- (v) When he spoke of “the U.K. Government’s digital services as recognised around the world as the best approach” was he referring to the roll-out in the UK of Universal Benefit and, if not, why not?

Answer

- (i) The ‘new initiative’ is a redefined scope and approach to the delivery of eGovernment. In the context of procuring support to help deliver eGovernment, we will break down the services we require into smaller, manageable pieces of work.

The website, gov.je, remains central to our plans to deliver more online services. The ‘core design and business case’ provides the foundation on which to build our eGovernment programme.

- (ii) £1.8m has actually been spent on eGovernment to the end of 2014, plus £338,000 on the customer mapping carried out by ATOS in 2012. These figures are contained in an amended answer to Written Question 8666 (10 March 2015) and relate to an accounting adjustment. The total amount spent on consultancy, including ATOS, is £663,000.
- (iii) £4.9m has been allocated to eGovernment for 2015. Any future requirements will be incorporated in the MTFP2. The budget represents the value of our committed investment in the eGovernment programme. I will continually review our progress and revise budget commitments subject to the programme’s performance in delivering improved customer services and a more efficient public sector.
- (iv) The ‘spend’ refers to both time and money and I do not believe any money has been wasted. The decision to redefine the approach to delivering eGovernment has caused a

delay in implementation. This has provided us with greater insight into how to deliver this complex change programme and consequently increases the likelihood of successful delivery. As previously stated the costs associated with the programme remain a sound investment and have delivered proof of concept, exemplars, a customer mapping project and a business case for investment.

- (v) The reference to the UK Government Digital Services (GDS) is not connected with the roll-out of Universal Benefit. It was referring to the UK's successful approach to consolidating and simplifying all its government websites into one, clear site, as we have been doing with gov.je.

2.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING INCOME TAX RECEIPTS:

Question

Will the Minister provide a breakdown of the income tax paid for 2013 by business sector from all trades except financial services, as his predecessor did in March 2011 in relation to the tax paid in 2009?

Will he further inform members of the breakdown of income tax (company tax) paid by the 5 branches of the financial services sector in 2013 for comparison purposes?

Will he also explain how income tax on partnerships and sole traders is presented in States of Jersey accounts of personal/company tax revenues?

Answer

Will the Minister provide a breakdown of the income tax paid for 2013 by business sector from all trades except financial services, as his predecessor did in March 2011 in relation to the tax paid in 2009?

It is understood that the Deputy is referring to the answer provided by the former Assistant Minister for Treasury and Resources to the Deputy's oral question raised in the States Assembly on 29 March 2011.

The equivalent figures to those provided in respect of the 2013 year of assessment are as follows:-

Business Sector	Income Tax Assessed*
	£m
Agriculture and Horticulture	2.7
Fishing	0.3
Manufacturing	0.2
Construction and Quarrying	5.9

Wholesale and Retail Distribution	3.2
H o t e l s / G u e s t Houses/Public Houses/Restaurants	2.0
Transport and Communications	2.4
Real Estate Fee Income	0.4
Health and Social	4.5
Other Business Services	16.9
Other Community Services	12.9
Total	51.4

Notes:-

1. The figure for tax assessed for the year of assessment 2013 and collected in 2014 are provisional and subject to audit.
2. For the avoidance of doubt the table above includes income tax assessed in respect of the legal and accountancy professions. This is consistent with the information provided by the previous Assistant Treasury Minister when providing the figures for 2009.

Will he further inform members of the breakdown of income tax (company tax) paid by the 5 branches of the financial services sector in 2013 for comparison purposes?

It is understood that the Deputy is referring to his written question (6163) tabled in the States Assembly on 29 March 2011 when he refers to the 5 branches of the financial services sector. In his question the five branches were shown as:-

Banking

Trust and Company Administration

Fund Management

Legal

Accountancy

It is further understood that the Deputy is seeking information on company income tax paid in respect of these 5 branches. As the Deputy will be aware the Income Tax Law is very specific in its definition of a Financial Services Company. If a company falls within that strict definition it will pay tax on its business profits at 10%. Otherwise it will pay tax on its business profits at 0%. Based on the broad definition of the 5 branches above, only companies in the first two branches would be subject to tax at 10% on their business profits. The remainder would be taxed at 0% where the activities are undertaken in a company.

Based on information extracted by the Taxes Office in December 2014 for year of assessment 2013 an indicative breakdown of company tax paid by financial services companies within the definition of the Income Tax Law is as follows:-

Financial Services Company - Activity	Income Tax Assessed*
	£m
Banking	42
Trust and Company Administration	8
Fund Services	3
Other Investment Services	9
Total	62

Will he also explain how income tax on partnerships and sole traders is presented in States of Jersey accounts of personal/company tax revenues?

There is no specific breakdown of income tax derived from partnerships and sole traders in the States of Jersey accounts. If the Deputy were to refer to the States Financial Report and Accounts 2013 these sources of revenue are included in the income from "Personal" tax shown on page 144. In the Annex to the Financial Report and Accounts 2013 these sources are included under "Individuals" tax shown on page 186.

2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE GIGABIT DISPUTE:

Question

Will the Minister inform members what resolution, if any, has been agreed between JT/GFF and the 12 members of their workforce over the Gigabit dispute and in particular whether the Minister, as shareholder representative, is satisfied that the terms of any agreement between the parties is just and fair?

Answer

The Minister understands that all outstanding employment issues with GFF have now been resolved to the satisfaction of all parties, with the exception of one employee whose legal representative has asked that matters are placed on hold while that individual deals with some extremely difficult and personal circumstances.

Members will be aware that details of any resolutions are covered by normal principles of confidentiality. The Minister is therefore not in a position to say whether he is satisfied that terms agreed are just and fair. However it is widely known that Trade Unions and/or legal advisors have represented the individuals concerned and the Minister places reliance on this fact.

2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING FUNDING FOR STUDENTS IN HIGHER EDUCATION:

Question

Will the Minister publish a table showing how the amounts of funding contributed to grant funding for students in Higher Education (HE) and the ratio of States to household funding has changed since the grant thresholds were last adjusted for earnings in 2001?

Will he further state what progress, if any, he has made in his discussions with the Minister for Treasury and Resources over HE grant/loan funding?

Answer

Year	States contribution	Total Cost	% States contribution
2001/02	£8.9m	£13.9m	64%
2008/09	£7.8m	£17.4m	45%
2010/11	£7.9m	£17.4m	45%
2011/12	£8.1m	£17.5m	46%
2012/13	£8.7m	£18.5m	47%
2013/14	£8.7m	£18.3m	47.5%
2014/15	£7.8m	£16.8m	47%

- The figures are based on the maximum maintenance grant paid and

actual fees charged

- The tuition fees for new starters increased in 2006 and again in 2012
- Figures relate to study at undergraduate level only

The Minister has had discussions with the Treasury Minister about potential options. These discussions are at an early stage but initial research would suggest that a pure loan scheme, similar to the UK, is not viable. Other options are now being pursued.

2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING TENANCY AGREEMENTS:

Question

Will the Minister inform members how many tenants of Andium Homes have signed a new tenancy agreement and thus have been subject to an increase in rent to 90% of the private sector rent level since the adoption of the Housing transformation plan?

Will she further state how much additional rental revenue this has brought to Andium Homes?

Answer

Andium Homes has entered into 453 new tenancies bringing the total percentage of tenants paying 90% market equivalent rent to 12% since the States Rent Policy came into effect on 1st April 2014.

The Business Case supporting the Housing Transformation Programme forecast £0.5 million of additional rental income would be received in 2014 by the new Housing Company as a result of the 90% market equivalent rents policy. It is expected that the actual impact of the rent policy will match the forecast. Andium Homes' financial statements for 2014 will be released in June.

2.12 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE RECRUITMENT AND RETENTION OF TEACHING STAFF:

Question

Further to the response to written question 8679 of 10th March 2015 regarding the recruitment and retention of teaching staff, can the Minister advise –

- (a) what data, if any, the department holds on staff turnover for Primary and Secondary schools;
- (b) how many teachers left jobs within States schools for reasons other than retirement in 2013 and 2014 and what percentage of the teaching workforce did this represent for each year;
- (c) what the numbers of applicants were for teaching posts advertised within States funded schools in 2013 and 2014, broken down by posts paid on the MPS (Main Professional Pay Scale) / MPS + Supplementary Allowance;
- (d) of these applicants, how many for each MPS post were Newly Qualified Teachers; and,
- (e) what percentage of Newly Qualified Teachers appointed to posts within States funded schools over the last 5 years are still employed by the States of Jersey?

Answer

- a) Data on staff turnover has been collated monthly by each States Department since December 2013. In the case of Education, Sport and Culture, this includes the start dates and end dates for teachers entering and leaving the service.

b)

Year	FTE	Leavers (excluding retirements)	% of FTE
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2013	693.1	50.5	7.3%
2014	691.9	53.5	7.7%

- c) The number of teaching posts and applicants for the years 2013 and 2014, and the number of those roles with an Supplementary Allowance are as follow::

Year	Number of applicants	No of teaching jobs
2013	1303	125
2014	770	112

Number of jobs by type

Year	MPS	MPS+Supp allowances
2013	98	27
2014	89	23

- d) We ask each applicant to confirm whether they are recognised by the Department for Education and Skills as a Qualified Teacher and whether they have successfully completed a period of induction as a Qualified Teacher. However, due to data protection we do not retain information for unsuccessful candidates so these details are not available.
- e) Data on the number of Newly Qualified Teachers (NQTs) appointed to posts within States schools has been collected since September 2012. Records since then show that 77.28 % of NQTs are still employed by the department.

3. Oral Questions

3.1 Connétable J.E. Le Maistre of Grouville of the Minister for Planning and Environment regarding redundant glasshouses:

Would the Minister undertake to investigate what can be done to clear the large areas of redundant, unsightly glasshouses that spoil the Island's landscape and make recommendations as to how this could be achieved?

Deputy S.G. Luce of St. Martin (The Minister for Planning and Environment):

I agree there are a number of glasshouse sites across the Island that appear redundant and are an eyesore, and I am keen that action is taken and that these areas are improved. Invariably achieving improvements is not always straightforward, although a number of options do exist. The States-approved 2011 Island Plan presumes against the development of redundant and derelict glasshouses

for non-agricultural activity. However in exceptional circumstances Policy ERE7 of the Island Plan does allow for non-agricultural development to be considered provided that environmental improvement for the site can be demonstrated. Each situation must be assessed on its individual merits and any such development would need to accord with the policies of the general development considerations. In some situations a disuse and disrepair condition may have been attached to the original grant of planning permission. Where such a condition exists the landowner is required to comply with the condition and remove the glasshouse from the site when it is no longer required. In addition, there are articles in the Planning and Building (Jersey) Law 2002 that could, depending on the circumstances of the case, allow the Minister for Planning and Environment to serve a land condition notice in respect of dangerous, ruinous or dilapidated buildings, or where the amenities of a part of Jersey are being adversely affected by the condition or use of any land. Any notice must set out the work to be undertaken within a specified period to rectify the situation ...

The Deputy Bailiff:

Minister, the normal rule is that answers should be in delivered 90 seconds, 1 minute 30 seconds.

The Deputy of St. Martin:

If I might conclude at this stage then, and just say I would like to meet with the Constable to discuss this matter further and review the specific sites that he may be referring to.

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

In the absence of our former Minister for Drains, the Constable of St. John, these sites are in the countryside and many of them will not be anywhere near mains drains. Will it be a planning stipulation that such development should be connected to mains drains should they be permitted to develop these sites for housing purposes?

The Deputy of St. Martin:

There are some quite stringent policies now in the Island Plan that refer to the connection to main drains and the new buildings, the necessity for them to be connected to mains services. I am sure that the availability of drains close to any site would be a big consideration but I also would say to the House that I am also undertaking to look at wayleaves through land. I do not think it is correct that people are asked to pay large amounts of money to pass across other people's fields for mains services that should be available to all. There are benefits to everybody in connecting to the main drains and mains water and I further undertake to look at that in the near future as well.

3.1.2 Deputy M. Tadier of St. Brelade:

Does the Minister acknowledge that this is a legacy of political failure by his predecessors and that what needs to be taken is either the law needs to be enforced, where there is law, to make the owners of glasshouses either do them up or if they cannot afford to, to sell the land; failing that the States should compulsorily purchase the land and keep it for agricultural purposes? Does the Minister agree that all this talk about development on the site is exactly what is playing into developer's hands, exactly what they would want and at a time when both agricultural land and residential land in our Island is at a premium, urgent action must be taken by the Minister in this regard?

The Deputy of St. Martin:

I do agree with the Deputy in some circumstances inasmuch as it has been over the years a means of acquiring housing sites and it is true to say - in my view certainly - that some owners of glasshouse sites have hung on and have not repaired in the hope that they may well get development permissions in the future. I would say to the Deputy that there are 2 articles that I

would quote back to him. One is from the Planning and Building Law, Article 84, which says if it appears to the Minister that a building is in a ruinous or dilapidated condition I may serve a notice. But the other thing I would say to the Deputy is I am a Minister that wants to work with other people and it may be that Policy ERE7 in the Island Plan is more relevant and that says: "In exceptional circumstances [and it has to be exceptional] the development of redundant and derelict glasshouses may be considered for non-agriculture purposes [and this is the important bit] provided that the amount of development permitted will be the minimum required to ensure demonstrable environmental improvement of the site." I think that is the secret to maybe the resolution of the dilapidated and derelict greenhouses. If we give permission to an owner of a glasshouse to demolish and rebuild a small number of plots or even a single plot, just enough to allow him to afford to take down the dilapidated glass, I think this is a way that we could work with the industry and owners of glasshouses to move forward to a better Island in the future.

3.1.3 Deputy M. Tadier:

Supplementary. Why is there even a presumption of development on this site? This is a greenfield site. It is a glasshouse site. It is agricultural. The Minister has said that under Article 84 he has the power to issue a notice for buildings or in this case glasshouses which are dilapidated or ruinous. How long do these buildings have to be dilapidated and ruinous before his department - him as Minister - will take action under Article 84 rather than seeking a way for a backdoor development in this property?

The Deputy of St. Martin:

I hear what the Deputy is saying, but I would say to him that there is a potential cost to the public purse. If a land condition notice has not been implemented by the landowner the pressure then falls on myself as the Minister to implement the notice and undertake that work out of the public purse. So that is a consideration. Having said that, I do hear what the Deputy is saying. There are some circumstances, and I referred to them in my earlier answer, where permission has been granted but a disuse and disrepair order or condition has been placed on that site and under those circumstances the owner would have to remove the glass if it is no longer required but much older. We have got a lot of old wooden and old metal glasshouse sites on the Island. Those conditions do not necessarily apply.

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

Can the Minister outline his position on glasshouse sites that were publicly funded through agricultural grant schemes of the past and whether that individual profit, should these sites be developed, be retained for individuals or whether that money should be clawed-back to the public?

The Deputy of St. Martin:

There have been agricultural schemes that have operated through the Ministers and Presidents of committees in former years and farmers took advantage of those subsidies and grants to take part in the horticultural activity of their choice. That is in the past and I appreciate that public money has funded some of these schemes. I think it is more important to consider the fact that in some situations certainly good agricultural land that might have been used for growing of crops or the grazing of cattle was taken and turned into glasshouses, and it seems only fair to me that if those glasshouses have fallen into disrepair or are now uneconomical to use that there must be a consideration that those glasshouses be returned to the former use so that other farmers can make best use of them.

3.1.5 The Connétable of Grouville:

Would the Minister agree with me that in an Island where land for agriculture, amenity space and indeed sites for housing is in short supply, that it is a shame that we may have as much as 200 or

300 vergées of land in the form of derelict glasshouses that are left unused, unkempt and that we should strive to make better use of this land?

The Deputy of St. Martin:

Absolutely. Land is in ... we are not making it anymore and we must make best use of everything we do have. There are 70-odd sites of glasshouses on the Island, according to my records, of which 17 at least are derelict. The ones that are used, they are used for a variety of crops and vegetables, as well as garden centres, so there are some in good use. But I certainly agree with the Constable, we have got to make better use of these derelict sites and I will certainly endeavour to work with him and others to see if we cannot resolve the situation in the very near future.

3.2 Deputy G.P. Southern of St. Helier of the Minister for Treasury and Resources regarding the estimated shortfall in tax revenues for 2015:

Will the Minister inform Members what the latest estimate is for the shortfall in tax revenues for 2015 and state what measures, if any, he has under consideration to deal with it?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

Regrettably not today. The latest published figures for shortfall in revenue appears in the 2015 Budget, however Members are about to receive an invitation to a briefing next week when a full update on these and other matters will be given.

3.2.1 Deputy G.P. Southern:

Are Members to place any credibility with the widespread opinion among many in our society that rather than £80 million of shortfall we are facing £130 million?

Senator A.J.H. Maclean:

There has been indeed much speculation, wide-ranging speculation, and that is one of the reasons that I am not going to add to that today. The facts are going to be presented next week. The Council of Ministers are considering later this week the final details and I think that is in appropriate order, to remove any speculation that may or may not be reverberating around the Island.

3.2.2 Deputy S.Y. Mézec of St. Helier:

We are talking about huge sums of money here, so when we have this briefing next week are we finally going to see a Council of Ministers that has realised the reality of this and will they be briefing us on what taxes are inevitably going to have to come up or which public services they are inevitably going to have to cut and if not will he try and justify exactly who it is he is trying to kid.

Senator A.J.H. Maclean:

I am sorry that the Deputy feels he is being kidded. That is not the case at all. Next week, as I have said, the facts will be presented to Members. There will be an opportunity for detailed questions and I am sure it will be a very enlightening and useful debate. The Council of Ministers have been spending considerable time working through the challenges that we face and indeed looking at the ways in which we are going to deal with them. I have said before, and I will say again, this Island is in a very fortunate position. We have resources to hand. We have a strong balance sheet. We therefore have opportunities in which many other jurisdictions globally do not, so I am sure that next week all will be revealed and the Deputy will be, I hope, satisfied with what is presented to him and certainly he will have opportunities to ask the questions he wishes to ask.

3.2.3 Deputy M. Tadier:

Will the Minister explain what he thinks the underlying cause of the bigger than expected deficit is or what the causes are?

Senator A.J.H. Maclean:

The figures that were presented at the last Budget by my predecessor did identify revenue shortfalls, as opposed to budget deficits, of £34 million for 2014, and £50 million for 2015. The Budget document also gave a raft of measures that were going to be put forward or were put forward to address that particular revenue shortfall. With regard to why it occurred; it appears that income forecasts have over-estimated perhaps what the reality of the situation was.

[10:00]

Income has fallen, expenditure continues to rise. We cannot forget the fact that there are considerable pressures and those are other matters. We have the short-term issue for 2015 to deal with. We also have the challenges for the period of the next Medium-Term Financial Plan 2016 to 2019, and there are pressures there, for example, like the Health spending of £50 million.

Deputy M. Tadier:

Supplementary?

The Deputy Bailiff:

We do not have time, I am afraid. I have seen Deputy Higgins and then a final supplementary.

Deputy M. Tadier:

May I challenge the ruling? I know it is your first day. We were told by predecessors that it is an important part of the democratic process that supplementaries be allowed to be asked.

The Deputy Bailiff:

Indeed it is an important part of the democratic process, Deputy, but that does not mean they can be asked on an open-ended basis and without any regard to the time strictures that govern the Assembly. **[Approbation]** My ruling on the matter is I will take a question from Deputy Higgins and the final supplementary from Deputy Southern.

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

Rather than have the usual sort of presentations we get from Ministers where you are given the papers on the day, will the Minister for Treasury and Resources undertake to circulate to Members before this briefing the papers, even if embargoed, so we all have a chance to study them and therefore make or ask reasonable questions rather than being flummoxing around trying to read the documents, listen to the briefing, and then come out with one or 2 questions and waste the time? So will the Minister undertake to circulate the papers beforehand?

Senator A.J.H. Maclean:

I always want to be as helpful as possible, and I do take the point of the Deputy that these briefings are more useful when Members are briefed in advance or have some reading material in advance. The difficulty, and I am sure Members will understand the sensitivity, that if information gets out into the public domain we have got matters relating to staff, matters relating to unions, and it is only fair that this is dealt with in a consolidated way. I will seek to get as much information as I can to Members in advance but I cannot guarantee that I am going to get all the data to Members in advance, and I am sure they will understand the sensitivity and reasons why. I would also add that if Deputy Tadier wishes to ask more questions I do have questions without notice, so I am sure he can have an opportunity shortly.

3.2.5 Deputy G.P. Southern:

Since I cannot ladle 2 questions into one I shall resort to my supplementary, which was that with such major sums involved in the shortfall does the Minister not accept that this calls for a major change of direction by this Government, that the low tax, low spend economic model on which he bases the economy is broken and it is time to examine such measures as progressive taxation, for example, a 5 per cent addition of income tax on earnings over £100,000 would produce something of the order of £46 million, which may go some way to dealing with the shortfall?

Senator A.J.H. Maclean:

I think there is going to be a difference of opinion between where I sit and perhaps where the Deputy sits. I would concede that of course we need to look at all measures when considering how we meet challenges. That is both on the revenue side: that includes how we go about taxation, indeed dealing with matters of avoidance, for example, ensuring we collect the tax that is due and other matters that need to be considered. I can assure both the Deputy and Members that all options are being considered as they, I hope, would expect as we look at the options available for us for dealing with the challenges we face. But as I have already said, we are in a strong position, we do have options, we do have flexibility and that is a very good position to be in.

3.3 Deputy M.R. Higgins of the Minister for Home Affairs regarding the initiation of prosecution proceedings against drivers:

Will the Minister advise whether it is the policy of the States of Jersey Police not to initiate prosecution proceedings against drivers who knock down pedestrians on pedestrian crossings, even if the driver admits their guilt and the event has been witnessed by independent witnesses; and furthermore, is it the policy not to provide the injured party with the name and insurance details of the driver in such cases?

Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):

The response of the States of Jersey Police to road traffic accidents is determined by Article 52 of the Road Traffic (Jersey) Law 1956. This Article defines those road accidents that are reportable to the police for the purposes of recording an investigation. When a report of a road accident is received policy dictates that sufficient details must be obtained in order to determine whether there is the requirement for police attendance and indeed whether the accident is reportable and/or therefore recordable by the police. Every relevant case will be examined, investigated and dealt with on its own merits in accordance with Article 52 of the law. In relation to the second part of the question, it is policy to provide relevant details in order to comply with Article 52 of the law. Any person having reasonable grounds for requiring the name and the insurance details of a driver in the case where damage or injury is caused will be provided with those details upon request. Usually details are exchanged at the scene of the collision. If this is not the case a written request should be made to the Criminal Justice Department who will provide the relevant disclosure to the applicant.

3.3.1 Deputy M.R. Higgins:

Supplementary. I find it amazing listening to the Minister for Home Affairs' answer. We have a situation where an accident took place. A lady was knocked down on a crossing. The crossing had a red light. She was knocked over the bonnet of the vehicle and on to the ground and injured. There were 3 witnesses to the accident. One including an employee of the States of Jersey Police. The driver admitted his responsibility that he had gone through the red light and knocked her down, and yet 6 months later no action had been taken by the States of Jersey Police and in fact they were not going to proceed with any action against the driver. Does the Minister think that is good enough?

The Deputy of St. Peter:

I am rather surprised that the Deputy is raising this question in this Assembly. He has had a face-to-face meeting with the Chief of Police. They happened to bump into each other in the street last week and the Chief of Police reminded the Deputy, as the Deputy well knows, that I am unable to deal with operational questions in this Assembly. This question would be much better dealt with by the Chief of Police and the Chief of Police has extended an invitation to the Deputy to which the Deputy has agreed to attend. I would suggest that he takes up this invitation.

3.3.2 Deputy M. Tadier:

But what the Minister can be accountable to this Assembly for is consistency when it comes to the approach that the police are taking, which does very well fall within her remit. Does she acknowledge that when we have a situation, for example, where a driver inadvertently drives through a red light at Cheapside and very narrowly misses a baby in a pram who is then subsequently prosecuted by the police? We have another occasion somewhere in St. Clement, I believe, where somebody jumps a red light there, hits a pedestrian while they are crossing at the pelican crossing, and is injured as a consequence and no action is taken by the police, that the public have a right to expect consistency of approach to be taken. Especially when there is a suggestion that it could be to do with the individuals involved and the police taking a different approach, depending who it is. Does the Minister accept that falls within her remit and will she undertake to make sure that consistent approaches are taken by the States of Jersey Police in future?

The Deputy of St. Peter:

I have to say I am satisfied in this case that there is a consistent approach from the States of Jersey Police. It is not normal for a Minister to discuss a particular personal case but on this occasion I am happy to use parliamentary privilege and to enter into some discussion on this point because I am aware that various Deputies have been contacted and it is a rather special and individual case. Firstly, the person involved in this collision is known to us as a former Deputy. Secondly, at the outset of this case the person involved in the collision asked the police not to press any charges. They felt the driver had been very kind to them at the time and at that moment they did not want to press charges and so that is why things have been slightly delayed on this occasion.

3.3.3 Deputy M.R. Higgins:

In fact I would like to challenge that and a number of statements made by the Minister this morning. **[Interruption]** I wonder if I could challenge the Minister on this. She mentions, for example, the Chief of Police. The Chief of Police, yes, I did meet him on, I think, it was Friday. It was after my questions had been submitted, and I asked him about this particular case and he said, first of all, he denied he had any knowledge of it, and yet the person concerned had written to him. I challenge him on ...

The Deputy Bailiff:

Deputy, could I remind you this is for asking a question?

Deputy M.R. Higgins:

Yes, I am sorry, but I think it is important that facts are laid out because we are being told the police had done everything possible, they have not.

The Deputy Bailiff:

Extremely briefly in order to preface a question.

Deputy M.R. Higgins:

Yes, Sir, thank you. We are talking about an event that happened 6 months ago. By the way, after my meeting with the Chief of Police and ... by the way the Deputy Chief of Police had also been written to and done nothing, as had the Assistant Minister for Home Affairs, who had been written to on this matter. What I will say is: on Friday afternoon after my conversation a policeman suddenly comes with the insurance details. Now the case is being re-investigated. But the point was, the case was deemed by the police not to be worthy of an investigation and yet the evidence was overwhelming. I disagree with the statement about whether a prosecution should take place. The person concerned was shocked at the time of the accident but did not inform police that they would like to see the driver prosecuted and no action was taken. So therefore I must admit I get so fed up of these standard answers ...

The Deputy Bailiff:

Deputy, please could you ask the question?

Deputy M.R. Higgins:

Yes, I am coming to it now, Sir.

The Deputy Bailiff:

Please would you come to it straightaway.

Deputy M.R. Higgins:

I am fed up with the Minister's responses, defending the police on operational matters when they cannot be defended. Will the Minister go back and speak to the police and make sure that they are consistent because their policies are totally inconsistent on these matters rather than smile and just say: "Oh everything is wonderful in our police force" which it is not?

The Deputy of St. Peter:

I will indeed discuss this with the Chief Officer, but I would also remind the Deputy that it would be more appropriate if he discussed this case with the Chief Officer as he has been requested to do so.

Deputy M.R. Higgins:

I agreed to meet the Chief Officer of Police about our famous cyber troll and the lack of action on that.

3.4 Deputy M. Tadier of the Minister for Planning and Environment regarding the levels of nitrates in Jersey mains drinking water:

Is the Minister, as regulator of Jersey Water, content with the current levels of nitrates in Jersey mains drinking water and, if not, what steps is he taking to ensure that this situation improves before he considers re-issuing Jersey Water with a special dispensation to surpass legal nitrate levels again in December 2016?

The Deputy of St. Martin (The Minister for Planning and Environment):

As the Minister for Planning and Environment, I am committed to solving the historic high levels of nitrates in the Island streams, groundwater and drinking water, and finding solutions to this problem is long overdue. The Deputy is correct that my department is still required to issue a dispensation under the Jersey Water Law 1972 and this is because Jersey Water, the company, occasionally exceeds the E.U. (European Union) and local drinking water limit of 50 milligrams per litre of water despite their best endeavours to blend water sources. The department is working

closely together with Jersey Water and the farming community to lower nitrates. The work is mainly aimed at tackling the application and control of nitrates on our land.

3.4.1 Deputy M. Tadier:

Will the Minister confirm that he is required to issue a dispensation to Jersey Water or is in fact that a choice? Is he obliged to issue a permit just because Jersey Water consistently failed to meet their nitrate levels at various points during the year? Or could his department and could he decide not to issue a dispensation to Jersey Water and, if so, what would the consequences of that be?

The Deputy of St. Martin:

To the best of my knowledge it is under my own remit as to whether I issue dispensations or not. But what I must say to the Deputy is I take advice from the Health Department as to whether this is acceptable or not and I would also point out to the Deputy that the issuing of dispensation is not something that just happens as a matter of course. I would point him to 2 sections of 3 years and just highlight to him the difficulties that we face here. In 2008 there were 19 orders issued, in 2010 there were 23, but in the year in between 2009 there were none at all. In 2012 I issued 28 orders. In 2014 22 orders, but in 2013 the year in between those 2, there was no necessity to issue orders at all. This is not a finite science. It is not something that happens every year. It is very, very difficult to resolve but I am determined to do it. I am determined to reduce nitrate levels and I am committed to doing that in the future.

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

The Minister has stated about the problems with nitrates in a hearing with our panel and he also stated that a big problem was that there was 8 per cent of the population on boreholes and wells with 50 per cent of those being over the 50 per cent allowed of nitrates in the E.U. or local limits.

[10:15]

Could the Minister tell me who advises these people, what is he doing to protect their health and do they have any remit to this new nitrate working group, being Jersey Water, the potato industry, dairy industry and big producers, because if they are poisoning my well I would want to be able to sue them?

The Deputy of St. Martin:

The Deputy uses some very strong words and I would want to stand back from the word “poison” and say that nitrates in water are poison. Certainly I can point out to the Deputy that stream water in 1994 was only 70 milligrams. Since then it has declined to an average of 50 milligrams so we are very, very close to the E.U. limits. Limits which were reduced by 50 per cent not very long ago. There is not much evidence to show that nitrates do anybody any harm but I would point out to the Deputy in the question about boreholes. Boreholes tend to be away from the mains services, naturally and therefore they are in the countryside and in the farming areas. There are a number of conditions which farmers need to adhere to, to receive single area payment, which is money that I grant to them every year, including farm manure and waste management plans, crop nutrient plans, farm water pollution plans, soil protection plans. I am sure the farmers in the Assembly and those outside will know there are forms to be filled in almost *ad infinitum* on this issue to receive single area payments. So I can assure Deputy Martin that stringent measures are in place to try to make sure that farmers do the best job they possibly can, better than they ever have done in the past, to protect private boreholes from contamination from nitrates.

3.4.3 Deputy J.A. Martin:

Supplementary. The question was about the health of the people. He is telling me what the perpetrators are doing but not about the people receiving the water. Are they informed? How do you protect their health?

The Deputy of St. Martin:

I would imagine it is up to the private boreholes. People with boreholes, many of them have the option to connect to mains services, many do not, but as I said to a previous answer, I would very much like to see it made easier for those people to access the mains water system. But if they are private landowners and owners of private boreholes who are concerned about the quality of their water they are at liberty to take samples and take them to the States analyst for verification.

3.4.4 The Connétable of Grouville:

Would the Minister confirm what I think he said earlier that the level of nitrates is falling due to the hard work of not least the agricultural industry and that despite the spikes on wet years that it is falling and is likely to go below the level that is required?

The Deputy of St. Martin:

Yes, I can confirm that. Nitrates in surface water increased to a peak in 1994, when the average was 70 milligrams per litre. It has since declined to 50 milligrams per litre last year.

3.4.5 Deputy A.D. Lewis:

Last year the Minister attended and spoke at a rather excellent conference on the rural economy. At that conference much was spoken about nitrates and alternative methods of fertilising fields. Can the Minister update us on where we are at with those alternatives and what more investigation has happened, and is there any possibility of future alternatives to the current nitrate supplements?

The Deputy of St. Martin:

There is no doubt by the results of tests that take place that the problems we have with nitrates occur at the end of the spring, which follows very shortly after the inorganic nitrogen supplied to the majority of the potato crop on the Island. So we are working with farmers, and it is had already been alluded to, the nitrate working group is working very hard to try to reduce levels of nitrates in streams and I think what farmers have got to do is to look at the way they apply these fertilisers. As most people will know at the moment all the fertiliser is applied before the crop is put into the ground but I think farmers are going to have to work very much harder at finding ways of trickle feeding this nitrogen, whether it is split dressing, applying it in liquid form in the crop much closer to harvesting, but there are husbandry methods which can be employed which gives the crop a much better chance of taking up this nitrogen, and I think that is where our focus needs to be in the future.

3.4.6 Deputy G.P. Southern:

Notwithstanding the Minister's previous answer, is it not the case that the World Health Organisation is seeking to reduce nitrate levels from 50 down to 30 milligrams per litre?

The Deputy of St. Martin:

I can say to the Deputy that I am not aware of that. If that did happen we would have to take another view as to where our levels of nitrate in water were, but at the moment the E.U. drinking water limit is 50 and that is the level that we are at, but we are working to reduce it further.

3.4.7 The Connétable of St. Clement:

I wonder if the Minister is aware of how many health issues have been caused by nitrates in drinking water in, say, the last 20 years, throughout Europe and the British Isles, where perhaps testing regimes are not as conscientious as they are in the Channel Islands?

The Deputy of St. Martin:

I can say to the Assembly I am not aware of any issues of health that have been caused by nitrates. Many, many, many years ago there was a hint that one single blue baby syndrome might be ... the nitrate levels might have been responsible. That was never proven. As such, nitrates were set at a level which is now, as I said, been reduced to 50 milligrams. There is some new work I have to say to the Constable that has recently come out of Canada, which is going to be subject to review again. But this work, I am told, may well result in the Health Department saying to me that the issuing of delegations in the future may have to be on a more stringent basis. We know we have too many nitrates in our streams and we need to reduce them, but we do have an issue. Jersey Water can spend £30 million taking the nitrates out before they put the water into the mains system. T.T.S. (Transport and Technical Services) likewise will have to spend a huge amount of money, probably in the same region, about £30 million, to denitrify water before it is allowed to be put back into the sea. The easiest solution and the much simpler solution is to solve the problem by not putting the nitrates on to the soil in the first place and having them flushed into the mains system. That is the solution which my department working with us is seeking to do. It is not that we will not have inorganic fertiliser used on our agricultural crops but we just need to reduce it a little bit and make better use of it.

3.4.8 Deputy M. Tadier:

I am glad to see the penny has finally dropped. It is as if this is going to happen by magic though it would seem. The Minister says that he does not issue dispensations lightly yet during the quarterly hearings, which the transcript is available, when it was put to him whether in 2016 or after 2016 a further dispensation was likely to be given to Jersey Water the answer was yes. So pretty much it is already a done deal and can the Minister perhaps clarify and state whether he thinks that there is a need for a less cosy relationship between him, as regulator, and Jersey Water, as the offender in this particular issue, if action is to be taken then consequences need to be given to actions when targets are not met. Will the Minister undertake to consider not giving Jersey Water any further dispensation so that they can start to take action, impose fines as necessary and also work with the farming community to use both carrots and sticks and perhaps the occasional Jersey Royal Potato in order to gain, what we all want, a reduction in nitrates in drinking water?

The Deputy of St. Martin:

Jersey Water, who I do not enjoy a cosy relationship with, have the option of diluting the water they put into the mains with desalinated water. But as I have said to Members, this involves a great deal of cost. The company must demonstrate to me that they have taken all reasonable steps to limit exceeding 50 milligrams before I issue a dispensation order. But I am not sure if the Deputy is quite understanding what he is saying because if I do not issue a dispensation order I suspect that what we would have is no water in our mains services. If the Deputy wants me to turn off people's water supplies I am afraid I cannot give him that assurance because I am not prepared to do it. What I am prepared to do, however, is to work closely, as I have said, with the industry and with other people and to make sure that we get this limit of nitrates per litre in our water streams and water courses down to an acceptable level where everybody can be satisfied.

Deputy M. Tadier:

I would rather have the desalination plant.

The Deputy Bailiff:

Could I remind Members that both questions and answers should be succinct.

3.5 Connétable J. Gallichan of St. Mary of the Minister for Transport and Technical Service regarding the cost of motoring:

Further to the Assembly's unanimous adoption of my amendment to the Sustainable Transport Policy that the cost of motoring, including parking, should not be disproportionately increased until a viable alternative method of transport was available to all, will the Minister advise whether he still supports this amendment and what he considers would constitute a "disproportionate increase"?

Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services):

Firstly, I must say that contrary to what has been reported no decisions have been made regarding increasing parking charges. I am keen to ensure that ongoing funding stream for transport as a whole, so that it is not fully dependent on tax revenues. In P.147 of 2004 the concept of using parking income to fund other areas of the transport system was agreed by the States and then this was further endorsed by the Sustainable Transport Policy in 2010. By implementing previous States decisions I want to try to effectively ring-fence resources to provide the continued level and range of transport services that the Island needs. To be clear, I do still support the Constable of St. Mary's S.T.P. (Sustainable Transport Plan) amendment. Since 2010 buses have become a more viable alternative and the improvements are ongoing and, for example, the number of morning commuter bus services to St. Helier has increased some 45 per cent since 2010. LibertyBus is currently in the process of launching a new Parish link initiative which will further increase the network. As I have said, no pricing decisions have been made.

3.5.1 The Connétable of St. Mary:

Firstly, I would be grateful if the Minister could address what he considers a disproportionate increase might be, but I understand and I fully endorse some of the things he said in his response. There are big improvements. If the Minister was to read the small debate around my amendment he would see that indeed great inroads have been made into making improvements. For example, putting on more commuter buses to St. Helier does not address the needs of the people who do not come to St. Helier, whose children have to go to school in the country Parishes, who work in different country Parishes. There are still huge gaps in the system and so I still maintain that a disproportionate increase even though the Minister says he is not considering for the moment, would be a great burden to these people. So would he please address the matter of what a disproportionate increase might entail?

Deputy E.J. Noel:

I have in fact reread the Hansard from the debate back in 2010 and it does make very interesting reading and I agree with much of what the Constable said then and says now. There are aspects of our community for whom buses will never be a viable alternative to their transport needs but we have made substantial improvements over the last 5 years in our transport systems and we will continue to do so. With regard to my view on what the disproportionate increase would be; I have not formed that view yet because I am still in the process of understanding the complexities of this topic, which are great.

3.5.2 Deputy G.P. Southern:

I hardly know where to start here. I think I have just had my breath taken away. The Minister agrees with the sentiments and the opinions of the Constable then and now having read Hansard. Does he accept that while he might agree with those sentiments and those proposals a 17 per cent

hike in the price of buses is not likely to lead to a more viable bus system but rather a less viable bus system?

Deputy E.J. Noel:

I do not believe there has been a 70 per cent hike ...

Deputy G.P. Southern:

Seventeen.

Deputy E.J. Noel:

... in bus prices but the bus new pricing structure has in fact brought down the cost of using the bus services for those who use the AvanchiCard system.

3.5.3 Deputy A.D. Lewis:

Would the Minister agree that ...

Deputy G.P. Southern:

No supplementary?

Deputy A.D. Lewis:

... there is a bit of a situation here of the chicken before the egg. Unless we stimulate changes of behaviour by fiscal penalties, if you like, then we cannot create the bus services and the transport system that we are looking for. So does the Minister agree that one has to stimulate interest in using these services by making it more difficult to use the car so that you can then develop the transport system? Which way is it; is it the service before or stimulate the interest first?

Deputy E.J. Noel:

I believe we need to have a balanced approach and a holistic approach which is why I want to change the way our transport system is funded. Currently it has substantial funding from tax revenues which in years to come are not necessarily certain. I would like to ring-fence to ensure that the Island has a viable transport system going forward for many generations to come which is why I am looking at utilising the Car Park Trading Fund as a catalyst to make it a Transport Trading Fund whereby we can use the excess monies generated to feed back into other forms of transport including the bus service.

[10:30]

Deputy G.P. Southern:

Point of order if I may? My last light was a point of order because I do believe that the Chair should ask the Minister to reconsider his words of a few minutes ago to say that his proposals are about to bring the cost of bus fares down; that is misleading the House. That is not true. For the majority of bus users, 56 per cent of them, prices will be going up by 17 per cent. The figures are there in my proposition. The fact is ...

The Deputy Bailiff:

Deputy, please, this should not be a speech.

Deputy G.P. Southern:

... the Minister has, I believe, misled the House.

The Deputy Bailiff:

Deputy, this should not be a speech. The Minister is responsible for the answers that he gives. It is not for the Chair to tell the Minister what he should say in response to a question.

Deputy M. Tadier:

That is why we allow supplementary questions, with due respect, so the Chair does not have to make those rulings.

3.5.4 The Connétable of St. Peter:

Would the Minister agree that one of the ways to get people to use the buses more and use cars less is to create safe facilities out in the rural Parishes by providing pavements and bus shelters as an enabler to encourage people to use buses rather than their cars? Would he agree with that as a way forward, so working with the Parishes, the Minister for Planning and himself as Minister for Transport?

Deputy E.J. Noel:

Absolutely and that is one of the things we are doing particularly with the Constable of St. Peter. We have been looking at increasing the provision of bus shelters to make that whole environment safer in his Parish, and indeed in other Parishes we have been doing similar work, is the simple answer and we will do similar works in St. Mary as well. So we are actively doing it. My Assistant Minister and myself, since we took office in November, have in fact doubled the target of bus shelters to be implemented this year and we will continue to increase that. I said in my speech in November of last year that I wish to raise additional funds purely with this aim of utilising additional cherished number plates sales and again that is something that we are looking at and we are hoping to not only just double the provision for 2015 but to carry on to increase it going forward.

3.5.5 The Connétable of St. Mary:

Will the Minister firstly acknowledge that contrary to what the Deputy of St. John has said, some of the best thinking now in transport policy says that it is necessary to put the services in place and to be able to offer services before you can change the public's behaviour. They have to see what is possible and it has to be in place ready for them to use before you can make that big change to transport behaviour. Finally, will he agree to continue giving more carrot and less stick?

Deputy E.J. Noel:

Carrots are good for you and I intend to make sure that we have a good healthy balanced diet. I agree with the Constable in the sentiments there that it has to be a balanced approach. We have had a number of years now of just using incentives to get people to use different forms of transport and those that can shift away from car transport for their commuting to do so and we will continue to do that and we will continue to enhance the service. The Island's transport systems are critical to the economic and social wellbeing of Jersey and I believe it is essential to protect these services for the community's benefit by providing a safeguarded source of funding that is not wholly dependent on tax revenues. As agreed by the States in 2004 the Car Park Trading Fund provides an opportunity to achieve this which must be fully examined and that is exactly what we are doing at this time.

3.6 Deputy L.M.C. Doublet of St. Saviour of the Minister for Education, Sport and Culture regarding the Personal, Social and Health Education curriculum:

Can the Minister please outline what is covered in the Jersey P.S.H.E. (Personal Social and Health Education) curriculum at primary and secondary level and give details of any areas that are planned to be added to or altered?

Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):

I am very pleased to say that the whole curriculum, including P.S.H.E., is in the final stages of being updated and will be taught in primary and secondary schools from September 2015. The aim of P.S.H.E. is to give our young people valuable life skills and help them understand the range of moral and social issues they are likely to face as they grow up. The P.S.H.E. curriculum is now structured around 3 core themes; health and wellbeing, relationships, living in the wider world which includes citizenship and politics. We have specific requirements for our young people to learn about Jersey's political system. Also to make Members aware P.S.H.E. is a compulsory subject in Jersey, it is not in England, only citizenship is at key stages 3 and 4.

3.6.1 Deputy L.M.C. Doublet:

Has the Minister seen the recent report from the Education Select Committee which found that P.S.H.E. should be compulsory in the U.K. but also sex and relationships education, and are there any plans to do the same with S.R.E. (sex and relationships education) in Jersey?

Deputy R.G. Bryans:

No, I have not seen the report and I would be very willing to accept it from the Deputy. But it is a very comprehensive document, the new curriculum, and in fact 2 things will be happening for the first time that may help Members, which is that Education is creating a blog to inform people of Jersey - the parents and the students in particular - about the content of what is being taught in our schools and we will upload that as a live document on to the web. With regard to the other teachings that she mentions that is very much part of what is in the document.

3.6.2 Deputy S.Y. Mézec:

When I was at school, which was not that too long ago, P.S.H.E. stopped at the end of G.C.S.E.s (General Certificate of Secondary Education). It did not continue up until the end of A levels and given the proportion of students who stay at school until they are 18, would he agree with me that it should be compulsory until the end of 18 if it has not already been changed since I left school?

Deputy R.G. Bryans:

I am not sure I agree it should be compulsory. Certainly as an aspect of Island life it should reflect what we are teaching our children. I think when students get to that age their focus is then on passing exams and the exam syllabus that they have. The curriculum is already quite constricted at that point in time. I think Members will be delighted with the content of the new curriculum and will see that it covers things like the development of the political system of our government, including the roles of citizens and what happens in the States Chamber and the Island's relationship with the Monarch. It also includes the operation of the States Chamber including voting and elections and the sort of thing that has been dear to Deputy Mézec's heart.

3.6.3 Deputy S.Y. Mézec:

Supplementary? Does the Minister not see the contradiction that I see there where he emphasises all this education about the political system in Jersey which, when I was at school, there was not that at all? Does he not see the contradiction in putting an emphasis on that only to then stop it all of a sudden when these young people become eligible to vote? That is a contradiction surely.

Deputy R.G. Bryans:

No, I do not see it as a contradiction. We have coming up through the ranks now the new Youth Parliament and I think it is far better, if we are talking about the political side of the P.S.H.E., that they learn - people learn, students learn - from what the Youth Parliament will be addressing, so it is peer to peer education as opposed to politicians telling what they should and should not like.

3.6.4 Deputy J.M. Maçon:

Could the Minister explain how the quality of the P.S.H.E. curriculum is monitored, ensuring that consistency across all schools is measured?

Deputy R.G. Bryans:

Could you repeat the question? I was ...

Deputy J.M. Maçon:

Certainly. Can the Minister explain how the quality of the P.S.H.E. curriculum is monitored, ensuring that consistency across all schools occurs?

Deputy R.G. Bryans:

The curriculum itself is a framework in which all schools adapt and adopt suitable to their particular positions. We have professional partners, one we have just recently recruited who was a top level Ofsted inspector. It is part of their remit to ensure that all the various aspects of the curriculum are taught.

3.6.5 Deputy L.M.C. Doublet:

At the hearing with the Minister for Home Affairs, on 17th March, the Minister agreed to contact the Minister for Education and talk about whether issues around consent were being taught to children in our schools. Can I ask whether that conversation has taken place and if not, will the Minister agree to follow that up please?

Deputy R.G. Bryans:

No, that meeting has not taken place although we do have a meeting up at the Prison and I think some of the content of that meeting will be about the matter of consent.

3.7 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding telecoms line rental:

Could the Minister, as shareholder representative, explain the difference between the single and multiple lines that are operated by J.T. (Jersey Telecom) and further indicate whether he is satisfied that the existing notice issued by the competition regulator relates only to the introduction of wholesale line rental for single lines and if he is not content with the current position can the Minister indicate what actions he intends to take, if any?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

The difference between single and multiple lines operated by J.T. relates to the number of lines and the connection to the particular location. Single lines cover a single connection to one location, such as households or small businesses, whereas multiple lines cover larger businesses. In relation to the second part of the question matters relating to competition and regulation of the telecom sector fall to the Economic Development Department via the independent authority, C.I.C.R.A. (Channel Islands Competition Regulatory Authorities). However, I can confirm that the notice issued by the regulator relates only to the introduction of wholesale line rental for single lines.

3.7.1 Deputy S.Y. Mézec:

If other local licenced telecommunications operators are to compete fairly with J.T. within the Island does the Minister consider that wholesale line rental should be made available to local licenced operators on all of J.T.'s services and if not why not?

Senator A.J.H. Maclean:

I am somewhat crossing boundaries. With my previous hat on at Economic Development I was very keen to see the market opened and competition introduced and I shared my frustration on more than one occasion in this Assembly that the delay of wholesale line rentals, as described for single lines, being introduced. I am delighted that as of this July that is in fact going to now be the case and that will be to the benefit of consumers within the Island. It is a matter now for the current Minister for Economic Development and the Economic Development Department to pursue with the regulator opportunities for further liberalising the market to the benefit of the economy more broadly but I would not like to comment any further because I have a different hat on now, with a different perspective as the shareholder of J.T.

3.7.2 Deputy C.F. Labey of Grouville:

The current memorandum of understanding with the States and J.T. requires the J.T. board to derive and I quote: “The maximum shareholder dividend.” In the current economic climate does the Minister consider extracting profit from J.T.’s customers across the Island is appropriate as opposed to an alternative M.o.U. (Memorandum of Understanding) which might require J.T. to price call on data charges at a lowest reasonably achieved rate?

Senator A.J.H. Maclean:

I thank my former Assistant Minister for her very interesting question and really this is at the heart of the relationship, I suppose, between the States and some of its investments such as J.T., as the Deputy of Grouville has just alluded to. Getting the balance right between the former policy of extracting maximum revenue from the investments - arguably for the benefit of those same consumers, because of course that revenue goes into supporting important services throughout the Island - as opposed to getting the balance right with regard to perhaps taking a lower dividend, seeing a more competitive market and generating more growth more broadly within the economy... and that is the reason, or one of the reasons, that we are looking at not just from the J.T.’s M.o.U. and the way in which we manage the relationship with J.T. but we are doing it with all investments as far as the States are concerned so that we can consider what is the right balance in this regard.

3.7.3 Deputy G.P. Southern:

In terms of balance between his current hat and his previous hat, will he engage the current Minister for Economic Development, who I believe has the power to give directions to C.I.C.R.A. to ensure that competition takes place, and will he have discussions with the current Minister for Economic Development to achieve that aim in the shortest possible timescale?

Senator A.J.H. Maclean:

Matters relating to competition are clearly of paramount importance for the broader economy and I know that the Minister for Economic Development and indeed his Assistant Minister, Senator Ozouf, who has specific responsibility for a number of areas including competition and regulation, is at this very moment looking at this particular matter and is commissioning a report considering what the options might be and I am sure he will be reporting back to this Assembly and to Members in short order.

3.7.4 Deputy R. Labey of St. Helier:

If I have got this right then: if you are in the office telecommunications installation business and you are not J.T. the single line wholesale rental is no use to you, is it? What they need is the multiple wholesale line rental surely and if I am right, given hindsight from his previous position, what is happening with the competition regulator here in this issue?

[10:45]

Senator A.J.H. Maclean:

First of all it is complex which is why the competition regulator has taken the time that it has in order to address the matters and it has been, as I have already alluded to, too long before we have got to the position where the wholesale line rental market has opened up, or is about to open up. In part the Deputy is referring to other operators that have the ability to resell, so resellers. Resellers, of course, will still benefit, not to the extent that some I know would like. They would like to have the multiple opportunities but of course single lines apply not just to consumers, not just to private residences but to small businesses as well. So other sellers do have the opportunity to benefit when this market opens up. Previously or to date they have been able to resell but not in the competitive way in which I know they would like to have been able to do and so there has been a disadvantage. There has been, to a certain extent, a lack of a level playing field.

3.7.5 Deputy S.Y. Mézec:

It is good that the Minister acknowledges the disadvantage here. When does he think there will be a situation where these other providers will be able to install multiple line systems?

Senator A.J.H. Maclean:

I think that is one that will have to be directed to the Minister for Economic Development. That is, as I have already alluded to, an area of his responsibility and he would be able to give Members an update on the progress that the Competition Authority are making in this regard so I would defer to that.

3.8 Deputy A.D. Lewis of the Chief Minister regarding policies of transfer of terms and conditions for staff redeployed to Visit Jersey:

Given the established policy arrangements T.O.P.S.E. (Transfer of Public Sector Employees) used for the transfer of staff from Housing to Andium Homes and the Chief Minister's commitment to the principles of U.K. T.U.P.E. (Transfer of Undertakings (Protection of Employment)) legislation, did the offer of significantly lesser terms and conditions to redeploy Economic Development Department staff to Visit Jersey have the full consent of the States Employment Board and if so why were policies of transfer of terms and conditions not observed?

Senator I.J. Gorst (The Chief Minister):

The States Employment Board has developed a framework in consultation with the Prospect and Unite Unions to support the transfer of its employees into arm's length bodies or similar. This framework was used, as the questioner says, with Andium Homes and will be used when the proposed Ports incorporation is approved by the Assembly. The framework was not used when setting up Visit Jersey as the functions for the new organisation are not directly comparable with those at Jersey Tourism. S.E.B. (States Employment Board) was not involved in the establishment of the terms and conditions of Visit Jersey as the organisation is not part of the public service. S.E.B., in accordance with its existing policy, is working to redeploy all Jersey Tourism staff within the public service.

3.8.1 Deputy A.D. Lewis:

In that case can the Minister state how many of the present employees of Tourism will be facing compulsory redundancy as they have not found the alternative employment in the new Visit Jersey body and if so what cost to public finances will there be?

Senator I.J. Gorst:

A number of staff were interviewed for roles in the new Visit Jersey. As I understand it, a number have accepted but there currently remain 8 on the redeployment register and we continue to work towards redeploying those individuals.

3.8.2 Deputy G.P. Southern:

Does the Minister not accept that this really is ... I would describe it as shameful behaviour on the part of the S.E.B. to state baldly that these people were no longer going to be in the public service therefore they do not have the rights of transfer of terms and conditions which happen in the U.K. under T.U.P.E. and are supposed to happen in Jersey with their new-fangled T.O.P.S.E. arrangement? The fact that transfer to a private sector body was in place those T.O.P.S.E. regulations should have applied, should they not? Otherwise we are talking about negotiating in bad faith.

Senator I.J. Gorst:

They should not have applied, no. There are circumstances, as I have just said, in my opening answer why they would not have applied but with regard to Andium Homes and with regard to Ports incorporation where the same jobs are being transferred then the T.O.P.S.E. provision which has been negotiated does apply, so I do not accept the Deputy's question.

3.8.3 Deputy G.P. Southern:

If I may, supplementary? What assurance will the Chief Minister give to all those public sector workers whose jobs may be moved into the private sector or incorporated? What assurance can he give to those that their terms and conditions will in any way be protected?

Senator I.J. Gorst:

As the Deputy knows, we have negotiated the T.O.P.S.E. terms with both Prospect and Unite Unions but each case we have to consider individually because Visit Jersey, the new setup, which was recommended by the Shadow Board and agreed by the previous and the current Minister for Economic Development and accepted by the States Employment Board, is different from the transfer of a wholesale function like Andium Homes and like the Ports incorporation and therefore has to be treated differently.

3.8.4 Deputy S.Y. Mézec:

Given the Chief Minister's answer just now, does he agree with me that the time has come for the principles of T.U.P.E. to be enshrined properly in legislation for both public and private sector as it is across the European Union and as it has been in the United Kingdom since Margaret Thatcher was Prime Minister?

Senator I.J. Gorst:

It is not my policy nor the policy of this Government to wholesalely incorporate E.U. directives into domestic legislation and in this case I do not propose to do so either.

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

Can the Chief Minister inform Members exactly how many members of staff have transferred from Jersey Tourism to Visit Jersey?

Senator I.J. Gorst:

As I understand it, the latest information that I have is that 6 have.

3.8.6 Deputy A.D. Lewis:

There was a report presented to the States about Visit Jersey, as the Minister will well know, and I have it in front of me here. I will just quote something from it and I would like the Minister to answer a brief question. It says under 7.1: “It is anticipated the majority of current employees of the Jersey Tourism team will continue within the new P.P.P. (Public Private Partnership). It is therefore considered that these employees should be transferred to their new employer under the same terms and conditions that they currently enjoy.” That does not appear to have been the case. Does that suggest then that this report that was produced and presented to the House in 2009 has been ignored?

Senator I.J. Gorst:

Did the Deputy say that there was a report presented in 2009?

The Deputy Bailiff:

That was my understanding, yes.

Deputy A.D. Lewis:

23rd December 2009.

Senator I.J. Gorst:

I do not think I can be held accountable for things which previous Ministers ... I was not in the role of Chief Minister during 2009. I act upon advice. The Shadow Tourism Board came forward with a proposal for transfer for a new Visit Jersey. I do not even believe they had started their work in 2009 so I find it strange that the Deputy thinks that we should hold to a document that was produced in 2009 prior to even the creation of the Shadow Tourism Board.

3.9 Deputy S.Y. Mézec of the Chief Minister regarding the use of ‘Government of Jersey’ branding:

When was the decision made to use the branding “Government of Jersey” and what legal basis, if any, does this term have?

Senator I.J. Gorst (The Chief Minister):

There are generally considered to be 3 branches of government; the Legislature, the Executive and the Judiciary. The norm is for the Executive to be referred to as the Government. Since our Ministerial system of government was established in 2005 the Executive branch of the States has been known as the Council of Ministers. In that context the Council of Ministers is the Government of Jersey. The phrase “Government of Jersey” was first used in legislation approved by the States Assembly in 2012. It is important particularly when dealing with other jurisdictions that the executive function of the Council of Ministers is clear. The phrase “Government of Jersey” is easily understandable and the use of that phrase in branding was adopted by the previous Council of Ministers on 11th July 2014 in order to facilitate Jersey’s external relations.

3.9.1 Deputy S.Y. Mézec:

That was a very helpful answer. So I take it by what the Chief Minister has said that he agrees that the term “Government of Jersey” is not synonymous with the States of Jersey and would he agree that it would be beneficial not just in terms of external relations but also internally in this Island to do more to make the public of Jersey aware that there is a difference between the Government of Jersey and the States of Jersey and therefore us Back-Benchers, particularly on this side of the House, do not need to be confused with the actions of what the Government undertakes especially when it is not part of our own policies?

Senator I.J. Gorst:

The last thing I would want is for the Members on the opposite side of this Assembly, from the Deputy's party, to be confused with actions of this Government. [Approval]

3.10 Deputy L.M.C. Doublet of the Minister for Home Affairs regarding funding for the Jersey Community Relations Trust:

Does the Minister intend to continue supporting the Jersey Community Relations Trust with appropriate funding?

The Deputy of St. Peter (The Minister for Home Affairs):

The Home Affairs Department has provided annual funding of £27,500 for the Jersey Community Relations Trust since 2009 when it was transferred to the department from the Chief Minister. This is a contribution towards the trust's running costs. This level of funding has been maintained at a time when the department has been required to deliver efficiency savings and savings over £4 million as part of the Comprehensive Savings Review. As the Deputy is aware, the next Medium-Term Financial Plan will require the States to deliver significant savings during the period of 2016 to 2019. During this time the department will endeavour to provide funding to the J.C.R.T. (Jersey Community Relations Trust) at a level which is appropriate from within the resources agreed by the Assembly.

3.10.1 Deputy L.M.C. Doublet:

Given that the aims of the Trust match so many of the policies from the Council of Ministers, and as a States trustee for the Community Relations Trust myself, I can tell the Assembly that there are lots of priorities that at the moment will need some more funding. Can the Minister see that there will be an increase in funding in the future?

The Deputy of St. Peter:

I am afraid that in this current climate an increase in funding is very unlikely.

3.10.2 Deputy L.M.C. Doublet:

Does the Minister believe that the funding is coming from the appropriate department because this could be possibly a barrier to the increase in funding given that the aims may be more closely matched to that of other departments?

The Deputy of St. Peter:

As I said in my first answer, the Community Relations Trust has only recently in 2009 - relatively recently - moved to Home Affairs. We do share a lot of the priorities and principles and fully understand and support the work of the J.C.R.T. I feel it is currently well placed within Home Affairs but I do not feel that the issues of funding would make any difference whichever department the J.C.R.T. was connected to at the moment.

3.11 Deputy M. Tadier of H.M. Acting Attorney General regarding transcripts of court hearings:

Will Her Majesty's Acting Attorney General advise whether transcripts of court hearings are made available to individuals involved in litigation and if not will he advise what policies there are in place for dealing with requests for transcripts in a timely manner and detail what alternatives are offered if any and at what cost?

Mr. H. Sharp, Q.C., H.M. Acting Attorney General:

Courts make transcripts of court hearings available on application. There are relevant guidelines published on the Jersey Legal Information website and those guidelines explain how a person who is directly involved in an ongoing case may obtain a transcript and associated costs. The guidelines publish criteria for any such application and, as I say, give details of costs. The costs will vary depending on the nature of the case and the background of the person making the application. To give just 2 examples, a legally-aided person in a criminal case is not charged any fee. On the other hand a litigant in a civil case might pay £7 a page of transcript.

3.11.1 Deputy M. Tadier:

Does the Acting Attorney General believe that it should be a fairly straightforward process for any litigants or their lawyers to be able to obtain either a transcript or an audio recording of proceedings where relevant? If so can he explain what a reasonable timescale would be to respond to such a request?

The Acting Attorney General:

The guidelines publish a number of criteria, as I have said, in relation to an application for a transcript. Those criteria include considerations as to the length of the transcript requested and the current workload of the department doing the transcribing. So the answer will be; it depends on how much work is requested and what work the department already has.

[11:00]

3.11.2 Deputy M.R. Higgins:

Perhaps the Acting Attorney General can explain to us whether a Judge in a particular case or a Master, as the case may be, can refuse a transcript and in what circumstances?

The Acting Attorney General:

The guidelines envisage in the first instance that an application would be made to the Judicial Greffe for a transcript. If there are difficulties as to whether or not it is appropriate to provide a transcript then a Judge may become involved. One can foresee that if there is, for example, to take an extreme case, absolutely no need to obtain a transcript in order to resolve a dispute in a court hearing then one can see how a Judge may rule, ultimately, that the obtaining of a transcript is unnecessary.

3.11.3 Deputy M.R. Higgins:

Supplementary? Can the Acting Attorney General tell Members whether he believes that sufficient grounds would be the embarrassment of the person concerned because I am aware of one instance where a transcript has been requested because of remarks made by the particular person concerned and it appears the only grounds for not supplying it was the fact he would be acutely embarrassed by the comments he made about another Judge?

The Acting Attorney General:

I have absolutely no knowledge of that case. All I can say is that when a Judge is considering whether or not they need to see a transcript in order to determine the issues that are brought before the court by the different parties all the Judge will be interested in is what is in the interests of justice, and if it is relevant and appropriate to get a transcript in order to deliver justice that is what the judge is going to order.

Deputy M.R. Higgins:

Sorry, if I could just clarify the point please?

The Deputy Bailiff:

Perhaps we could ...

Deputy M.R. Higgins:

Well, if I could just ... it will be a very quick one. So in other words, it would not be unreasonable for a Judge to stop a transcript being produced simply because it would cause him embarrassment.

The Deputy Bailiff:

Deputy, I am not sure it becomes any more acceptable because it is a quick one. **[Laughter]** You have had a supplemental and we will move on Deputy Tadier. Final supplemental, Deputy?

3.11.4 Deputy M. Tadier:

We seem to be flying through the Order Paper. I would have been quite happy to wait a bit longer for Deputy Higgins. Well, first of all can I put it to the Acting Attorney General the words of a very local advocate who said: "It is difficult to get court transcripts for my constituent in this case. Even to get a C.D. (compact disc) it needs leave of the court and a payment of £50. The C.D. is then not compatible with normal I.T. (information technology) systems as we found on another case yesterday. Typed transcripts can take several weeks and are only available if linked with court proceedings." Similarly, I have found out in this case that it has taken 8 weeks from the initial request for a transcript only to be told that you cannot have a transcript, you can have a C.D. after being asked why they wanted it and only after I had sent an email which I am sure is coincidental. Does the Acting Attorney General believe that in the public interest and to access to even-handed justice that there must be a set procedure for obtaining transcripts, C.D.s, whatever is necessary, within a timely manner and that 8 weeks is completely unacceptable?

The Acting Attorney General:

There were an awful lot of points made in that last question. The first one that I noted was there seemed to be some reference to the fact that on occasions parties who are no longer involved in litigation want to obtain a transcript from the court for whatever reason. That is right and nothing remarkable about it but they have to make a formal application to the court, so I do not see anything wrong with that. It is right that one needs to install special software on a computer to access, for example, the court's recordings but there is nothing remarkable about that and I have been doing it for many years. But coming back to what I think is the last point, which is about the 8-week delay; well, that all depends, does not it, on how much transcript you want, what the work demands of the department are and why is that inhibiting justice? Because either you will get your transcript before your next court hearing and thereby be able to show the Judge the transcript and the Judge can reach an informed decision or you will be able to say to your Judge: "I am sorry I need more time because I have not yet got the transcript, we will have to adjourn." Presumably the Judge will agree and then the Judge will only reach a decision once all the relevant material including this transcript is before the court. So while I can see that delays are frustrating I do not detect any great injustice here.

3.12 Deputy M.R. Higgins of the Chief Minister regarding the submission of the former Deputy Chief Officer of the States of Jersey Police to the Independent Jersey Care Inquiry:

Will the Chief Minister advise Members whether the lawyers representing the States of Jersey, the States of Jersey Police or the Law Officers' Department have revealed any details to the Council of Ministers or individual Ministers of the submission of the former Deputy Chief Officer of the States of Jersey Police to the Independent Jersey Care Inquiry and if so in what circumstances and why?

Senator I.J. Gorst (The Chief Minister):

I am given to understand that neither of the law firms representing departments and the States of Jersey Police nor the Law Officers' Department have provided details to the Council of Ministers or individual Ministers regarding the submission to the Independent Jersey Care Inquiry made by the former Deputy Chief Officer of the States of Jersey Police.

3.12.1 Deputy M.R. Higgins:

Supplementary? It is quite obvious from the Minister for External Affairs' speech in the States in the last sitting that he had knowledge of that particular document. Is the Chief Minister concerned that information has been leaked from some source involving the Care Inquiry and will he look ... sorry not look ... but order an inquiry into where that information has come from and, if not, why not?

Senator I.J. Gorst:

As I understand it from the media, so I cannot verify that directly, the Independent Care Inquiry itself is carrying out an investigation and that is the appropriate body if they have concerns.

The Deputy Bailiff:

That brings us to ...

Deputy M.R. Higgins:

Sorry, I am sure I am entitled to another supplementary in which case can I ask the question?

The Deputy Bailiff:

Yes, you can have a further supplementary.

3.12.2 Deputy M.R. Higgins:

Obviously a concern of the Care Inquiry is they have started an inquiry. Can I just ask the Chief Minister whether he has asked his Minister for External Affairs where he got the information from and, if so, what was he told?

Senator I.J. Gorst:

Perhaps I could ask the Deputy whether he has.

3.13 Deputy G.P. Southern of the Chief Minister regarding the potential impact of the abolition of non-domicile status in the U.K. on Jersey's economy:

We are on the finishing straight now on the first question time. What estimate, if any, does the Minister have for the potential impact of the abolition of non-domicile status in the U.K. on Jersey's economy and in particular on sub-sectors for the financial services industry?

Senator I.J. Gorst (The Chief Minister):

Could I ask Senator Ozouf to answer this please?

Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):

The details of the proposals to amend the non-domicile status in the U.K. are not yet known in detail. Until those details are known it is therefore not possible to assess any impact on such changes on the Jersey economy. It would, of course, depend on the actions of the people affected by the change in the U.K. in their own arrangements as to the extent to which Jersey may benefit or otherwise. It is worth saying that many non-domiciles, of course, use Jersey Financial Services for

reasons that are not tax related and accordingly they are not expected to change these arrangements as a result of, necessarily, changes in the non-domicile regime that has been speculated and put in various manifestos.

Deputy G.P. Southern:

I thank the Minister for that answer but since it says there is nothing that we know concrete it would seem to be foolish to waste the Assembly's time by trying to pursue aspects of something we do not know quite what it is yet so I will come back to that at some future date.

3.13.1 Deputy S.Y. Mézec:

The proposition to abolish the status of non-domicile status comes from the Labour Party's manifesto which was released in its entirety yesterday. Has the Assistant Minister had the opportunity to look at this manifesto to, (a) see more details on this particular proposition but also other propositions which may end up affecting the Island in future, and (b) just to learn lessons about what a proper manifesto looks like?

Senator P.F.C. Ozouf:

I do not know whether or not I need lessons on manifesto. I can happily send mine to the Deputy if that is helpful. This is not a competition. We are independent politicians and many of us do not stand for party politics.

Deputy S.Y. Mézec:

He speaks for himself.

Senator P.F.C. Ozouf:

I am sorry?

The Deputy Bailiff:

Perhaps we will just let the Senator answer the question please.

Senator P.F.C. Ozouf:

Yes, we have looked in detail as we are assessing all of the party manifestos when they are being looked at and, of course, it must be said that Jersey has enjoyed good relations with Labour Governments, Conservative Governments, Coalition Governments, over many decades and clearly there is a U.K. political process underway. It is a matter for the U.K. population to elect a government and perhaps a coalition to be formed and I know that the Minister for External Relations and the extent to which other Ministers are involved will, of course, be with the Chief Minister building good relations, positive productive relations, with any new incoming government. If there are issues in any of the manifestos, which we need to explain, we have, of course, been very successful in explaining the value of Jersey to Britain. I think there are many Labour M.P.s (Members of Parliament) and many Labour peers that understand the value of Jersey to Britain and the good work that we do in supporting the U.K. economy and international economy and of course we look forward to working with whoever the people of the United Kingdom elect as their government.

3.13.2 Deputy D. Johnson of St. Mary:

I think it is important to recognise the proposals of the Labour Party in their proper context. My understanding is that they relate to changing the remittance basis on which income is charged so that non-domiciles who in future pay tax on their worldwide income, not purely on the extent on which such income is remitted or the extent to which such capital gains are remitted. Those measures do not therefore, as I understand it, apply to inheritance tax and I venture to suggest that

many non-domiciles and foreign nationals using the services of Jersey use those services primarily for that reason and not purely for income and capital gains tax.

Senator P.F.C. Ozouf:

Presumably: “Would the Minister agree” was the question. Yes, I agree with that and the Deputy makes the excellent point that many of the reasons why non-doms will be using Jersey will not be for some of the effervescent comments that are made in the media about the pejorative nature of certain aspects of financial services, *et cetera*. I think it is probably worth adding that of course I imagine any incoming government in the United Kingdom will be looking at the issue of competitiveness. It must be said of course that the City of London, as the European undisputed financial services centre, has been successful because of official arrangements that allow foreigners to come into the U.K. and serve either long or short periods of time in employment, whether that is the Bank of England Governor or whether or not it is leading members of international banks. No doubt a Labour Party, which has been very supportive of the City in the past, Mr. Balls particularly, of course I am sure that they will be looking carefully at the economic implications of any changes that we will make. But we will of course be constructive partners in that, and as and when appropriate explain our position on any impacts, but ultimately it is a matter for the U.K. Parliament and U.K. Ministers to decide, and we will always comply.

3.13.3 Deputy M. Tadier:

Is the Assistant Minister aware that now the public discourse with both major parties, including the Tories, is to move towards a publicly available register of beneficial ownership, and if so, what will the consequences of this be on the Island?

Senator P.F.C. Ozouf:

You are allowing wide questions, but I am happy to answer it, of course, in the general context of manifestos, but there is probably a link into the ... yes, of course we are aware of that issue and the Minister for External Relations, the Chief Minister, the Minister for Treasury and Resources have all been very clear about this issue. It is that we believe that our system of tough, effective trust and company regulation, the existence of a central registry, which we have had - unlike the United Kingdom - for decades which is accessible by law enforcement agencies, together with the oversight of our financial services industry which regulates trusts, unlike other places, is at least, if not better, a solution to dealing with the underlying issue, which is underlying the cause for a central beneficial ownership register. I would remind the Deputy of course, as he will know, that Jersey has been assisting the United Kingdom in providing technical assistance on building their central registry, which of course they do not have.

[11:15]

We welcomed their statement of a central registry when they announced it in May of 2013 and we engage actively with the U.K. on this important issue, but we believe our system is better. We believe it is more effective. We have had it for a long time and I think that our systems in relation to this matter stand up to international scrutiny and comply. The United Kingdom is the only country at the moment that is saying that they are going to have a public register of beneficial ownership; other countries have not agreed.

Deputy G.P. Southern:

I wanted to avoid the fluffy answer that we just had from the Minister and so I will not be pursuing this any further. As I said earlier, I will come back to it. For the enlightenment of Members, if I may, Sir, may I point out and congratulate the Chair on getting through Question Time in exactly 90 minutes? We have still got half an hour; we could have had a few more supplementaries. For

future lessons perhaps we might learn about the pace at which questions go. We were cut short, some of us, on supplementaries today.

The Deputy Bailiff:

Thank you, Deputy. This is still part of Question Time and there was not really a question there at all.

Senator P.F.C. Ozouf:

I did not know whether I could ask a question as to whether or not the Deputy could explain why my answer was fluffy.

The Deputy Bailiff:

No, this is not possible in these circumstances.

4. Questions to Ministers without notice - The Minister for Treasury and Resources

The Deputy Bailiff:

We now move on to Questions to Ministers without notice. The first question period is for questions for the Minister for Treasury and Resources. Deputy Labey.

4.1 Deputy R. Labey:

In his answer to me moments ago, the Minister recognised that office telecoms installation businesses who are not J.T. (Jersey Telecom) are effectively stuffed, or certainly disadvantaged, without multiple wholesale line rental being made available to them by J.T. I just wanted to ask a supplementary and whether the Minister would recognise that in his previous role supervising the competition regulator here, that clearly did not work. Would he undertake to approach this now so that these businesses are not left hanging from the other end, as it were, with his direct line to J.T.?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

I think in part I answered that question earlier on. The appropriate course is for the Economic Development Department and the Minister, who have the relationship with the regulator, C.I.C.R.A., to ensure that C.I.C.R.A. continue to apply the pressure to ensure that the market is open and competitive. That is in the interests of the economy as a whole and that is a matter that has been pursued for a number of years. As I said earlier, I know that the Ministers and his Assistant Minister, Senator Ozouf, who has specific responsibility for competition and regulation, are at this very time undertaking a review into this matter, not specific just to the telecom sector, but competition more broadly, which is going to be critical to ensuring longer-term growth for the economy and tax receipts of course, which with my new hat on is the area that I am particularly interested in. But yes, supporting businesses in the other areas is very important and we will do all we can to assist.

4.2 Deputy A.D. Lewis:

Last night at a packed Parish Assembly, the residents of St. Helier expressed their disquiet about residents' parking. With a further 2,500 homes planned for the north of St. Helier, parking will become even more problematic. Is the Minister prepared to instruct Property Holdings to undertake a full study of how land under their administration in the town area can be adapted to accommodate much-needed parking for the residents of St. Helier?

Senator A.J.H. Maclean:

The Deputy of course asks a very relevant question. Parking has always been an issue within and around St. Helier. It is the same in any town and city around the U.K., for that matter. I am certainly prepared to speak to Property Holdings and see what work has been undertaken to date. I know there have been a number of areas... certainly the North of St. Helier Masterplan looked into the issue of parking. There were some issues raised there and we will continue to consider what options exist for improving the parking arrangements for residents.

4.2.1 Deputy A.D. Lewis:

A supplementary, Sir? With the advent of the Police Service moving premises in the next 18 months, clearly the former Summerland site will become available. Is that a site which the Minister would consider proposing to Property Holdings as reviewed fully, as it would provide much-needed residents' parking in that specific area of St. Helier?

Senator A.J.H. Maclean:

I do not think it is appropriate to talk about individual sites at this precise moment. There are a number of opportunities perhaps, but I think the important thing is not to look at isolated sites, but to look at the issue overall, and that is what I have been more interested in pursuing.

4.3 Deputy M. Tadier:

Does the Minister accept that one of the reasons for the projected deficit being larger than perhaps was anticipated is that there has been a failure to create jobs in both sectors - well, in the private sector predominantly - which pay realistic wages and have an effect on tax returns? In fact, we are seeing a proliferation now of poverty wages, of zero-hour contracts, people being paid little above the minimum wage, and that this is one of the significant reasons why the tax returns are down.

Senator A.J.H. Maclean:

Sadly, I do not agree with the Deputy. Clearly there has been a significant investment in getting people back to work. Unemployment has been a problem through the recession that we have just witnessed and I have to say I am delighted the investment of many millions of pounds through Social Security, the Back to Work schemes and suchlike are beginning to pay dividends. We are seeing unemployment now falling. I know in 2013, our I.L.O. (International Labour Organization) figures were 5.6 per cent; it is now down to 4.3 per cent. We have seen hundreds coming off the unemployment register. That is good news. I have to say there is a lot more that needs to be done, but in truth, the real reason that tax revenues are down, the impact that we have seen from one of our most productive sectors in terms of revenue, which is financial services in particular, banking, is the low interest rate environment that has continued for a lot longer than was anticipated at the outset of the recession.

4.3.1 Deputy M. Tadier:

Will the Minister confirm what proportion of taxes are paid by working people rather than businesses and confirm that the majority of income tax is paid by individuals and not by businesses, and that we need to look after working people to make sure that they have enough money to spend in the economy and also to pay significant amounts of taxes, which currently does not seem to be happening?

Senator A.J.H. Maclean:

I am not sure what the definition of "working people" is that the Deputy uses. Of course in sectors like ...

Deputy M. Tadier:

People outside this Assembly.

Senator A.J.H. Maclean:

... for example, the financial services sector, there are people working in those sectors that pay tax. There are all sorts of business under Zero/Ten where the business itself does not pay tax, but the shareholders and the employees also make significant contributions to the local economy and that is something that we should welcome and continue to work to improve on.

4.4 Deputy M.R. Higgins:

The Minister for Treasury and Resources has inherited a poisoned chalice and a poisoned chalice of £130 million of deficit. Now, the point is what I would ask the Minister for Treasury and Resources is when will he come clean or be prepared to come clean and explain to people why we are in the mess we are after we have been told for year on year after year we are doing so well? Will you explain first of all why we are so wrong with, let us say, a £130 million deficit and why we are in this position? It is not just lower tax receipts and higher spending. There was some fundamental decision-making wrong.

Senator A.J.H. Maclean:

What the Deputy has just said is fairly fundamental. If your income is not rising at the level that it previously was and your expenditure pressures continue to rise and accelerate and we know - I have mentioned it many times - the particular pressure in Health, £50 million over the period 2016 to 2019 that we have to look to deal with or certainly assess, then there is obviously going to be a certain amount of pressure. I would not share the Deputy's view of doom and gloom. We are in a strong position. I made this point earlier on: we have a strong balance sheet, we have billions in terms of assets. That gives us flexibility in order to deal with the challenges. What we are talking about here is an imbalance in terms of income and expenditure that needs to be addressed. We have, first of all, a short-term issue for 2015. There are measures in place that we are dealing with that and then we have got the longer-term challenge from 2016 to 2019, and again, the possibility of a structural deficit at the end of that period, as advised by the F.P.P. (Fiscal Policy Panel), and dealing with that early is good advice and we need the flexibility to be able to do it.

4.4.1 Deputy M.R. Higgins:

The Minister for Treasury and Resources gives the impression that a structural deficit is down the road. The truth of the matter is the structural deficit is here at the present time. When the Minister talks about £50 million for the hospital or money for the waste plant and everything else, yes, that is future expenditure. They are going to add to our problems. It is money there. We have a problem at the present time. Now, we know that there has been trouble with forecasting in the past on that, but why is it that we have been led into this position where the figures seem to be getting higher and higher and you do not really have an appreciation of where ... either the problems were not there or were they kept from us. Will the Minister come clean, please?

Senator A.J.H. Maclean:

There is a lot of speculation around the numbers. The Deputy himself has just mentioned this figure of £130 million. As I have said earlier on this morning, there is going to be a presentation to States Members next week which will give an opportunity to present the current up-to-date position both for 2015, but also looking forward as well, and an opportunity for Members to ask the questions that I know they are itching to ask. I am interested in operating on a basis of fact and that is why we have waited until, first of all, we put in place an income forecasting group. That is not looking just at tax revenues, by the way, that is looking at revenues in total. We have broadened and strengthened that income forecasting group to make sure that our figures are robust. It is the way not so much that forecasts themselves are viewed, but it is what you do with the forecast in ensuring that we operate in a more volatile world in a prudent way. That is something that I have

been keen to emphasise since I have taken up this role. That is a matter that we will have an opportunity to discuss next week in some detail, but I emphasise again, we are not in the doom and gloom scenario that the Deputy keeps reporting. Yes, there are challenges, it has been a very difficult economic climate; yes, income is not growing at the level that it should do and revenue pressures are significant.

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

This paper is the proposed policy of the management of asbestos in States of Jersey buildings and structures and the background to this report says: “Asbestos continues to be the most significant work-related illness in the U.K., with 2,500 asbestos-related deaths compared with 148 other workplace fatalities in 2012 alone.” The question I wanted to ask the Minister for Treasury and Resources was that currently there is a policy for the Education Department to have a phased removal of asbestos in the schools and colleges in the Island. If the Education Department was to come forward with a request for more funds to accelerate that removal of asbestos in our schools, would the Minister for Treasury support that?

Senator A.J.H. Maclean:

I have been reluctant to give commitments to individual requests at this challenging time because it is important that we look at all the priorities across all departments and ensure that we prioritise appropriately. The Deputy raises a very valid point. This is a big issue, clearly, and I am sure the Education Department will have that as one of their key priorities and this is a matter for the Council of Ministers to consider when departments come forward, that the prioritisation is looked at in great detail, and some of these very pressing and difficult requests are properly scrutinised and addressed, if possible. Not everything is going to be able to be, with the spending pressures that we have.

4.5.1 Deputy J.A. Hilton:

A supplementary. Does the Minister not agree with me that the health and safety of employees in the workplace and our children should be treated as of paramount importance by the Council of Ministers?

Senator A.J.H. Maclean:

Of course.

4.6 Deputy G.P. Southern:

The Minister has just stated that the shortfall in income tax revenues is due to the low level of interest rate, but may I remind him about the evidence, that interest rates have been low since 2009. Why then, given his Government’s proud record on creating jobs, is it only now that we are seeing the shortfall? Surely the logic and the evidence says that this is because the jobs that have been created, laudable though they are, are low-paid, low-skilled jobs and that is why he is not getting in the income tax revenue from the jobs that have been created. Surely the evidence points to that. Does he not agree?

Senator A.J.H. Maclean:

I would not want to give the impression that the only reason is the low interest rate environment. I was making the point that the banking sector - financial services in particular - is a significant contributor and of course that a low interest rate environment has had an impact on revenues. It is not the only impact on revenues. In part, what the Deputy says is correct, but there are a whole raft of reasons why revenues are down. We have just gone through the deepest, longest recession in living memory. It is hardly surprising that revenues are down from a taxation point of view. The good news is we are beginning to see, slowly, recovery in that regard. I was pleased with the

F.P.P.'s views that the economy had returned to growth in 2014, and indeed, they are predicting 2 per cent in 2015. Where there is more of a challenge is further out, 2018 and 2019, where they are predicting, in the absence of doing anything else, that G.V.A. (Gross Value Added) will return flat to zero per cent.

[11:30]

That is why we need to continue to invest in growing and diversifying the economy.

4.6.1 Deputy G.P. Southern:

Notwithstanding the low interest rate, does he not accept that the banking sector managed to pay £50 million of bonuses in each of the last 3 years, for example?

Senator A.J.H. Maclean:

Fantastic news, money spent in the local economy.

4.7 Deputy S.M. Wickenden of St. Helier:

At the beginning of the month, the Comptroller and Auditor General issued a report on financial management within the States of Jersey, which included 36 recommendations. I would ask the Minister for Treasury and Resources if he has read the report, and if so, which of the 36 recommendations does he think is the top 3 priorities that need the highest attention?

Senator A.J.H. Maclean:

First of all, I was delighted when the Comptroller and Auditor General raised the matter about doing a review of financial management of the States. It was a review that was going to happen later this year and in fact we encouraged her to bring it forward on the schedule. I thought it was important that we knew the position now and not wait until after the Medium-Term Financial Plan, for example. I think it is a good report. I have read the report and I have said publicly already that a vast majority of it I would agree with. I would not want to prioritise specifically, because I think that would probably set hares running, and I think it is important that Ministers have time to discuss and for a formal response to this report to be made. Indeed, that will happen by the beginning of May, which is the stated date.

4.8 Deputy A.D. Lewis:

The Minister may be aware that the Billion Café at Havre des Pas is currently shut. The building is administered by Property Holdings. Can the Minister give some assurance that Property Holdings will be offering realistic tenancy terms, mindful of the current economic climate, to ensure that a new tenant is attracted as soon as possible so that this much-loved facility remains a vibrant part of Havre des Pas, enjoyed by residents and tourists alike?

Senator A.J.H. Maclean:

I am sure that will be the case. I will have a word with my Assistant Minister - who I see is not here currently - with Deputy Noel, who has responsibility for Property Holdings, and find out what the latest position is with that particular property. I am not familiar myself with the exact details, but I am sure we can get back to the Deputy and update him.

5. Questions to Ministers without notice - The Minister for Education, Sport and Culture

The Deputy Bailiff:

That brings that question time for this Minister to an end. The second question period is for the Minister for Education, Sport and Culture.

5.1 Deputy L.M.C. Doublet:

I am going to continue some of my questions on P.S.H.E. Given that there are concerns, including by leading medical experts, expressed in the British Medical Journal that schools are spending less and less time teaching P.S.H.E. because of pressure to focus on academic subjects, can the Minister please tell us how he is going to ensure that P.S.H.E. is not squeezed out the timetable in favour of the core subjects, which that is where the data is collected?

Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):

I am glad the Deputy raises this particular subject. I think I said earlier to her earlier question that in fact P.S.H.E. is compulsory in Jersey, whereas it is not in the U.K., and will be monitored by the school and enforced; that the core parts of it, health and wellbeing and relationships and so on and so forth will be monitored by our professional partners.

5.1.1 Deputy L.M.C. Doublet:

Can the Minister tell us whether there is a prescription on how many hours a week P.S.H.E. is taught, and also is he aware of the effect of focus on P.S.H.E. and what that does to education achievement in general?

Deputy R.G. Bryans:

It is usually about an hour in the curriculum. As you can imagine, with all the other subject matter that is pushed into the curriculum it is very difficult for the curriculum to be over-structured. Sorry, I forget what you said, the second part.

Deputy L.M.C. Doublet:

Is the Minister aware of any evidence showing that an increase in P.S.H.E. results in an increase in education attainment in the core subjects?

Deputy R.G. Bryans:

Yes. In fact, in the interim, the Deputy has just passed me an article by the *Daily Telegraph* relating to this very subject matter. I had not seen it in that sort of context, so I will pay some evidence and some time on that. Thank you.

5.2 Deputy G.P. Southern:

In a written answer delivered earlier today, the Minister points out that the States contribution to higher education grants has gone down from 64 per cent between the States and families down to 47 per cent since 2001. He also says that other options than a pure loan scheme, similar to the U.K., are now being pursued. Could he inform Members what other option he has, apart from improving situations by a higher education loan scheme he has in mind?

Deputy R.G. Bryans:

Thank you, Deputy. I have had an initial meeting with the Minister for Treasury and Resources to discuss ways of helping parents. It is one of the highest priorities that we have at the moment. We met last Friday. He has asked for more details about particular options we have been exploring, but I am not in a position to publish details at the moment. One of the reasons is we have to go back and speak to the banks to see if they can facilitate some of the ideas behind this notion that we have. What I can say is a U.K.-style student loan scheme is unlikely to be viable here. This is also not a problem that can be solved by Education working alone. We have been asked to identify £10.7 million savings in our budget, basically what we spend on higher education now in total, so there is no extra. A loan financial assistance scheme will cost many tens of millions and E.S.C (Education, Sport and Culture) does not have the necessary funds in its existing budget, but that

said, we are working very closely with Treasury and we are working with banks to see if we can progress this further. Thank you.

5.2.1 Deputy G.P. Southern:

I was not after extreme details of what was going on, just a rough idea of how he intends to make up what is a substantial problem for us on the Island. Can he give us some clue as to how it might be arranged?

Deputy R.G. Bryans:

Once I have had the further discussions with the detail with the Treasury, I will be able to come back then and explain to the House what we do. We are attempting to do a couple of things post the situation with speaking to Treasury. That is to hold a meeting with the public to explain to parents, teachers and students in particular what we will be doing. With regard to the detail, I understand what he is trying to say, but at this moment I am reluctant to say things until we have a definite decision between ourselves and Treasury.

5.3 Deputy M. Tadier:

In March, the Minister was reported as saying that he could not rule out a cut in subsidy to the private schools. Can the Minister perhaps take this opportunity to rule that very much in as a way of meeting his £10.X million of savings that he has signed up to?

Deputy R.G. Bryans:

As I said at that earlier juncture, it is on our agenda, we will be talking about it. We have spoken to the schools already. We are speaking to the unions, we are speaking to all the various people associated with the concept of an increase or a decrease in the contribution to those schools. It is on our agenda, and again it goes back into what we have to contemplate with regard to our budget cuts.

5.3.1 Deputy M. Tadier:

The Minister will be aware that back in 2011, when it was attempted to reduce £4.3 million to this sector, there was strong opposition, both from the powerful lobby, that is the parents of those schoolchildren, and the then Minister's own Ministerial colleagues. What support does the Minister for Education feel that he has from his Ministerial colleagues to take on this powerful lobby to make the correct economic decisions which are fair for Islanders?

Deputy R.G. Bryans:

Thank you, Deputy. I think in terms of the discussions I have already had with the Chief Minister and the Council of Ministers, they are fully aware that this is a very difficult situation to find ourselves in at this point in time, but we will do it in a very careful and considered way and certainly the biggest consideration will be towards looking at informing the parents well in advance if that actual happenstance happens.

5.4 Deputy A.D. Lewis:

The Minister will be aware that in recent times the number of children in education has increased by some 30 per cent. The numbers of teachers has increased by 40 per cent. This would appear to be good news, as it tends to indicate smaller class sizes. However, the number of non-teaching staff has increased by 120 per cent in this period. This would appear to indicate that a great deal of E.S.C.'s budget has not reached the classroom. Could the Minister explain the reason for the increase in the non-teaching posts at a time when surely as much resource as possible should be deployed in front line services?

Deputy R.G. Bryans:

One of the things we have undertaken as a department is to look at the autonomy of schools and one of the things the schools have is the ability to choose the level of staffing that they need for their requirements. It is on our agenda to make sure that we keep our staffing levels currently with regard to the numbers of children within each class to around 26, if that is at all possible. But it is with the schools that the decision is made as to who they hire and fire.

5.5 Deputy J.M. Maçon:

Will the Minister be pursuing common timetabling across all the 6th form centres, as currently there are great inefficiencies with the A level, particularly at A2 level, whereby you might have 4 of the different schools, each with a class of 5, doing A2 level history and it would be much more efficient if those students could come together in one place and that would generate savings within the department for schools?

Deputy R.G. Bryans:

Yes, it is on our agenda to look at that very aspect and it is a consideration with regard to all the other considerations to do with 6th form education to make expediciencies where we can. Thank you.

5.6 Deputy L.M.C. Doublet:

I am referring to some figures now which are on the back page of the questions that we have answers to today, and the Minister has given us some data on the employment of newly-qualified teachers. It shows that within the last 2½ years, nearly a quarter of our newly-qualified teachers that were employed in States schools are no longer employed in the States schools, and similar U.K. figures show that 50 per cent of newly-qualified teachers leave before the first 5 years. Is the Minister concerned about these figures and what is he doing to support newly-qualified teachers in their roles?

Deputy R.G. Bryans:

A great amount of care and consideration is given to newly-qualified teachers. I think if what the Deputy is saying is that we retain a greater number of newly-qualified teachers within our system, that is particularly with professional partners, that is one of the parts of their agenda, to observe what is happening within the teaching practice.

5.7 Deputy G.P. Southern:

Some more figures from the written answer to question 12 earlier, in which the Minister states that between 2013 and 2014, while the number of teaching jobs advertised remained more or less the same, the number of applicants halved. Could he account for this apparent unpopularity in going for teaching jobs on the Island? Why such a massive reduction in the number of people who want to be teachers?

Deputy R.G. Bryans:

The simple answer is I do not know. It was something I had to look into. When I saw the answer literally just the other day, I thought it was something that needs to be observed by myself and I will have a discussion. So I have got a discussion pencilled-in with the director to talk about that very subject. Thank you.

5.7.1 Deputy G.P. Southern:

A supplementary, if I may? Is it possible that one of the reasons why people are no longer attracted to teaching clearly on this Island is that the amount of testing which goes on, particularly in primary school, is remorseless and that the job has become unattractive for that reason and that reason

alone? Will he reduce the number of occasions on which students are tested and accept the adage that you do not fatten a cow by testing it?

Deputy R.G. Bryans:

No, I could not. I do not agree that it is remorseless. I think there is a definite need for both the schools, ourselves as a department, to be data-rich in terms of where we see our students and what they are doing. I think it is always necessary for the parents to understand where their children are at any one point in time, but I do not think it is a consideration that we do not overburden our teachers.

5.8 Deputy J.A. Hilton:

Last month, March 2015, the Department of Education in the U.K. updated their policy with regard to managing asbestos in schools. I was wondering whether the Minister was aware of that and, if not, could I forward this report on to him for his information. Also, how committed is the Minister into seeing asbestos removed from schools and colleges as soon as possible and will he submit a claim to the Medium-Term Financial Plan to enable that to happen sooner rather than later?

Deputy R.G. Bryans:

I think there are 3 parts to that. The first is I have not seen the document and I would be happy to receive it from the Deputy. As has already been said by the Minister for Treasury, all asbestos that remains *in situ* in primary and secondary schools is in good condition and in areas where it cannot be disturbed unless major work takes place. If this were necessary, appropriate removal procedures would be arranged. I need to state there is very minimum risk from the material remaining in place in its current condition.

[11:45]

All schools that have asbestos-containing materials have an asbestos management plan, the relevant staffing and training. As I say, generally this substance only poses a risk if it is disturbed. The prime responsibility does rest - as has already been stated - with Property Holdings as the landlord department. Site managers have completed the appropriate health and safety management training and Jersey Properties has visited every school and implemented site-specific asbestos management plans, which include roles, responsibilities and emergency plans. But I do agree with the Deputy that it is a high priority for the very reasons she has already outlined.

5.9 Deputy M.R. Higgins:

I would just like to follow up on Deputy Hilton. A recent report of the Health and Safety Executive in the U.K. that was obtained through a Freedom of Information request found that 291 teachers have died from mesothelioma - if I get this right, I cannot pronounce it; it is one of those I cannot pronounce - but it is basically obviously damage to lungs caused by asbestos. So we are talking about 291 teachers have died from this disease since 1980 and 3 schoolteachers died on average each year in the 1980s. It has now risen to 19 a year. Now, the latency of asbestos is anywhere between 35 and 55 years and having been a teacher working in establishments where there was asbestos, we were given the same assurances that the Minister is giving the States today. There is a major problem here and I think the States would be totally negligent to continue to trot out this explanation and need to deal with the removal of this as soon as possible, because ...

The Deputy Bailiff:

Could we get to the question, please?

Deputy M.R. Higgins:

The question is will the Minister put forward a very robust case, because we are talking about people's lives here, rather than just an issue which, as I say, repeated Ministers have said is not an issue, it is a major issue?

Deputy R.G. Bryans:

I have not said it is not an issue. In fact, completely the reverse. I think Deputy Doublet has exemplified the sort of notion that we have within Education of health and well-being, and it is the health and well-being of both the children in my schools and the teachers that I am most concerned about. We do have, as I have already explained, a system whereby the schools are being looked at by Property Holdings, but if we could advance that in any way, I simply would do. Thank you.

The Deputy Bailiff:

That is the end of the time allocation to the questions to this Minister. As there are no items of business under J or K, we move on to Public Business.

Senator A.J.H. Maclean:

If I may, could I just clarify a point in my earlier questions without notice? Members were interested in the move to wholesale line rental and I think I said inadvertently that this was coming into effect on 1st July of this year. It is in fact 1st June this year, so I just wanted make to certain that Members are clear that the date I inadvertently gave was inaccurate by a month.

PUBLIC BUSINESS

6. Criminal Injuries Compensation Scheme: revised scheme (P.13/2015)

The Deputy Bailiff:

Thank you, Minister. Then we come on to items of Public Business. The first item is the proposition of the Minister for Home Affairs, Criminal Injuries Compensation Scheme: revised Scheme, P.13/2015 and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to refer to their Act dated 2nd May 2012 in which they approved a revised Criminal Injuries Compensation Scheme, and to agree the following amendments to that Scheme – (i) in paragraph 25(a) after the words “For this purpose,” insert the words “subject to Article 28,”; and delete the words “in accordance with the other provisions of the Scheme”; (ii) in paragraph 25(a) after the words “immediately preceding the date of death” add the words “such compensation being payable to the extent and on the conditions set out in respect of damages under the Fatal Accidents (Jersey) Law 1962;”; (iii) in paragraph 28, after sub-paragraph (b) insert the following subparagraph: “(c) income support payable under the Income Support (Jersey) Law 2007;”; and renumber the remaining sub-paragraph as “(d)”.

6.1 The Deputy of St. Peter (The Minister for Home Affairs):

The purpose of this proposition is make 3 amendments to the Criminal Injuries Compensation Scheme. These have been requested by the former chairman of the Board. Members may not be aware of this scheme, which was established by the States Assembly to provide compensation to victims of violent crimes in Jersey or on a Jersey ship. It first came into force in May 1991. The amount of compensation payable ranges from £1,500 to £100,000 and the scheme is administered by the Criminal Injuries Compensation Board. These members are appointed by the Minister for Home Affairs and comprise of both lay members and advocates or solicitors of the Royal Court of not less than 5 years' standing. The chairman of the board is always one of the legally-qualified members. The scheme was last amended by the States in May 2012 to reflect the introduction of

the civil partnership law. For ease of reference, Members will find the full text of the Criminal Injuries Compensation Scheme as amended appended to the proposition. The 2 Articles of the scheme that require amendment are Articles 25 and 28. To keep Members on their toes, I will deal with the second amendment first, if I may. The purpose of this change to Article 25 is to make clear what type of claim an applicant who is claiming under the Fatal Accidents (Jersey) Law 1962 may make under the C.I.C.S. (Criminal Injuries Compensation Scheme). The existing Article is silent as to the type of claim that can be made. To make the position clearer, the Board has requested the insertion referring to the Fatal Accidents (Jersey) Law so that they may determine a payment in respect of any pecuniary loss but not suffering or pain. The first change to Article 25 makes specific reference to Article 28 of the scheme. This is to ensure that any claims made by an applicant who is entitled to claim under the Fatal Accidents (Jersey) Law is subject to certain insurance and most social security benefits being deducted. Those benefits are set out in Article 28 of the scheme, hence the reference. This is to resolve a conflict between the Fatal Accidents Law 1962, which states that: "No notice shall be taken of any insurance benefit, pension or gratuity paid as a result of death" which conflicts with the provisions of the C.I.C.S., which allows such deductions, as set out in its Article 28. As I have just mentioned, Article 28 of the scheme sets out the deductions that may be made from any compensation payable under the scheme. This amendment will extend these to include income support payable under the Income Support (Jersey) Law 2007. The reasoning for the amendment is that the board comes across cases where people are no longer able to work or are on a reduced income as a result of an injury and are in receipt of income support. However, the existing scheme, these income support payments are not deducted from the award. The amendment of the scheme enables income support payments to be deducted from an award in the same way as benefits paid under the Social Security (Jersey) Law 1974. I ask Members to support the proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, those Members in favour of the proposition kindly show. Those against. The proposition is adopted. We now move on to the next item...

The Deputy of St. Peter:

Sorry, Sir, may I just thank very much Members for their support and also the members of the Criminal Injuries and Compensation Scheme Board, particularly the chairman - or the former chairman - Advocate Caroline Dorey, who has recently retired after serving on this board since 1998 and having served as chairman for 9 years, and also to Mrs. Celia Jeune, who is also due to retire at the end of this month after 10 years of service. **[Approbation]**

7. Draft Shipping (Fishing Vessels Safety Codes of Practice) (Jersey) Regulations 201-(P.19/2015)

The Deputy Bailiff:

Thank you, Minister. The next item of Public Business is the Draft Shipping (Fishing Vessels Safety Codes of Practice) (Jersey) Regulations, P.19/2015 and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Shipping (Fishing Vessels Safety Codes of Practice) (Jersey) Regulations 201-. The States, in pursuance of Regulations 49 and 196 of the Shipping (Jersey) Law 2002, have made the following Regulations.

7.1 Senator L.J. Farnham (The Minister for Economic Development):

The current Fishing Vessels Safety Provisions have been with us for 10 years. When introduced, they only made minor modifications to a much older regime going back a further 20 years. Fishing boat accidents, sometimes leading to the tragic loss of life, continue to occur and the need for good safety awareness, modern equipment, good training and procedures remains vital in what is traditionally a dangerous industry. In the meantime, design, training and safety equipment standards have changed and the United Kingdom have introduced modern codes of practice underpinned by law. Fishing vessels registered here in Jersey are British fishing boats, and so can be inspected by the U.K. or other E.U. countries when in their waters. For these reasons, a new set of Regulations have been drafted to replace the Order and to authorise the U.K. codes, or indeed other suitable codes of safety, to be amended for introduction here in Jersey. The set of just 6 Regulations replace an Order that runs to over 170 pages by authorising the publication of the technical codes as separate from the regulations. This follows a pattern already established with other shipping safety legislation. The draft codes have been published for the information of Members, but they do not form part of the Regulations themselves. While the codes look huge, the detail will not be new to the trained surveyors and inspectors for which they are intended. For the fishermen themselves, little will really change. In reality, the only 2 things that are relevant are that there will be an annual self-certification checklist of safety equipment for fishermen to check if they have all the safety equipment and to ensure that it is up-to-date, and the inspection and certification will be aligned with re-registry every 5 years instead of the 4-year survey interval we have at the moment for vessels over 12 metres. The important thing in changing this method of legislation and promulgation of standards is to allow future change to be implemented more quickly when it is agreed at an international or local level. I propose the principles.

The Deputy Bailiff:

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

7.1.1 Deputy M. Tadier:

I have seen someone else's light on, Sir. Could the Minister explain how the self-certification will work? That is probably the only thing that is potentially flagged-up from issues, whether the process will be robust and what is meant by that. It seems that the implication might be that it is very light-touch regulation, but perhaps I have misunderstood the meaning of self-certification. I do not want to steal anyone else's thunder, but given the fact that we are talking about maritime safety, I know in a particularly narrow context here, is the Minister giving any consideration to the wider issue of maritime safety? We know that, for example, when it comes to road vehicles in the past it was very easy to get given out licences pretty much with the most cursory of exams, if they existed at all, and one was handed out heavy goods licences, heavy motorcycle licences. That has completely changed now so that even for a moped on the road you need to have C.B.T. (Compulsory Basic Training) before you can then be issued with a provisional licence and then you have to take an exam if you wish to have a full licence for that. But anyone can go out and buy a sports boat with a very large engine on the back, with no training, with no life jackets, go out there and, if they want to, crash into some rocks and die - and that seems very strange - and take passengers with them. It does seem quite anomalous. I know I am perhaps pushing the limits of this particular proposition, but it seems if we are talking about maritime safety there might be issues that need to be discussed in the wider context. I would be grateful if the Minister could perhaps address those briefly.

7.1.2 The Deputy of Grouville:

In a similar vein to what has just been raised by Deputy Tadier, I would firstly like to congratulate the Minister on bringing forward these codes of practice to ensure that fishermen are well trained

and responsible seafarers when they go to sea, although I notice that the retraining for the mandatory certificates is at more frequent intervals than anywhere else in Europe. Obviously, our fishermen do not have the support or infrastructure that is part and parcel of the package everywhere else, so perhaps the Minister could comment on this when we go through the Regulations. I would also like to know why the Registrar of Shipping in the Minister's department seems to confuse registering sea vessels with having the correct certificates in place. A vessel is registered on its build and structure, surely, yet certificates are being demanded before a boat is registered in this Island, which is a ridiculous scenario. These certificates are issued under a code of practice and are being used to hold up what is already a ridiculously long, drawn-out registration process. So I would like the Minister to comment on that.

[12:00]

Also, going back to Deputy Tadier's point, I would like to know what the Minister's thoughts are on the fact that I could walk into a shop tomorrow, purchase myself a £300,000 boat **[Laughter]** ... - maybe if I had the means - set sail, do 25 knots out to sea and that is okay. To my mind, this is not a very responsible way to go about things and now with these codes of practice it just seems to have created a complete inequity between the fishing industry and leisure boat users. So I would like the Minister's comments on that and perhaps if he could indicate if there are plans to bring forward codes of practice for leisure boat owners.

The Deputy Bailiff:

If no other Member wishes to speak on the principles, I call on the Minister to reply.

7.1.3 Senator L.J. Farnham:

Firstly, in relation to Deputy Tadier's first point, the self-certification is really not an onerous course of action for the fishermen. It is simply a tick box exercise - and I have an example of the form here - which ensures that the fishermen check the equipment and make sure it is fit for purpose and it is within its expiry date. They would have to do that every year and make sure the paperwork is available for inspection.

Deputy M. Tadier:

A clarification: can the Minister confirm that that is basically done on trust so that it is more the onus is, as the Minister said, put on the boat owner but there is no requirement for anyone to come and check that everything is working correctly?

Senator L.J. Farnham:

Yes, there is no provision for mandatory inspection but, of course, the fishermen must be mindful of the fact they will be in breach. A breach of the law is a fairly serious offence. Of course, these Regulations refer to only the safety of fishing vessels, but both the Deputy of Grouville and Deputy Tadier make a valid point. This is something that has been talked about for many years. I remember when the Constable of St. Clement was President of Harbours and Airports. This was an issue because other European countries were introducing licences for the use of boats. I have to say it is not on the agenda but I will give the matter a consideration because I think it does warrant further thought. Of course, people using pleasure boats are not at sea for anywhere near the length of time that professional fishermen will be, but still the point is well made. The Deputy of Grouville raised a point about training and I have to say that training is no more frequent for our fishermen than others unless they take a less robust course. There are training standards that have to be adhered to but, of course, this is a part of a different law. So this is in relation to the safety of fishing vessels and there are no safety training checks made for new registrations. The department is trying to be more pragmatic when it comes to registering vessels for the first time and issuing licences.

The Deputy Bailiff:

Those Members who are in favour of the principles kindly show?

Deputy M. Tadier:

Can we have the appel, please?

The Deputy Bailiff:

The appel is called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 43		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. John		
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				

Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

That comes for consideration for Scrutiny. Connétable?

The Connétable of Grouville (Chairman, Economic Affairs Scrutiny Panel):

No, Sir.

The Deputy Bailiff:

Your panel does not want it. How do you wish to propose the Regulations then, Minister?

7.2 Senator L.J. Farnham:

There are just 6 regulations. They work as a complete set and are interrelated, so I propose to take them *en bloc*, please.

The Deputy Bailiff:

Very well.

Senator L.J. Farnham:

Regulation 1 relates to fishing vessels of less than 15 meters. Regulation 2 relates to fishing vessels of 15 meters or more but less than 24 meters. Regulation 3 relates to the inspection of certificates; for example, make sure that each fishing boat has to have a valid certificate showing it has been inspected by an approved surveyor or inspector. Regulation 4 relates to the enforcement and power to detain. This regulation makes sure that a boat can always be inspected and if its condition really makes it unsafe it can be detained until matters are put right. Regulation 5 relates to the offences and, as I mentioned before, the offences created here mean that going to sea when there is not a valid certificate in place is a serious matter, but this reflects the identical provision in the current order. Regulation 6 relates to the citation and commencement.

The Deputy Bailiff:

Do you propose the Regulations in ...?

Senator L.J. Farnham:

Oh, yes, I do, thank you.

The Deputy Bailiff:

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on Regulations 1 to 6?

7.2.1 The Deputy of Grouville:

Yes. I would just like the Minister to address the point about these fuzzy lines and registering a vessel and to know why these safety certificates are being used to hold up registering of vessels. Everyone understands about going to sea because in some cases it is the owner ... well, obviously the owner purchases the vessel and it is down to that person to register it. The people that go to sea could be completely different and, as has happened, there are skippers on certain boats and they are the ones where these safety certificates lie. But for some reason the Registrar of Shipping is using the safety certificates to hold up the registering of vessels. Could the Minister look into this so that we can look forward to a speedy process of registering boats in Jersey?

7.2.2 Connétable C.H. Taylor of St. John:

Just a brief explanation for my behaviour. This document I regard as a triumph of bureaucracy: 140 pages of how a boat should be when one word or one sentence - the boat should be seaworthy - would be sufficient. I only hope that Brussels, like Jersey, is forced to reduce its carbon emissions by 80 per cent by 2050.

7.2.3 Deputy M. Tadier:

Similarly, may I congratulate this Minister in beating his colleague at the Health Department in bringing forward minimum standards and regulations for houses in Jersey where the majority of people spend most of their lives when not at work? Because we have very robust - and I would perhaps sympathise with the comments that have just been made - guidelines as to what a boat should be in order to be considered shipshape and to make sure that it is safe, *et cetera*, but we do not have the same for properties in the Island, even though that report was supposed to come back to the Assembly in December. The reason I rise to my feet to make this point is because it shows that Ministers can be very quick to bring in unnecessary regulation when they need to. We have seen that this does absolutely nothing for leisure users; rather, it seems to put an unnecessary and onerous lot of tasks on fishermen who probably know more about this area than the Minister or we politicians for the most part. I am particularly interested to know about the offences. So when an offence is committed and if it is discovered that a boat is not in the right condition ... and that will be quite difficult, presumably, because the Minister has told us himself that a lot of trust will be put into what he has admitted is a tick box exercise. It seems to me most fishermen have a vested interest to make sure that their boats are in shipshape purely because that is their livelihood and also they will be very considerate when it comes to their own safety and the safety of their crew. So I would like to know how the offences will work in reality. It seems to me that certainly for vehicles not at sea we have a Parish Hall Inquiry system that works some would say pretty effectively so that if a vehicle on the road is found to be unworthy either words of advice can be given at the scene or later on. It seems to me that we are moving perhaps to an overly bureaucratic system here, so I would specifically like in the context of Article 5 for the Minister to respond to perhaps some of those considerations.

The Deputy Bailiff:

Does any other Member wish to speak on Regulations 1 to 6? If not, I call upon the Minister to reply.

7.2.4 Senator L.J. Farnham:

I am not aware of any serious delays. The Regulations are quite clear insofar as a survey of the vessel needs to be carried out and then an annual safety check, but I will undertake to look into this and discover, if there are any serious delays, if there is a way they can be reviewed. Like I said, it is the department's policy to be as pragmatic as possible and not have any delays, so I do undertake to look into that for the Deputy of Grouville. I take on board the comments of the Constable of St. John. These codes of practice were put together by the Maritime and Coastguard Agency of the U.K. by their surveyors and they are extremely technical. Deputy Tadier, these are not frivolous Regulations. These are very important. Fishing at sea is a very serious business and in the past we have seen unnecessary fatalities from fishermen going to sea with boats that are not seaworthy. These Regulations are designed to prevent that and, indeed, since Regulations such as these have come into force there has been a significant reduction in loss of life at sea with professional fishermen. Now, there is a difference between the annual checklist of safety equipment and the 5-year inspection. So the 5-year inspection is a lot more detailed than the annual self-certification, which is really making sure that fishermen are fully aware of their safety equipment and that it all works and it is all in date. In relation to Regulation 5, as I said before, the offence is created meaning that going to sea when there is not a valid certification in place is a serious matter. I am

sorry, could the Deputy just repeat what he wanted to know in relation to ...? The penalties are listed, a maximum 2-year imprisonment and an unlimited fine. Given the serious nature and the fact that you cannot put a limit on the fine simply because of the broadness of the misunderstanding of the ... if a fisherman did not comply, it depends on the seriousness of his non-compliance.

Deputy M. Tadier:

Yes, I think that has answered the question.

Senator L.J. Farnham:

You like it when a plan comes together. Thank you very much. I propose the Regulations.

The Deputy Bailiff:

Those Members who are in favour of adopting Regulations 1 to 6 kindly show? Those against? The Regulations are adopted. Do you wish to propose the matter in Third Reading, Minister?

7.3 Senator L.J. Farnham:

Yes.

The Deputy Bailiff:

Is that matter seconded? **[Seconded]**

7.3.1 Senator P.F.C. Ozouf:

May I just say in conclusion to this debate that the Minister in his summing up was quite right to bring Members back to the fundamental reason of why this legislation has been passed? In the U.K. there are 30,000 fishermen ...

Deputy M. Tadier:

Point of order, Sir. Third Reading? Sorry, I have missed ...

The Deputy Bailiff:

Yes, the matter has been proposed in Third Reading and the Assistant Minister is speaking in Third Reading.

Deputy M. Tadier:

I do apologise.

Senator P.F.C. Ozouf:

Indeed, I would congratulate the Minister and his department for bringing forward Regulations which are designed to save lives. I do not have the figures in Jersey but I have the figures for the U.K. and in the U.K. fishing is regarded as the most dangerous peacetime occupation of any individual.

[12:15]

There are on average approximately 150 fishermen that until about 2010 lost their lives every year in fishing work. So anything that can prevent the loss of life which we have seen in Jersey in recent years should be congratulated and I congratulate the Minister for bringing forward these Regulations. They should not be in any way compared to issues such as housing as I think has been unfairly stated.

The Deputy Bailiff:

Does any other Member wish to speak in Third Reading? I call on the Minister to reply.

7.3.2 Senator L.J. Farnham:

I thank the Senator for his comments.

The Deputy Bailiff:

Those Members who are in favour of adopting the Regulations in Third Reading kindly show? Those against? The Regulations are adopted in Third Reading.

8. Draft Crown Advocates (Amendment) (Jersey) Law 201- (P.25/2015)

The Deputy Bailiff:

The next item of Public Business is the Draft Crown Advocates (Amendment) (Jersey) Law, P.25/2015, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Crown Advocates (Amendment) (Jersey) Law 201-. A Law to amend the Crown Advocates (Jersey) Law 1987. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

Senator I.J. Gorst (The Chief Minister):

Could I ask Senator Routier to act as rapporteur for this, please?

8.1 Senator P.F. Routier (Assistant Chief Minister - rapporteur):

This is a short, however important, amendment to the Crown Advocates (Jersey) Law 1987, which is brought with the support of the previous Attorney General and the previous Bailiff on the advice of the Legislation Advisory Panel. It will remove the requirement to obtain the Bailiff's agreement in respect of the appointment of and termination of any Crown Advocate. This amendment is in line with the recommendation of the review of the roles of the Crown Officers, otherwise known as the Carswell Review, to remove the need to obtain the Bailiff's agreement under the principal law in respect of the appointment of Crown Advocates. I ask Members to support this very simple amendment.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, would those Members in favour of the principles kindly show. Those against. The principles are adopted. This is a matter for the Corporate Affairs Scrutiny Panel. Deputy Le Fondré?

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman, Corporate Affairs Scrutiny Panel):

No, Sir.

The Deputy Bailiff:

How do you wish to propose the Articles, Senator?

8.2 Senator P.F. Routier:

Very simply, Article 1 deals with removing the words "with the approval of the Bailiff" and Article 2 is the commencement date. I propose those 2 Articles.

The Deputy Bailiff:

Are the Articles seconded? [**Seconded**] Does any Member wish to speak on the Articles? No. Those Members who are in favour of adopting Articles 1 and 2 show. Those against. Those Articles are adopted. Do you propose the matter in Third Reading, Senator?

8.3 Senator P.F. Routier:

Yes, Sir.

The Deputy Bailiff:

Is the matter seconded? [**Seconded**] Does any Member wish to speak in Third Reading?

8.3.1 Deputy M. Tadier:

Yes, why not? [**Laughter**] We did not get our full allotted time with question time. It is just to acknowledge ... [**Members: Oh!**] No, it is just a statement of fact. We have until, I think, quarter to. I would not want to disappoint Members. It is quite interesting what is happening here because the big question which should be asked is we are essentially taking powers away from the Bailiff today and nobody in this Assembly has any questions to ask about why we are doing that or whether it is the right thing to do or whether it can, in fact, erode the very important role of the Bailiff. We know this might seem like a minor issue but the question has to be asked: why are we implementing these things in a piecemeal fashion? We know that there were numerous reviews going on into the justice system, one of which is relatively public, which is to do with the access to justice, but there seems to be other clandestine reviews going on, if I can call them that, by different bodies looking at different issues and no doubt there are tensions there. So I think it is just noteworthy to say that we have managed to get this little bit through today because it is the way which unfortunately this Council of Ministers in their power struggle against the Judiciary are having to claw-back little by little bits of concessions when what we should have been doing 10 or 15 years ago is implementing Clothier and, if you could not do that, implement Carswell in its entirety. It just shows that it is not particularly good for democracy or this Assembly when we have to do these things by stealth. That is essentially what is happening here where the Council of Ministers is saying: "We are coming for you, Bailiff. We want to separate your dual roles. Unfortunately, we do not have the democratic mandate in this Assembly to be able to do that; therefore, we have to do it through the back door." Fair enough, I am happy to support that, but I would prefer if it had been a more honest approach to say let us implement all of the recommendations of Carswell, not simply these little bits, pick and choose them when they seem to be convenient. So I am very happy to support this today.

The Deputy Bailiff:

Does any other Member wish to speak in Third Reading? If not, then I call on Senator Routier to reply.

8.3.2 Senator P.F. Routier:

I am a bit disappointed in some of the comments which the Deputy made about this being a back door stealth proposition. It is a very open proposition. It is in our Assembly and we are debating it. The question about whether this is just picking bits from the Carswell Report, well, this Assembly has debated the issue about the separation of powers and it was rejected. So we are continuing with what we are still able to do which was recommended by Carswell and this debate achieves that part which we are able to do. Whether P.P.C. (Privileges and Procedures Committee) or some other body will look at taking things further at a later stage, well, that will be for this Assembly to look at then. So I hope Members will fully support this proposition and I maintain the proposition.

The Deputy Bailiff:

Those Members who are in favour of adopting ...

Deputy J.A. Martin:

Can we have the appel, please?

The Deputy Bailiff:

The appel is called for. Members are invited to return to their seats. I would ask the Greffier to open the voting.

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				

Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

9. Ratification of the Agreement between the Government of the United States of America and the Government of Jersey regarding the sharing of confiscated or forfeited assets or equivalent funds (P.26/2015)

The Deputy Bailiff:

The next item of Public Business is the proposition of the Chief Minister concerning the ratification of the agreement between the Government of the United States of America and the Government of Jersey regarding the sharing of confiscated or forfeited assets or equivalent funds, P.26/2015. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to ratify the agreement between the Government of the United States of America and the Government of Jersey regarding the sharing of confiscated or forfeited assets or their equivalent funds signed on 28th January 2015 as set out in section 4 of the accompanying report.

The Deputy Bailiff:

Before I call on the Chief Minister to make the proposition, I will withdraw and ask the Deputy Greffier of the States to take the chair for this item as I signed the agreement in my previous capacity as Attorney General.

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

[**Approbation**] Thank you. I have not started yet. [**Laughter**] Chief Minister, if you would like to make the proposition.

9.1 Senator I.J. Gorst (The Chief Minister):

This is a proposition which asks the States to ratify an agreement which has been signed between the Government of the United States of America and the Government of Jersey. In simple terms, these asset sharing agreements are signed where one government provides mutual legal assistance to the other, which leads to the seizure of assets through criminal or civil proceedings. The resulting assets may be shared between those governments. In order to comply with international standards, it is, of course, necessary for Jersey to be able to share some confiscated monies where appropriate. Asset sharing is encouraged by the international community to recognise and reward work undertaken by one jurisdiction to obtain evidence to assist in prosecutions in another, which may be time consuming and resource intensive. Such agreements also allow funds to be repatriated to a country requesting the enforcement of an external confiscation order, which is particularly important in circumstances where money recovered is to compensate the victims of crime. Up until now, Jersey has entered into *ad hoc* asset sharing agreements on a case by case basis where this has been necessary. However, in regard to the United Kingdom, in the last 3 years Jersey has received US 4.5 million dollars from the United States Government under such *ad hoc* agreements and this reflects significant co-operation and joint working between Jersey and the United Kingdom in their fight against financial and cross-border crime. In light of the significant *ad hoc* arrangements, work commenced to form an agreement which would govern all future asset-sharing between our governments in order to avoid expending unnecessary resources in negotiating on a case by case basis, which had previously been the case. The U.K. Government provided a letter of entrustment to allow the Jersey Government to directly engage with the United States Government

in order to negotiate and conclude this agreement. As the Deputy Bailiff has just said, when he was Attorney General he was provided with the authority by the Council of Ministers to enter into this agreement and sign it. That was undertaken when a U.S. (United States) delegation visited the Channel Islands. I maintain the proposition.

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

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

9.1.1 Deputy M.R. Higgins:

Just a bit of wishful thinking on my own part: can the Chief Minister tell us whether there are any actions in the offing that will deal with our black hole?

9.1.2 The Connétable of St. John:

The question I have is this word “sharing.” Have we any indication as to how big our share might be or will that be discussed on a case to case basis? That was the only question.

9.1.3 Deputy G.P. Southern:

My question concerns the use to which these funds may be put. It seems to me that certainly in the 2015 Budget when we were scrabbling around for monies from left, right and centre that these funds were diverted to what should be ordinary normal revenue spending rather than being directed towards particular incidents or particular anti-crime initiatives, which I understood was the general rule with these types of funds. So the question is: do we have anything in place that says they will go in a particular direction, these funds, or will they just go into the pot to be spent from general revenues?

9.1.4 Deputy K.C. Lewis:

I think Deputy Southern has just touched on my question: will these funds, if they were to come, go straight into the criminal assets confiscation fund?

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

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

9.1.5 Senator I.J. Gorst:

Perhaps I could take Deputy Southern and Deputy Kevin Lewis first. When monies are received by Jersey under this agreement they will, of course, be paid into the Criminal Offences Confiscation Fund, that fund having been established under the Proceeds of Crime (Jersey) Law 1999. Its uses are to be applied towards specific measures that assist preventing crime and dealing with the consequences of crime. I am not aware, in answer to Deputy Higgins, whether there are any actions in the offing and I am not sure that, even if there were, I would be aware of it. The Deputy used the words “black hole.” I am not sure I really want to go into correcting him, but he obviously does not understand what a black hole is because the issues that the Minister for Treasury and Resources spoke about and will be briefing on over the next week are issues relating to the income not growing as fast as it has in the past and dealing with challenges that we face and spending growing and managing those 2 in conjunction. The challenge that we face is not a challenge of a black hole; it is a challenge of whether we want to deal with the ageing demographic, whether we want to deal with the issues facing ... the Deputy is trying to indicate it is waffle. These are facts which for some reason he refuses to accept, whether we want to deal with those issues and, if we do, how we are going to cut our cloth accordingly, to use a household term.

[12:30]

So monies from here would not be used to fill such issues. They must be dealt with on a revenue-funded basis. With regard to the Connétable of St. John, he will see in Article 5 of the agreement the basis upon which assets can be shared and they are different in different circumstances. I am not sure whether the acting Attorney General wishes to add further detail to that if the Connétable wishes, but hopefully it is quite clear from Article 5.

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

Mr. Attorney, do you want to add ...? No. Those Members who are in favour of the proposition, would they kindly show. Those against. The proposition is adopted. That concludes Public Business for this meeting. I invite the Chairman of P.P.C. to propose the arrangements for public business for future meetings.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

I propose the arrangements for public business as per the Consolidated Order Paper for the next sitting on the 24th of the month. I would suggest that Members allow 3 days. We have the Strategic Plan, which includes 14 amendments plus an amendment to an amendment, and the Draft Air and Sea Ports (Incorporation) Law as well as a number of more routine matters. I would suggest that could well go into 3 days. I propose the arrangements for public business as per the Consolidated Order Paper.

The Deputy Bailiff:

Are Members content to take the forthcoming public business ...

Deputy G.P. Southern:

Point of order, the Chairman just stated the 24th. I think he meant the 28th.

The Deputy Bailiff:

It is indeed the 28th that is the sitting. Does any Member have any comments or observations on the proposal for the forthcoming public business?

10.1 Senator I.J. Gorst:

Yes. Members will note that it is quite a heavy sitting with the Strategic Plan and the Ports incorporation debate currently down for debate at that sitting. I have had a useful meeting, as I know has the Minister for Treasury and Resources, with the Scrutiny Panel undertaking work with regard to Ports incorporation. They have brought to our attention one or 2 issues that they would like to see addressed. Ministers are meeting later this week and it may be that that debate is delayed further, but I will inform Members by the end of this week if that is the case so that Members do not spend time preparing for that debate if it is going to be deferred.

The Deputy Bailiff:

So, Chief Minister, this is simply at this point to notify Members that there may be a deferral?

Senator I.J. Gorst:

Indeed, yes.

10.2 Senator P.M. Bailhache:

May I draw the Assembly's attention to Projet 34/2015 - Draft Social Security (Reciprocal Agreement with Chile) (Jersey) Act - and say that I should like to take that on 12th May rather than at the next sitting?

The Deputy Bailiff:

Are Members then content to take the business as proposed by the Chairman of P.P.C. subject to the alteration that P.34/2015 will go to 12th May and also, of course, subject to the warning given by the Chief Minister in connection with P.5/2015? The meeting is, therefore, closed and the States stand adjourned until Tuesday, 28th April 2015.

ADJOURNMENT

[12:33]