

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 17th NOVEMBER 2015

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to H.E. The Lieutenant Governor

The Bailiff:

I open under A with welcoming His Excellency in the usual way. **[Approbation]**

1.2 Message of support to the President of the French Republic following terrorist shootings and bombings in Paris; and Royal Square vigil

I also just report to Members, the Chief Minister has written on behalf of the Government of Jersey, but I have also written on behalf of Members and the people of Jersey and I will read the letter that has gone to the President of the French Republic: "I write on behalf of the States and the people of Jersey who have been deeply shocked and saddened by the loss of life following the terrorist bombings and shootings in Paris yesterday evening. As peace-loving neighbours with a similar set of democratic values we are appalled at the behaviour of brutal extremists who seek to impose their beliefs by bringing about carnage to innocent people who are spending a Friday evening just like many others. It is a terrible attack on the fundamental values of a democracy but in spite of these wider sentiments our real and immediate thoughts and sympathies are extended to all those affected by this terrible event and especially to the families and friends of those who have lost their lives. We also think particularly of the courageous and dedicated efforts of the security and emergency medical services who have assisted in such difficult circumstances. The States and the people of Jersey wish to pass on their solidarity of the people of France and their sincere condolences." I also would like to add my thanks to the Chief Minister and to Senator Ozouf, in particular, for assisting in the arrangements last night for the vigil in the Royal Square and to thank the Dean for the service that was conducted in the town church thereafter. But in particular, I think it is right to make note of the contribution of the Honorary French Consul, Mr. Myatt, Dr. Jarmali, who spoke on behalf of the Muslim community to condemn the terrorist bombings and shootings, and indeed to thank all those who turned out to the Square for what was quite a moving occasion. **[Approbation]** There is nothing further under A.

QUESTIONS

2. Written Questions

2.1 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING COMPLAINTS RECEIVED BY STATES DEPARTMENTS:

Question

With regard to each States Department (breaking the Chief Minister's Department down into its relevant sections and Home Affairs into Police and Customs), will the Chief Minister advise:

- (a) how many complaints have been received in respect of each department each year since 1st January 2010;
- (b) how many complaints have been received since 1st January 2015;
- (c) how many of the complaints in (a) and (b) remain ongoing;
- (d) how many of the complaints resulted in:
 - (i) threats of legal action;
 - (ii) actual legal action being taken against the department, detailing how many of those were dropped, are ongoing or have been settled.

(e) the actual or estimated cost of the Law Officers' Department's time in considering the complaints made against each department or in defending them in the Courts, and, if these costs are not known, why they are not known?

(a) and (b)						(c)	(d)	(e)
How many complaints have been received in respect of each department each year since 1 st January 2010						How many of the complaints in (a) and (b) remain ongoing	How many of the complaints resulted in (i) Threats of legal action (ii) Actual legal action being taken against the department, detailing how many of those were dropped, are ongoing or have been settled	The actual or estimated cost of the Law Officers' Department's time in considering the complaints made against each department or in defending them in the Courts, and, if these costs are not known, why they are not known
How many complaints have been received since 1 st January 2015								
2010	2011	2012	2013	2014	2015			
CHIEF MINISTERS DEPARTMENT								
The Chief Ministers Office receives a great deal of communication (addressed to the Chief Minister, Assistant Ministers, Chief Executive and departmental officers) from members of the public and Island businesses, giving opinions about policy rather than complaints against the department.								
Correspondence is not recorded in a specific log. All correspondence is investigated by a department senior manager and a response is provided. If the recipient is not satisfied with the outcome, s/he has the right to raise a complaint with the States of Jersey Complaints Board.								
HUMAN RESOURCES								
0	0	1	0	0	1	Nil	Nil	n/a
ECONOMIC DEVELOPMENT DEPARTMENT								
The Economic Development Department receives a great deal of communication (addressed to the Minister, Assistant Ministers, Chief Officer and departmental officers) from members of the public and Island businesses, giving opinions about policy rather than complaints against the department. Correspondence is not recorded in a specific log. All correspondence is investigated by a department senior manager and a response is provided. If the recipient is not satisfied with the outcome, s/he has the right to raise a complaint with the States of Jersey Complaints Board.								
The Economic Development Department had one complaint that progressed to the formal complaints panel and this is captured in the figures supplied by the States Greffe.								
0	0	0	0	1	0	0	None	None
EDUCATION DEPARTMENT								
0	4	5	2	5	20	3	None	None
ENVIRONMENT DEPARTMENT								
The Department of the Environment receives both informal and formal comments and complaints and has a Customer Feedback Policy that sets out how customer comments, complaints and compliments are dealt with. This policy is available from the department and on the States website. All formal complaints are recorded and investigated.								
Note: Comments made in relation to Planning Applications and appeals against planning decisions are excluded as these are not treated as complaints against the department and are progressed in accordance with the Planning and Building (Jersey) Law 2002.								
12	7	13	12	20	7	All complaints received within (a)	None of the complaints made since 2010 entered the Court system	None of the complaints made since 2010 entered the Court system.

						and (b) above have been investigated and responded to	
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(b) and (b)						(c)	(d)	(e)
How many complaints have been received in respect of each department each year since 1 st January 2010						How many of the complaints in (a) and (b) remain ongoing	How many of the complaints resulted in (iii) Threats of legal action (iv) Actual legal action being taken against the department, detailing how many of those were dropped, are ongoing or have been settled	The actual or estimated cost of the Law Officers' Department's time in considering the complaints made against each department or in defending them in the Courts, and, if these costs are not known, why they are not known
How many complaints have been received since 1 st January 2015								

2010	2011	2012	2013	2014	2015			
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HEALTH & SOCIAL SERVICES DEPARTMENT

HSSD always tries to resolve any issues or complaints informally first. However, where this is not successful, there is a formal complaints procedure – available on gov.je – which is similar to NHS procedures. All formal complaints are acknowledged and investigated. If someone is not satisfied with the response to their complaint, there is the opportunity to appeal including, ultimately, the option to have the complaint referred to Independent Review.

HSSD has hundreds of thousands of interactions with islanders each year and the number of complaints represents a very small fraction of those interactions. The department is always seeking to improve its services and to learn from the occasions when it could have done better.

180	176	242	238	254	170	25 complaints remain ongoing.	<p>The question has been responded to in respect of civil claims of medical negligence only, which resulted from formal complaints under the complaints policy.</p> <p>Threats of Legal Action: where a patient has stated as part of their complaint that they feel the Department to be negligent and/or demand compensation.</p> <table> <tr><td>2010</td><td>2</td></tr> <tr><td>2011</td><td>2</td></tr> <tr><td>2012</td><td>7</td></tr> <tr><td>2013</td><td>10</td></tr> <tr><td>2014</td><td>11</td></tr> <tr><td>2015</td><td>10</td></tr> </table> <p>Actual Legal Action: where the Department receives written confirmation of intent to bring and/or investigate a claim; a Letter of Claim has</p>	2010	2	2011	2	2012	7	2013	10	2014	11	2015	10	The Law Officers' Department is not involved in defending civil claims or complaints on behalf of the Department. This is undertaken by third-party lawyers, on instruction by the insurer, medical defence organisation or HSSD, as appropriate.
2010	2																			
2011	2																			
2012	7																			
2013	10																			
2014	11																			
2015	10																			

						<p>not been received in all cases and a matter may not proceed past the investigation stage. Claims are generally settled before Court Proceedings are issued.</p> <p>2010 2 claims; 2 dropped/denied ; 0 settled</p> <p>2011 8 claims; 4 dropped/denied ; 4 settled</p> <p>2012 6 claims; 2 dropped/denied ; 3 settled; 1 ongoing</p> <p>2013 4 claims; 1 dropped/denied ; 1 settled; 2 ongoing</p> <p>2014 3 claims; 3 ongoing</p> <p>2015 3 claims; 3 ongoing</p>	
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(c) and (b)						(c)	(d)	(e)
How many complaints have been received in respect of each department each year since 1 st January 2010						How many of the complaints in (a) and (b) remain ongoing	How many of the complaints resulted in (v) Threats of legal action (vi) Actual legal action being taken against the department, detailing how many of those were dropped, are ongoing or have been settled	The actual or estimated cost of the Law Officers' Department's time in considering the complaints made against each department or in defending them in the Courts, and, if these costs are not known, why they are not known
How many complaints have been received since 1 st January 2015								
2010	2011	2012	2013	2014	2015			
HOME AFFAIRS								
Jersey Customs and Immigration Service								
12	16	10	11	8	7	1 complaint remains ongoing (rec'd 28.10.15)	(i) 1 threat of legal action (ii) No legal action taken	Nil cost
Prison								
0	0	0	1	1	0	0	(i) 1 threat (ii) No legal action taken	Nil cost
Police								
21	46	27	39	55	27	2 ongoing for 2014 11 ongoing for 2015	(i) 4 resulted in civil claims (ii) Of these four, one is a new claim which is currently being considered; one is an ongoing claim which has not yet been resolved and two	The information sought is not available as requests for advice which are received by the Law Officers' Department are not categorised in terms of whether or not they are 'complaints' against States Departments.

								claims were resolved following mediation, including a payment of £250 to one claimant. There has been one other civil claim arising from a complaint in 2007/08 which was dismissed following action at the Royal Court.	
Fire									
2	1	0	2	1	0	0		(i) NIL threat of legal action (iii) No legal action taken	The information sought is not available as requests for advice which are received by the Law Officers' Department are not categorised in terms of whether or not they are 'complaints' against States Departments.
Jersey Field Squadron									
0	0	0	0	0	0	0	0	0	n/a
Superintendent Registrar									
0	0	0	0	0	0	0	0	0	n/a

(d) and (b)						(c)	(d)	(e)
How many complaints have been received in respect of each department each year since 1 st January 2010						How many of the complaints in (a) and (b) remain ongoing	How many of the complaints resulted in (vii) Threats of legal action (viii) Actual legal action being taken against the department, detailing how many of those were dropped, are ongoing or have been settled	The actual or estimated cost of the Law Officers' Department's time in considering the complaints made against each department or in defending them in the Courts, and, if these costs are not known, why they are not known
How many complaints have been received since 1 st January 2015								
2010	2011	2012	2013	2014	2015			

SOCIAL SECURITY DEPARTMENT

The Social Security Department receives both informal and formal comments and complaints and has a Customer Feedback Policy that sets out how customer comments, complaints and compliments are dealt with. This policy is available from the department and on the States website. All formal complaints are recorded and investigated.

29	25	27	31	37	22 YTD	There is 1 complaint pending which was received on 04/11/15.	None of the complaints made since 2010 entered the Court system	None of the complaints made since 2010 entered the Court system.
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TRANSPORT & TECHNICAL SERVICES

TTS receive numerous communications from the public into all areas of the Department on a regular basis. Most of these could be categorised as notifications or concerns or business as normal e.g. Traffic lights not working, appeals against parking fines etc, are responded to in routine daily business fashion and are not retained in a specific log. The information provided relates to threatened Court action or

Official complaints such as detailed within the work of the Public Administrations Complaints Review Board or other specific regulator.

1	0	1	3	0	0	(a) 5 (b) 1	i) 1 ii) 1 settled	The information sought is not available as requests for advice which are received by the Law Officers' Department are not categorised in terms of whether or not they are 'complaints' against States Departments.
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TREASURY & RESOURCES DEPARTMENT

1	0	1	3	0	4	1	None	None
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Complaints received and processed by the States Greffe under the Administrative Decisions (Review) (Jersey) Law 1982

2010		<i>Request for hearing refused/withdrawn</i>	<i>Hearings held</i>	<i>Ministers' decisions upheld</i>	<i>Complaint upheld</i>	<i>Report to the States</i>	<i>Complaints carried forward</i>
<i>Total Complaints 2010</i>	12	4	1	1	0	1	7
<i>Complaints carried forward from 2009</i>	3	1	2	1	1	2	0

11 of the new complaints in 2010 related to Planning and 1 to Home Affairs matters.

One of the three hearings related to the States Employment Board and the other two were Planning matters.

2011		<i>Request for hearing refused/withdrawn</i>	<i>Hearings held</i>	<i>Ministers' decisions upheld</i>	<i>Complaint upheld</i>	<i>Report to the States</i>	<i>Complaints carried forward</i>
<i>Total Complaints 2011</i>	8	4	3	3		3	1
<i>Complaints carried forward from 2010</i>	5	4	1	1		1	0

In 2011 there was 1 general complaint, 5 relating to Planning, 1 to Economic Development and 1 Housing matter.

All 4 hearings related to Planning matters.

2012		<i>Request for hearing refused/withdrawn</i>	<i>Hearings held</i>	<i>Ministers' decisions upheld</i>	<i>Complaint upheld</i>	<i>Informal Resolution</i>	<i>Reports to States</i>	<i>Complaints Carried forward</i>
<i>Complaints received 2012</i>	7	4	1	0	1	2	1	1
<i>Complaints carried forward from 2011</i>	1					1		

In 2012 3 related to Planning, 2 to Social Security, 1 to Transport and Technical Services, 1 to Education, Sport & Culture.

The one hearing related to a complaint against Education, Sport and Culture.

2013		<i>Hearing held</i>	<i>Request for hearing refused/withdrawn/matter not pursued</i>	<i>Complaint upheld</i>	<i>Informal Resolution</i>	<i>Complaints Carried forward (some of which may be resolved informally)</i>
<i>Complaints received 2013 (including one carried forward from 2012)</i>	17	4	5	4	1	7
<i>Complaints received 2012</i>	7	1	4	1	1	1

In 2013 there were 6 Planning, 3 Transport and Technical Services, 2 Housing, 2 Social Security, 1 Education, Sport and Culture, 1 Treasury and Resources, 1 States Employment Board and one complaint in respect of the States of Jersey Police (staffing matter).

The hearings in 2013 related to Planning, Transport and Technical Services, Social Security and States of Jersey Police staffing matters.

2014		<i>Hearing held</i>	<i>Request for hearing refused/withdrawn/matter not pursued</i>	<i>Complaint upheld</i>	<i>Informal Resolution</i>	<i>Complaints Carried forward (some of which may be resolved informally)</i>
<i>Complaints received 2014 (including 7 carried forward from 2013)</i>	20	1	11	0	4	5
<i>Complaints received 2013</i>	17	4	5	4	1	7

In 2014 there were 3 Planning, 2 Transport and Technical Services, 2 Social Security, 2 States of Jersey Police (staffing matters), 1 Population Office, 1 Chief Minister, 1 Economic Development and 1 Home Affairs complaint.

The only hearing which took place in 2014 related to a Treasury matter carried over from 2013.

2015		<i>Hearing held</i>	<i>Request for hearing refused/withdrawn/matter not pursued</i>	<i>Complaint upheld</i>	<i>Informal Resolution</i>	<i>Ongoing</i>
<i>Complaints received 2015 to date (including 5 carried forward from 2014)</i>	14	1	4	1		8

To date in 2015 we have received 3 Planning, 2 Education, Sport and Culture, 2 Social Security, 1 Environmental Health and 1 Property Holdings complaints.

Of these 4 have not been pursued and 5 are ongoing.

Currently three complaints are ongoing from previous years (Planning, States Employment Board and Transport and Technical Services).

One hearing has been convened in 2015 in relation to an Economic Development matter.

2.2 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING MEASURES IN PLACE TO REPATRIATE LOCAL RESIDENTS DURING AN EMERGENCY ELSEWHERE:

Question

When Jersey residents are stranded in other countries due to exceptional circumstances (for example a civil war starting or a terrorist attack, etc.) and the United Kingdom government arranges emergency measures for British citizens to be returned to the country, does the Jersey government have a contingency plan to then get our residents back to the Island from the UK?

Answer

The Government of Jersey strongly recommends that anyone travelling away from the Island should have adequate travel insurance to cover the costs of unexpected travel disruption and return home.

The United Kingdom government is responsible for returning British citizens facing such exceptional circumstances back to the UK. In the highly unlikely event of Jersey residents remaining endangered in the United Kingdom, we would consider, in consultation with the UK Government and transport carriers, what steps to take to ensure their safety.

2.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE SUCCESS OF THE INCOME SUPPORT SYSTEM:

Question

In P.86/2005 ('Income Support system') that preceded the implementation of income support in 2008 a number of measures of success of the new system to be done in 5 to 10-year cycles were set out as follows -

- 50% of median income (before and after Housing costs) to measure the depth of poverty;
- 60% of median income (before and after Housing costs) to measure the incidence of poverty;
- GINI co-efficient: a widely used indicator of income inequality. It ranges from 0-1 with the lower the number, the smaller the inequality;
- 90/10 percentile: is the ratio of the income of households at the 90th percentile and those at the 10th percentile. The lower the ratio the more the equitable is the income distribution.

More measures, to be developed over time, were said to be necessary to ensure immediate feedback, e.g.–

- administration costs as a percentage of benefit expenditure;
- the percentage of applicants helped into sustained employment;
- the percentage of claimants who leave Income Support;

Could the Minister provide the data related to these measurements and state whether changes made to the system since 2008 may have affected these measurements and state what has been put in place to measure success instead?

Answer

The first four measures (50% and 60% median income data, GINI co-efficient and 90/10 percentile) are included in the Jersey Income Distribution Survey independently run and published by the Statistics Unit.

These measures describe the distribution of Jersey household incomes. The income distribution estimated by the survey shows the number of households at each income level, after taking into account the size and the number of adults and children in each household.

The Surveys look at the distribution of net household income - total cash income including benefits less income tax, social security contributions and any pension contributions.

The Survey from 2009/2010 and the very recently published 2014/2015 survey describe these measurements and can be found on the Statistics Unit's website:

<http://www.gov.je/Government/JerseyWorld/StatisticsUnit/PeopleCommunities/Pages/Incomeandspending.aspx>

Other more readily available measures have been published in the Social Security Department's annual reports since 2011 and can be found online here:

2011 - <http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=986>

2012 - <http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=989>

2013 - <http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=1097>

2014 - <http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=1645>

Household incomes are affected by many factors. General economic conditions are an important factor, and this can affect the number of people in and out of work, how many hours are worked and how much people are paid, for example.

Net household income is also affected by the benefit system, and taxes and social security contributions paid. So the income support system, as a key part of our overall benefit system, has an impact on the incomes of households. At the end of 2014, 6,500 households claimed income support out of a total of about 43,000¹ households living in Jersey.

The changes that have been made to the income support system up to April 2015 will be reflected in the analysis of the Income Distribution Survey 2014/2015. These measures will also be affected by changes in the tax system and the economic conditions seen in recent years.

2.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CHANGES TO THE PERSONAL INCOME TAX SYSTEM OVER THE LAST 10 YEARS:

Question

Could the Minister provide details relating to changes made to the personal income tax system (in a table format) over the last ten years and set out whether revenue has been lost or gained through the actions taken?

Answer

The information provided below relates to the personal income tax system only. It does not include:

- changes to company income tax;
- changes made to other taxes, such as GST, stamp duty or impôts;
- administrative changes, such as changes in the powers given to the Comptroller of Taxes to administer the personal income tax system;
- changes to the tax rules applying to pension schemes and payments from pension schemes

¹ This is the estimated number of private households in Jersey at the end of 2014, to the nearest 1,000. Some of the 6,500 clamant households may not be classed as private households, if they are residents of communal establishments, for example.

The answer has been prepared on the basis that the 'loss' or 'gain' is from the perspective of the States' general revenues, rather than the taxpayer. In identifying whether there has been a 'loss' or 'gain' to general revenues this has been determined on a nominal basis rather than by comparison to any income or inflation forecast.

NOTE: some changes are revenue protection/neutral.

Budget	Change	Revenue impact
2015 ²	Increase exemption thresholds	Loss
	Double taxation provisions for marginal rate taxpayers	Loss
	Cap mortgage interest tax relief	Gain
2014	Increase exemption thresholds	Loss
	Reduction in the marginal rate	Loss
	Higher education child allowance extended for marginal rate taxpayers	Loss
	Remove restriction to child allowance by reference to child's earned income	Loss
	Increase age of entitlement to age enhanced exemption threshold	Gain
	Transitional rules for High Value Residents	Protection/neutral
	Reduce minimum charitable lump sum donation to £50	Loss
2013	Increase exemption thresholds	Loss
	Removal of tax relief for life assurance premiums	Gain
	Introduce personal service companies legislation	Protection
	Introduce 'distribution' rules	Protection/neutral
2012	Increase exemption thresholds	Loss
	Increase child care tax relief	Loss
	Reduce tax relief on pension contributions of higher earners	Gain
	Reduce the level of tax free termination payments	Gain
	Remove the deemed distribution rules (agreed outside of the Budget)	Deferral
2011	Increase exemption thresholds	Loss
	Amend deemed distribution rules	Protection/neutral
	Amend the High Value Resident tax regime (agreed outside of the Budget)	
2010	Amend deemed distribution rules	Protection/neutral
2009	Increase exemption thresholds	Loss
	Extend child care tax relief to accredited nannies	Loss

² Changes have been allocated to the Budget in which the relevant change was approved by the States; irrespective of the fact that some changes have been phased in over a number of years (e.g. the '20-means-20' changes were phased in over the period 2007 – 2011)

	Extend tax relief for pension contributions	Loss
	Remove restriction of higher child allowance for income earned by the child after graduation	Loss
2008	Increase income tax exemption thresholds	Loss
	Increase child allowances	Loss
	Introduce deemed distribution rules (agreed outside of the Budget)	Protection/neutral
2007	Increase income tax exemption thresholds	Loss
	Withdrawal of allowances through '20-means-20' (agreed outside of the Budget)	Gain

2.5 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE NUMBER OF POLITICAL AND MINISTERIAL OVERSIGHT GROUPS ESTABLISHED SINCE NOVEMBER 2014:

Question

Could the Chief Minister detail the number of political and ministerial oversight groups established since November 2014, their terms of reference and the date which they began their roles?

Answer

To ensure that Strategic Plan priorities are advanced, two new ministerial groups have been established:

- Future St Helier Ministerial Oversight Group (established in February 2015)
- Economic Policy Political Oversight Group (established in October 2015)

In addition, two existing ministerial groups (the Children's Policy Group and the Vulnerable Adults Policy Group) were merged to form the Children and Vulnerable Adults Policy Group in September 2015. This recognised the importance of the transition between childhood and adulthood; and that vulnerable children and adults can form part of the same family group. Having a single ministerial group enables policy to better deal with this transition and with families as a whole.

The terms of reference, including ministerial membership, of the above groups are outlined below.

A list of all other ministerial groups is also provided. This list will be maintained, ensuring that all these groups are properly constituted by the Council of Ministers.

Economic Policy Group

To improve the coordination of economic policy formulation and to oversee its implementation.

This covers all the responsibilities set out the Strategic Plan 2015-18 priority "Optimising Economic Growth", with a particular emphasis on policy that will help to raise the underlying rate of productivity and economic growth.

Ministerial Membership:

- Chief Minister (Chair)
- Assistant Chief Ministers

- Minister for Treasury and Resources
- Minister for Economic Development
- Minister for Social Security
- Minister for Education, Sport and Culture

The Minister for External Relations attends as appropriate.

Future St Helier Ministerial Oversight Group

The 2011 Island Plan sets out an overarching vision for the development and regeneration of the Town of St Helier:

To create a vibrant, compact and characterful town that is worthy of its role as Jersey's capital and principal settlement, with an economically sustainable future and which offers the highest quality of life for its communities.

The strategic policy context is established and clear (as outlined in the Strategic Plan 2015 – 2018).

What needs to happen is for the vision for the town to be properly tested and reviewed by those who live and have an interest in the town. It needs to be translated into a series of objectives and actions to address the challenges that the town faces. There is a need to turn policy into action to deliver what the town needs.

Ministerial Membership:

- Minister for Planning and Environment (Chair)
- Minister for Transport and Technical Services
- Minister for Housing
- Minister for Education, Sport and Culture
- Connétable of St Helier

Children and Vulnerable Adults Policy Group

Responsibilities, which are formally designated to it by the Council of Ministers, include to:

1. Provide political oversight with regard to safeguarding:
 - a. Formally receive the Serious Case Reviews (SCR) commissioned and undertaken by the Safeguarding Partnership Boards (SPB), in order to:
 - i. Consider and adopt relevant recommendations
 - ii. Working in partnership with the SPB to oversee and monitor delivery of recommendations
 - iii. Reporting SCR findings and recommendations to Council of Ministers (COM) as appropriate.
 - b. Formally receive the Annual Report and business plan of the SPB prior to presentation to COM and publication
2. Advise and support relevant Ministers on policy and legislative matters in order to facilitate a joined up approach with regard to children and vulnerable adults This will include providing political oversight and lead for all key activities/strategies as detailed below.
3. Work pro-actively with each other, other Departments, States funded services, Parochial Authorities, and other external organisations, to help ensure the provision of cohesive, effective services

4. Provide strategic advice to the Council of Ministers and States Assembly on matters relating to those children and adults including their families/carers
5. Advise and contribute to propositions to the States Assembly, and the formal consultation processes, in order to ensure that the impact on children and adults is taken into account.

This does not including making decisions on operational or funding matters which are the responsibility of the executive. Whilst the Ministers will act collaboratively to discharge their responsibilities each Minister retains their own statutory obligations as set out in Law.

The Children and Vulnerable Adults Policy Group will have responsibility for key areas of activity/strategies with particular focus on:

- Safeguarding
- Legal and policy matters relating to the family
- Children and Young People’s Strategic Framework
- 1001 Days/Early Help
- UNCRC
- Building a Safer Society Strategy (BASS)
- Disability strategy
- Relevant international conventions, as determined by the Ministers
- Violence against women and girls – Istanbul Convention
- Others, as delegated, by COM, or as determined by individual Ministers

Ministerial Membership:

- Assistant Chief Minister (Chair)
- Minister for Health and Social Services
- Minister for Home Affairs
- Minister for Housing
- Minister for Social Security
- Minister for Education, Sport and Culture

Full Listing of existing Ministerial Groups

For completeness, the following is a full listing of the existing ministerial groups that serve the requirement under paragraph 7 of the “Code of Conduct and Practice for Ministers and Assistant Ministers”.

Paragraph 7:

It is the responsibility of the proposing Minister to ensure that a matter is brought before the Council, and to have discussed the matter with other relevant Ministers in advance of the Council meeting, including having attempted to resolve any policy differences with those Ministers before the matter is considered by the Council. Wherever possible, these discussions should take place through ministerial groups established by the Council to provide the fullest opportunity for policy matters to be considered.

Group	Membership	Meeting Frequency (approximate)
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Access to Justice Review Advisory Panel	Assistant Chief Minister (Chair), Assistant Home Affairs Minister, and selected States Members	As necessary
Alcohol and Licensing Policy Group	Assistant Chief Minister (Chair), Economic Development Minister, Health and Social Services Minister, Home Affairs Minister	Quarterly
Children and Vulnerable Adults Policy Group	Assistant Chief Minister (Chair), Health and Social Services Minister, Home Affairs Minister, Housing Minister, Social Security Minister, Education, Sport and Culture Minister	Every 6 weeks
Criminal Justice System Board	Bailiff (Chair), Chief Minister, Home Affairs Minister	6-monthly
Economic Policy Group	Chief Minister (Chair), Treasury and Resources Minister, Economic Development Minister, Social Security Minister, Education, Sport and Culture Minister, Assistant Chief Ministers	Quarterly
Financial Services and External Relations Advisory Group	Chief Minister (Chair), Deputy Chief Minister, Assistant Chief Minister, External Relations Minister, Economic Development Minister, Treasury and Resources Minister, Assistant Treasury and Resources Minister	Monthly
Fort Regent Steering Group	Assistant Minister for Treasury and Resources (Chair) (JPH), Assistant Ministers for Education, Sport and Culture	As necessary
Future St Helier Ministerial Oversight Group	Planning and Environment Minister (Chair), Transport and Technical Services Minister, Housing Minister, Education, Sport and Culture Minister, Connétable of St Helier	Every 6 weeks
Health Transformation Ministerial Oversight Group	Chief Minister (Chair), Assistant Chief Minister, Health and Social Services Minister, Social Security Minister, Treasury and Resources Minister, Assistant Ministers for Health and Social Services, Treasury and Resources and Social Security	Monthly
Housing and Work Advisory Group	Assistant Chief Minister (Chair), Assistant Economic Development Minister, Housing Minister, Social Security Minister	Every 2 weeks

Ministerial Oversight Group on Education	Education, Sport and Culture Minister (Chair), Chief Minister, Social Security Minister, Treasury and Resources Minister, Economic Development Minister, Education Sport and Culture Assistant Ministers	As necessary
Political Oversight Group on Reform	Chief Minister (Chair), Treasury and Resources Minister, Assistant Chief Minister, Assistant Treasury and Resources Minister (JPH), Constable of Trinity, Education, Sport and Culture Minister, Planning and Environment Minister	Quarterly
Regeneration Steering Group	Chief Minister (Chair), Treasury and Resources Minister, Economic Development Minister, Transport and Technical Services Minister, Connétable of St Helier, Housing Minister	Quarterly
Rural Executive Group	Planning and Environment Minister (Chair), Economic Development Minister, Planning and Environment Assistant Minister, Economic Development Assistant Minister	Every 2 months
Strategic Housing Group	Housing Minister (Chair), Assistant Chief Minister, Planning and Environment Minister, Treasury and Resources Minister, Health & Social Services Minister	Quarterly

2.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE BACK-TO-WORK PROGRAMME:

Question

Could the Minister detail the policy on which the Back to Work programme is based and, in particular, whether the mental health strategy which has recently published will have an effect on the way in which this policy is delivered?

Answer

The Department takes a proactive approach to supporting clients with mental health conditions and will continue to look for ways to build on the employment services we provide in line with the recently published mental health strategy.

Back to Work was set up in late 2011 to address rising levels of unemployment and to help individuals move into, and stay in, employment, acknowledging that work pays, both financially and in terms of emotional well-being. Back to Work's services are specifically mentioned in the recently published mental health strategy which states that

“The department recognises that worklessness is detrimental to health and wellbeing and its policies reflect the additional barriers faced by people with a mental illness.” (p34, A Mental Health Strategy for Jersey 2016-2020)

Of the 1.500 clients currently supported by Back to Work a number suffer from poor mental health, with conditions ranging from those which have been diagnosed and are well managed to the more severe and debilitating. Back to Work works closely with mental health services to provide support across this spectrum. A qualified mental health professional, employed by Back to Work, is able make direct referrals to support services, ensuring that appropriate support and therapies are accessed at the earliest opportunity.

Back to Work clients who are initially unable to engage meaningfully with employment services due to serious or complex personal circumstances related to mental health or addiction, receive support from the Occupational Support Unit (OSU), a bespoke support service within Back to Work, established in January 2015. The OSU creates links between employment support services and more specialised and targeted mental health services.

Back to Work also works closely with a number of partner agencies including Mind Jersey, Jersey Employment Trust and Autism Jersey, to ensure that individuals are referred to the appropriate specialist support services. Back to Work provides:

- Training for all BTW staff to help them recognise clients who may require specialist support
- Direct referrals to Jersey Talking Therapies and the Pain Clinic via the OSU Mental Health Advisor Partnership working with the Safeguarding Partnership Board.

2.7 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE LOSS OF CIVIL SERVICE POSTS:

Question

Will the Chief Minister produce for members an update of the totals of posts removed from the public sector workforce by department using the following headings -

- Voluntary release 2015;
- Voluntary release 2016;
- Reduction in staffing numbers through natural wastage;
- Total manpower savings achieved to date;

Will he further indicate what sections within departments have lost these posts along with what civil service/manual grades have been lost?

Answer

Voluntary release

2015

55.4 Full Time Equivalents (FTEs) are scheduled to leave the public sector via the voluntary release scheme in 2015. (9.4 of those have already left).

2016

21.9 FTEs are scheduled to leave the public sector via the voluntary release scheme in 2016.

These are from all departments and include Civil Service grades 4 to 14 and Manual Worker grades 2 to 8. These figures have not been broken down as some of the numbers are small and could identify individual staff.

The funding available for voluntary release in 2017 has been brought forward to 2016. This will allow more Voluntary Release programmes in 2016, which will lead to a further reduction in posts.

Staff reductions to date (2015)

The net reduction in staffing from 1 January to 31 October 2015 is 120.7 FTEs. This takes into account all leavers and joiners within this period.

There have also been 9.4 FTEs lost through the voluntary release scheme during this time period (as highlighted above).

2.8 DEPUTY M. TADIER OF ST. BRELADE OF H.M. ATTORNEY GENERAL REGARDING MANDATORY CONTRIBUTIONS BY BUSKERS TO THE JOINT CHARITIES CHRISTMAS APPEAL:

Question

Will H.M. Attorney General state whether it is it lawful to require all buskers to give all their earnings to charity during the month of December, including a minimum 15% to the Joint Charities Christmas Appeal, and, given that some individuals may conceivably make their livings solely from busking, is it human rights compliant to require the giving of all their wages to charity during this period?

Answer

Application forms for a busking permit require the applicant to confirm that they have read the 'Guidelines for Busking in Jersey (2015)' and are happy to comply with its terms. One of the terms is that all money raised from busking during the Christmas period must go to charity, including a minimum of 15% to the Joint Charities Christmas Appeal, and the balance to a charity chosen by the busker. There is no requirement for persons, who have been issued with a permit, to busk during the Christmas period. Therefore, the condition is viewed as being reasonable and human rights compliant, but a request to vary the condition could be submitted if there were circumstances that would justify a departure from this long-standing arrangement.

2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE LOSS OF MUNICIPAL POSTS:

Question

Given that the Minister's response to question 9037 on 3rd November 2015 reveals that the Minister has already removed 1 in 8 TTS posts concentrated on municipals where 1 in 6 workers (17%) have been lost, and that he has already cancelled one contract (Andium) due to lack of staff and has stated that he will cancel others when vacancies allow, will the Minister inform members what model he has for the delivery of municipal services in the following areas in light of these large scale reductions -

- cleaning services - will any cleaners be retained, and, if so, on which contracts?
- parks and gardens - to what extent will his department continue its responsibility for the parks and gardens as an essential element to a continuing tourism industry or will it simply outsource these services?

Has the Minister yet engaged with the Connétables over the maintenance of parks, gardens and green spaces within their parishes following any reductions in Transport and Technical Services' gardening services?

Answer

I would like to refer the Deputy to my response to question 9037 where it was stated that the Department would not be able to inform States Members of the proposed future model for delivering Municipal Services until the Service Reviews have been completed in 2016.

The Department has had preliminary discussions with the Connétable of St Helier regarding the future maintenance of the Town Park. However, the Department has not engaged with the other Parish Connétables over the maintenance of parks, gardens and green spaces within their parishes as its not looking to reduce the standard of services that it currently provides but to investigate whether these services could be delivered in a more efficient and effective manner.

2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING LONG-TERM INCAPACITY AWARDS:

Question

The response to question 9041 on Long Term Incapacity Allowance (LTIA) awards reveals that the number of awards has increased by 31% over the years 2009 to 2014 whilst the cost of these benefits has risen by a similar amount (33%). Can the Minister inform members by how much the value of such awards has been increased to match inflation over this period?

Does the Minister accept that examination of the figures presented in the table given in the response shows that over the period the numbers of lower percentage awards have grown at a much higher rate than those higher percentage awards and, if not, why not?

What explanation can the Minister offer for the changes revealed in the table, which indicate that the degree of disability exhibited by applicants for LTIA has decreased over this period and can the Minister assure members that these changes are not the result of deliberate policy changes on the part of ministers, past and present, to 'toughen up' on the granting of percentage awards or simply to save money on the cost of LTIA?

Answer

LTIA is a contributory benefit paid with reference to the standard rate of benefit which is increased under the Social Security Law by the annual percentage increase in Average Earnings. These uprates are made in October of each year.

It is correct to note that the number of lower percentage awards has grown more quickly than higher percentage awards over the last few years. Until October 2004 Jersey had two contributory benefits payable for incapacity due to accident these being Injury Benefit and Disablement Benefit and two payable due to illness these being Sickness Benefit and Invalidity Benefit. These benefits were replaced with Short Term Incapacity Benefit, Long Term Incapacity Benefit and Incapacity Pension.

Unlike invalidity benefit, which was only available for those who were considered medically "unfit to work", the current LTIA benefit is available on a percentage basis, and provides a benefit to individuals with a much lower level of loss of faculty. Therefore people with comparatively low levels of long-term incapacity have a new benefit available to them. It will take some time for the uptake of this benefit at lower percentage rates to stabilise as people become more familiar with the benefit.

As noted in Question 9041 the principles governing how incapacitation is assessed are given in the Social Security (Assessment of Long Term Incapacity) (Jersey) Order 2004. Medical Board doctors receive training in how these percentages should be discerned and their decisions are guided by examples set in Law. For example absolute deafness has a degree of incapacitation of 100% and loss of two fingers on one hand has a degree of incapacitation of 20%. The Order which sets out these principles has not been amended since its introduction in 2004 and there has been no policy or instruction to deviate from these principles.

The assessments awarded by medical boards are subject to audit by medical doctors to ensure consistency. Specialist training materials are kept under review to ensure medical boards remain in line with the law.

I can assure members that there have been no policy changes 'to 'toughen up' on the granting of percentage awards or simply to save money on the cost of LTIA'. I can also confirm that an examination of the current range of working age benefits including long-term incapacity allowance available under the Social Security scheme will form part of the major review to commence in 2016.

2.11 DEPUTY J. M. MACON OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE FUNDING OF RISING TUITION FEES IN HIGHER EDUCATION:

Question

The 'Skills for Success' document (R.61/2014) refers to Higher Education and, specifically on page 24 at paragraph 66, it refers to a situation whereby tuition fees could increase, leading to a requirement for additional investment from the States. Will the Minister be seeking additional funds for Higher Education within the MTFP addition and, if not, what contingency will he have in place should the tuition fee increase during the period of the MTFP addition?

Answer

The department is closely monitoring UK Government policy on university tuition fees, and met with the Department of Business, Innovation and Skills in early 2015 to discuss likely policy changes and the potential impact on the Island.

Advice given at the time indicated that it was highly unlikely any significant increases would be introduced within the next few years. Based on that information, no bids were submitted for increased tuition fees during the MTFP that spans 2016 to 2019. Requests were made to increase the thresholds for student finance and the level of maintenance grants. However, there were higher priorities across the States for the limited funding available.

The UK Government has since announced a Green Paper proposal to enable fees to rise by inflation for high performing universities. If approved Jersey will have to assess what the impact will be. The current estimate is for fees to rise by no more than £100 per year per course. This will not apply to all courses and will be phased in as new student start so any impact will be spread.

2.12 DEPUTY J.M. MAON OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING SUPPORT FOR DEGREE STUDENTS:

Question

On page 26 of the 'Skills for Success' document (R.61/2014) reference is made to 5 particular objectives that would need to be achieved in order to "continue to provide financial support for students studying towards a first degree and encourage the development of degree courses on island that meet employer demand for local graduates and bring benefits to the individual, the community and the economy". Could the Minister advise at what stage his department is with regard to these objectives and whether there are target dates for completion?

Answer

Work in all these areas is ongoing and continuously reviewed to ensure the department can consider and respond, if necessary, to policy changes imposed by the UK government. It is still the case that approximately 95% of Jersey students chose universities in the UK, the majority in England.

1. ESC officers hold regular annual meetings with Universities UK, the body that represents higher education establishments, and the UK Department of Business, Innovation and Skills. Jersey works closely with the other Crown Dependencies – Guernsey and the Isle of Man – to discuss the impact of policy changes and make representations if necessary. In recent years, successful negotiations have taken place to ensure Crown Dependencies students are charged the same fees as 'home' students. For first degrees, Imperial College and Cambridge Universities are the exceptions and discussions are ongoing in conjunction with the Jersey Cambridge Society. Finance issues are being addressed through workshops with parents and discussions with the Treasury and private sector.

Following the MTFP debate, a report is due to be presented to the States by the end of the first quarter of 2016.

2. There are degree courses in ten subject areas at Highlands College, which is funded through the ESC department. These include business management, financial services, and construction, and IT for business. All existing degrees have been developed in conjunction with local business sectors with the aim of filling skills gaps. Work to identify other courses is ongoing under the new Principal and management team. Since the strategy was written in 2014, two new degree courses have been introduced at Highlands as well as a nursing degree run by Health and Social Services in conjunction with Chester University.
3. Higher education issues are considered as part of the Skills Board's wider work. It has reviewed the needs of the digital sector, construction, finance and leadership and management. A hospitality review has been conducted in 2015 and will be published shortly. The Skills Board also undertakes an annual review of local higher education provision and uptake, which is fed into skills planning and has, for instance resulted in the alignment of IT degree courses to industry requirements.
4. For students of all ages, distance learning through the Open University and other recognised providers is funded through Student Finance. Adult learners are also a key target audience for the on-island degrees. Other courses exist where the need for specialist training or skills has been identified. The Jersey Graduate Teacher Training Programme is an example of this.

In vocational areas, Trackers – The Apprentice Programme - caters for a wide age range of adult trainees who want to acquire professional qualifications that are directly relevant to their career. Among others, a digital apprenticeship scheme has recently been introduced in response to industry requests.

The ESC department liaises with all providers of education and is in the process of exploring options for more distance learning, including the model used by Gibraltar University and other providers. A new education business partnership to further engage with industry and other training providers is currently in the planning phase.

2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE USE OF ZERO-HOURS CONTRACTS:

Question

Recently the Health and Social Security panel learned that the Social Security department used the services of around 40 individuals employed through an agency on zero hours contracts working regularly 9 to 5 hours and with 11 having been with the department for over 12 months.

Does the Minister consider that this practice breaches the guidelines laid down by JACS concerning the use of zero-hours contracts as -

1. there is a mutuality of obligation involved here
2. regular hours are being worked and that a fixed term contract would be far more appropriate
3. these contracts should have been reviewed with the employee after 6 months at least

To what extent is this practice governed by FTE manpower quotas set by the States governing the department's employment practice?

Does the Minister consider that her use of zero-hours contracts in this manner sets a poor example of employment practice since these workers miss out sickness and pension rights?

The Minister revealed that a quarter of current staff (some 60 plus) have been transferred from agency work to contracted work over the past few years. How does this practice fit in with current States policy on voluntary release and non-replacement?

Answer

The Department does not currently employ any individuals on zero-hours contracts.

In the case of temporary agency staff, the agency **is** the employer of the staff. The Department reaches an arrangement with a temporary agency to provide resources to meet particular short-term requirements. Any mutuality of obligation that may arise is between the agency and the agency employee.

The Department typically uses temporary agency staff to undertake one-off tasks such as setting up new Back to Work initiatives, dealing with specific projects or peaks in workload. The Department's decision to engage temporary agency staff for these tasks accords with the JACS guide. The Department generally uses temporary agency staff for work that is regular (e.g. on a daily or weekly basis) but is initially expected to be for a short period of time. In this situation, the JACS guide advises an employer to *"think about using an agency or a variable hours contract."*

As a general rule within the States of Jersey, temporary agency staff are expected to be used for short-term temporary assignments. Where a person has been engaged within the Department for a total of more than 12 months, in most cases they will have been initially assigned to a short-term task that has been extended. In some cases an agency temp has been reassigned within the Department by the agency to work on a different project.

The Minister considers that the Department's current use of temporary staff is appropriate given the Department's obligations. The Department must be able to act quickly to set up new projects and initiatives, provide support to customers following changes in legislation, pilot new ideas where permanent funding has not been established and cover short-term fluctuations in workloads.

The Minister is reassured that the Department keeps its use of temporary agency staff under regular review. The fact that around a quarter of the Department's current staff have secured permanent roles after being placed in the Department by a temporary agency demonstrates the Department's commitment to engaging and employing staff directly. Where it has been agreed that a position will be lost through the States voluntary release programme, this position will not be replaced, either by engaging temporary staff through an agency or by a contracted States of Jersey employee.

2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE RESULTS OF THE CHANNEL ISLANDS COMPETITION REGULATORY AUTHORITIES' REVIEW OF DOMESTIC FUEL PRICES:

Question

When will the Minister (or his Assistant Minister with delegated responsibility for competition policy) bring to the Assembly the results of the Channel Islands Competition and Regulatory Authorities' (CICRA) enquiry into domestic fuel pricing?

When he does so will he liaise with other Ministers as required to seek further price reductions in the retail price of gas to build on the 3.5% reduction of last winter given that the wholesale price of gas has reduced by a further 30% over this period and, if not, why not?

Answer

CICRA will publish the findings of the fuel market review on their website on 20 November.

The report is an important first step in understanding whether the Jersey gas market is working in consumers interests. It would be wrong for the Minister to respond to questions regarding the need for gas price regulation until the CICRA report is publicly available.

However, it is not very informative to use a comparison of wholesale prices of gas in the UK with retail prices in Jersey given they are different points in the supply chain, that the gas used in Jersey is of a different nature and the market a different scale.

2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE SUSTAINABILITY OF THE PUBLIC EMPLOYEES CONTRIBUTORY RETIREMENT SCHEME:

Question

What consideration have the Chief Minister and the States Employment Board (SEB) given to the continued sustainability of the Public Employees Contributory Retirement Scheme in the light of the SEB policy of large scale targets for voluntary and compulsory release and non-replacement of the public sector workforce and, if none, will he do so and report to the Assembly on this issue?

Answer

The States Employment Board is aware of the possible impact that a redundancy programme could have on scheme funding for the Public Employees Contributory Retirement Scheme (PECRS). The effect on the scheme's funding can be positive or negative, depending on each member's age and the terms granted. A younger leaver will tend to have a positive impact, while an older leaver will tend to have the opposite effect.

In the past, individual and groups of voluntary early retirements have not had a material impact on funding because the Employer has paid into the Scheme in accordance with the Regulations. Any future voluntary early retirements will continue to be processed in accordance with the Regulations.

It is not possible to calculate the actual impact on the scheme until we know how many employees will leave, their age and salary profile, and the number granted voluntary early retirement.

2.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING STAFFING OF THE LAW OFFICERS' DEPARTMENT:

Question

Will H.M. Attorney General -

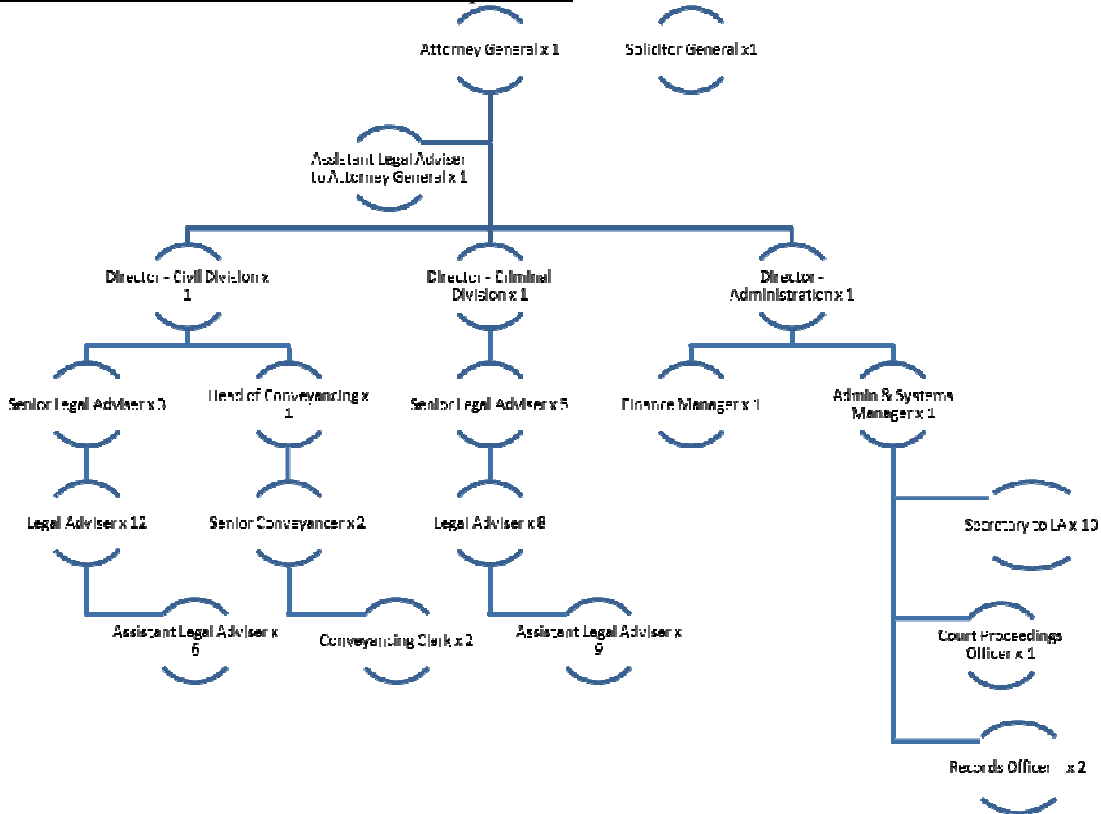
- (a) provide Members with an organization chart for the Law Officers' Department and explain the number of lawyers and other staff it has and what their duties and/or functions are;
- (b) explain how many of his staff are engaged in giving advice to States departments when the Ministers responsible for those departments are threatened with legal action and in defending civil actions that are brought before the courts;
- (c) explain how many of his staff are engaged in giving advice to States Departments when departments are dealing with cases with a view to recommending that a prosecution be considered, and prosecuting those same people in the criminal courts;

- (d) explain how many Crown Advocates have been employed each and every year since 1st January 2010 up to the present date by the Law Officers' department and state for what purposes and explain how much they have been paid during this period.

Answer

- (a) provide Members with an organization chart for the Law Officers' Department and explain the number of lawyers and other staff it has and what their duties and/or functions are;

Organisational chart for the Law Officers' Department



The Civil Division of the Law Officers' Department currently has 22 staff who have a professional legal qualification. Of those, 16 are Legal Advisers (including one Principal and three Senior Legal Advisers), who, under the authority of the Law Officers, provide the full range of civil legal services to Ministers, States Members, States Departments, and certain public authorities. There are also six Assistant Legal Advisers whose role, as their job title suggests, is to assist the Legal Advisers in the performance of their functions. The duties and functions of those who work in the Criminal Division are set out in the answers to (c) and (d). The Director of Administration is the Accounting Officer for the Department and leads finance and administrative support.

- (b) explain how many of his staff are engaged in giving advice to States departments when the Ministers responsible for those departments are threatened with legal action and in defending civil actions that are brought before the courts;

Advice to States Departments and Ministers who are threatened with civil legal action or who are defending civil legal actions is provided either by the Law Officers themselves or, on their behalf, by Legal Advisers in the Civil Division. The number of Legal Advisers in the Civil Division engaged in such work necessarily varies from time to time with the number of cases in progress.

- (c) explain how many of his staff are engaged in giving advice to States Departments when departments are dealing with cases with a view to recommending that a prosecution be considered, and prosecuting those same people in the criminal courts;

Most of the Legal Advisers in the Criminal Division, including the Crown Advocates, in addition to their other duties of preparing and presenting cases for prosecution in the Magistrate's Court and the Royal Court, provide advice upon request to the States of Jersey Police, Customs and Immigration and other States Departments when those agencies seek advice from the Law Officers' Department in relation to potential prosecutions.

It is not entirely clear what is meant by "*prosecuting those same people*", but if this is a reference to the prosecution of States' Departments or individuals employed by States' Departments, then the Law Officers' Department does consider and advise on such cases. Arrangements may be put in place to address potential conflicts and, when appropriate, independent legal advice may be sought.

(d) *explain how many Crown Advocates have been employed each and every year since 1st January 2010 up to the present date by the Law Officers' department and state for what purposes and explain how much they have been paid during this period.*

The number of Crown Advocates employed by the Law Officers' Department since 1st January 2010 is as follows:

January 2010:	3
January 2011:	4
January 2012:	5
January 2013:	6
January 2014:	6
January 2015:	6

The total amount which the Department paid to the Crown Advocates above between 1st January 2010 and 31st October 2015 is £3,216,183.

The work which the Crown Advocates perform includes providing advice to the States of Jersey Police, Customs and Immigration and other States' Departments in relation to potential prosecutions, preparing and presenting cases in the Royal Court and the Court of Appeal, responding to requests for mutual legal assistance from foreign jurisdictions and conducting such other work as required by the Department.

2.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE 'IN CAMERA' LEGAL PROCEEDINGS BROUGHT AGAINST FORMER SENATOR S. SYVRET:

Question

Will the Chief Minister -

- (a) explain why the case against former Senator Stuart Syvret for Data Protection offences with which he was charged was dealt with *in camera* when the United Kingdom has only conducted one or two such secret trials in terrorism cases when national security was concerned and sensitive intelligence material was being revealed;
- (b) explain to members how much this trial cost, where the funds were sourced and where it is accounted for in the States of Jersey accounts;
- (c) explain to members whether any award, compensation, expenses or reward was given to any of the four individuals who gave evidence against the former Senator in his trial?

Answer

There were two data protection cases against Stuart Syvret, a criminal case and a civil case. These questions have been answered for first the criminal (Part A) and then the civil (Part B) case.

Part A

(a) The criminal case against Stuart Syvret for data protection offences was not held *in camera*; it was held in open court. It started in the Magistrate's Court, with appeals heard before the Royal Court and the Court of Appeal.

(b) The costs in relation to the criminal trial and the associated hearings were provided by the Attorney General in his answer to Senator T.J. Le Main on 12th September 2011. The transcript is on the States Assembly website. I refer the Deputy to it, at:

<http://www.statesassembly.gov.je/AssemblyQuestions/2011/Senator%20Le%20Main%20to%20HM%20Attorney%20General%20re%20Case%20costs.pdf>.

The costs were accounted for within the Court and Case Costs in the States of Jersey accounts.

(c) No award, compensation, expenses or reward was given to any witnesses who gave evidence against the former Senator in his criminal trial.

Part B

When the criminal case was concluded there was a civil case which was held in private.

(a) The importance attached by Jersey's courts to ensuring that, as far as possible, proceedings in court take place in public is well established. The principle of holding certain court hearings in private was explained in an answer to a question posed by Deputy Higgins in September 2014 (1240/5(8458)).

It is available online:

<http://www.statesassembly.gov.je/AssemblyQuestions/2014/Deputy%20Higgins%20to%20CM%20re%20secret%20trials.pdf>

(b) The costs have been explained in the answer to a previous States question, asked on 24th September 2013. It is available online:

<http://www.statesassembly.gov.je/AssemblyQuestions/2013/Deputy%20T%20Pitman%20to%20CM%20re%20Full%20costs%20of%20secret%20Court%20proceedings.pdf>

The relevant section of the answer was:

The costs of bringing the case incurred by the Data Protection Office amounted to just over £387,000 for a 6-year period from 2008 to September 2013.

The additional costs to the Data Protection Commissioner's Office were met by court and case costs.

The only additional costs to the Court Service were £14,010 to the Bailiff's Chamber.

There were no additional costs incurred by the Judicial Greffe.

No award, compensation, expenses or reward was given to any of the individuals who gave evidence in this case.

2.18 DEPUTY M. R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING SUBJECT ACCESS REQUESTS UNDER THE DATA PROTECTION (JERSEY) LAW 2005:

Question

With regard to each States Department (breaking the Chief Minister's Department down into its relevant sections and Home Affairs into its relevant sections including Police and Customs) will the Chief Minister advise members how many subject access requests under the Data Protection (Jersey) Law 2005:

- (a) have been filed against the department each year since 1st January 2010;
- (b) how many have been filed since 1st January 2015;
- (c) how many of these requests were completed within the 40 day period;
- (d) how many subject access requests have remained unanswered after 3 months, 6 months and 1 year or more?

Answer

Please note that some SARs were completed after 40 days but before 3 months so are not shown in the table.

SOCIAL SECURITY	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
2010	31		28	0	0	0
2011	43		40	0	0	0
2012	36		35	0	0	0
2013	38		37	0	0	0
2014	59		59	0	0	0
(As at 10/11/15) 2015		55	(7 still in progress) 48	0	0	0

Please note that the small number of requests that have taken more than 40 days to complete have, for example, had multiple areas to cover or involved confirming the release of information with a third party.

STATES GREFFE	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
None	0	0	0	0	0	0

ECONOMIC DEVELOPMENT	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
None	0	0	0	0	0	0

TREASURY AND RESOURCES	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
2011	1	0	1	0	0	0
2012	1	0	1	0	0	0
2015	0	1	0	1	0	0

EDUCATION SPORT & CULTURE	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
2010	4		3	0	0	1

2011	1		1	0	0	0
2012	1		1	0	0	0
2013	2		2	0	0	0
2014	4		4	0	0	0
2015 (1.1.15 to date)		3	3	0	0	0

CHIEF MINISTERS DEPARTMENT	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
Financial Services	0	0	0	0	0	0
Ministry for External Relations	0	0	0	0	0	0
Human Resources	34	18	33	0	0	0

HOME AFFAIRS	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
Jersey Fire & Rescue Service	1	0	Yes	0	0	0
Jersey Customs and Immigration Service	1	0	Yes	0	0	0
Superintendent Registrar	0	0	0	0	0	0
Prison	0	0	0	0	0	0
Jersey Field Squadron	0	0	0	0	0	0
Police 2010	1350		1350			
2011	1180		1179			1
2012	1153		1148		1	4
2013	1213		1210	1	2	
2014	982		980	1	1	
2015		164	163	1		

- Due to the way in which historic records have been stored, no information is available to suggest that any response times exceeded 40 days, although this cannot be guaranteed.
- The reduction in the number of requests which started in 2014 and which continued in 2015 is explained by the introduction of Basic Police Disclosures as an alternative to the subject access route.

TRANSPORT & TECHNICAL SERVICES	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
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	3	3	Yes + 1 in process	0	0	0
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LAW OFFICERS' DEPARTMENT	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
2010	0	0	0	0	0	0
2011	0	0	0	0	0	0
2012	1	0	1	0	0	0
2013	0	0	0	0	0	0
2014	0	0	0	0	0	0
2015		3	2	0	0	0

ENVIRONMENT	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
2010	0		0	0	0	0
2011	1		1	0	0	0
2012	1		0	0	0	0
2013	2		2	0	0	0
2014	13		12	0	0	0
2015 (as at 12/11/2015)		7	7	0	0	0

HEALTH & SOCIAL SERVICES	SARs since 1 st Jan 2010	SARs since 1 st Jan 2015	Completed within 40 days	Unanswered after 3 months	Unanswered after 6 months	Unanswered after 1 year or more
2010	85	109 (of which, 10 currently open and within 40 days)	no data	no data	no data	no data
2011	89		no data	no data	no data	no data
2012	124		no data	no data	no data	no data
2013	157		no data	no data	no data	no data
2014	103		83	1	1	0
2015	109		89	0	0	0

SARs can take longer than 40 days because:

- They are complex cases requiring dialogue with the requester to define exactly what they are looking for. Sometimes they do not immediately respond to our communications with them; we do not “stop the clock” in such cases.
- For large and complex cases, we may make staged disclosures to the requester.
- Some clients come back several times to request additional information – this may not be treated as a new SAR, and will consequently extend the time taken to complete the request.

2.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE TOTAL COST OF THE SUSPENSION OF THE FORMER CHIEF OFFICER OF THE STATES OF JERSEY POLICE:

Question

1. Will the Chief Minister set out for members the entire cost of the suspension of the former Chief Officer of the States of Jersey Police from October/November 2008 to the present time breaking this sum down into -
 - (a) the costs of his salary during his suspension and the salary of the Deputy Chief Officer of Police who acted up for him;
 - (b) the cost of the Napier Report;
 - (c) the cost of the Wiltshire Report;
 - (d) the cost of the Judicial Review into his initial suspension;
 - (e) the cost of time spent by the Law Officers dealing with this matter before and after his suspension;
 - (f) the costs of the UK PR consultant who was employed by the States immediately before the suspension?
2. Is the Chief Minister satisfied that this money was well spent?

Answer

1.
 - (a) As outlined in the response to Q5459 on 22 June 2010, the cost of salaries and subsistence to cover the absence of Mr Power up to the 20th July 2010 was £234,854.
 - (b) The cost of the Napier Report was £54,518.
It is available online: <http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=467>
 - (c) As outlined in the response to Q5459 on 22 June 2010, the total cost of the first Wiltshire Investigation to 31 May 2010 was £572,532.
Q5459 is available online: <http://www.statesassembly.gov.je/AssemblyQuestions/2010/Deputy%20of%20St%20Martin%20to%20HA%20re%20Wiltshire%20Police%20investigation%20costs.pdf>
 - (d) The application for judicial review was dealt with by the Law Officers' Department within existing resources.
 - (e) This information is not held by the Law Officers' Department. The work on this case was done on a previous case management system which is no longer in use.
 - (f) The cost of the UK PR consultant was £2937.50
2. The former Home Affairs Minister has said the reports were 'of immense value in informing members of this assembly and the general public as to what happened'.

My predecessors felt it was important to follow due process and carry out an appropriate investigation into this matter. The investigation was sensitive so Mr Brian Napier QC and Wiltshire Police were engaged to undertake the work. I have no reason to doubt the value of this work.

3. Oral Questions

Deputy M. Tadier of St. Brelade:

Before we start questions may I inform the Chair that I have been messaged by Deputy Mézec who would be asking question number 2 saying he has been unavoidably detained and if it pleases the Assembly could we move that question to the last on the Order Paper?

The Bailiff:

I do not know whether he will be here in time, so we will wait and see but if not we will ask the Members what they think at that stage.

3.1 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the Social Security Department's use of staff employed through an agency on zero hours contracts:

There might be no questions from Reform Jersey today if I do not get rid of this frog. Right, I think that is a dead frog. Does the Minister consider that the Social Security Department's use of some 40 staff employed through an agency on zero-hours' contracts breaches the guidelines laid out by the Jersey Advisory and Conciliation Service and sets a poor standard for other employers and if not, why not?

Deputy S.J. Pinel of St. Clement (The Minister for Social Security):

I must clarify that the department does not employ any individuals on zero-hours' contracts. In the case of temporary agency staff the agency is the employer and the terms of employment are between the agency and the agency's employee. In deciding what type of contract to use the J.A.C.S. (Jersey Advisory and Conciliation Services) advises an employer to think about using an agency rather than a zero-hours' contract for work that is regular but is initially expected to be for a short period of time. It is my understanding that this is the position for the temporary agency staff within my department. The use of temporary agency staff to deal with fluctuations in work, short-time assignments and new initiatives helps our department to maintain a good standard of customer service and respond quickly to short-term pressures. Negative publicity around zero-hours' contracts has stemmed from the U.K. (United Kingdom) position. Recruitment agencies in Jersey are good employers and are well aware of their obligations under the Employment Law.

3.1.1 Deputy G.P. Southern:

Is it not the case that the use of these agency workers suits the management down to the ground - they have flexibility - but is not balanced by a fair treatment of these workers, some of whom have been with the department for 12 months continuously, all of whom work regular hours, 9.00 to 5.00, and yet are not eligible for pension arrangements and have different sick leave arrangements.

[9:45]

Is that not the case that these contracts work entirely to the advantage of the management and not to the employee?

Deputy S.J. Pinel:

Temporary agency staff allow the department to deal with urgent and unexpected work and react to short-term pressures, the alternatives for the department either not being able to respond appropriately or being over staffed. An example is a current initiative by the Back to Work team, the JobsFest, which is an 8-week initiative that includes a focused diary of daily training and events for all job seekers throughout October and November. Over 60 events and venues were booked and

over 800 bookings have been taken from job seekers. A temporary agency provided a member of staff to consolidate this. While the period of the initiative is time limited, fixed-term contracts issued by the States of Jersey tend to apply fixed terms and working hours. An initiative such as this has a number of unknowns in terms of the working hours, e.g. unsociable hours, level of take up and success rates. So temporary agency work provides a flexible arrangement that suits the requirements of the short-term role. Holiday pay is incorporated as zero-hours' contracts. Sickness and pension schemes are not statutory in any contract.

Deputy G.P. Southern:

Nonetheless does the Minister accept that these employees work under different conditions and lose out in terms of pension rights and especially those who have been there for more than 12 months who should be on a full-time contract? Does the Minister not think her treatment is not setting a good example for the use of zero hours to other employers?

Deputy S.J. Pinel:

Of the 260 full-time equivalent posts at Social Security one in 4 of the current staffing levels are from temporary agency staff who have become permanent members of the staff team. I think that is showing a very good example to other employers.

3.1.2 Deputy M. Tadier:

Is it reasonable to suggest or to ask the Minister whether if the department knows that there is going to be work going on perhaps in the short term or 6 months a year or even a 2-year period, that rather than employ people via an agency on zero hour contracts it is also possible to issue them with a fixed-term contract with fixed hours for that period? Is that not something which the department would prefer and which the employees could expect?

Deputy S.J. Pinel:

Yes, of course, it is. Out of the one in 4 that have been taken on from agency staff to become permanent employees the others are. It is when we have assignments like dealing with the freedom of information when that came in, the implementation of records management of that was a short-term project and quite often one project will follow another. A temporary agency staff member, if they are pertinent to the requirements and have the skillset, will move from one project to another.

3.1.3 Deputy G.P. Southern:

Is it not the case that the recommendation from J.A.C.S. is that contracts should be reviewed by the employer, with the employee, after 6 months at least? Is it not the case that for some 11 of these workers they have been employed for 12 months and obviously have not had their contracts renewed? They appear to be permanent workers but they do not have the same terms and conditions as people working alongside them who are on proper contracts whereas they are not. Is this not, I repeat again, is this not a poor example to set to the rest of the Island's employers?

Deputy S.J. Pinel:

Despite being part of an ongoing Scrutiny review into the zero hours' contracts in Jersey the Deputy's question, which refers to staff employed through an agency, indicates that he is still unclear on the difference between staff being directly employed by a business under a zero hours' contract and employers using temporary agency staff where the agency is the employer. J.A.C.S. will be able to provide further advice to the Deputy if required.

Deputy G.P. Southern:

Does the Minister not agree that this is mere sophistry and not reality?

3.1.4 The Bailiff:

Deputy, I think we have tended in the last few meetings to get to the point where a final supplementary is then followed by one or more other questions, and that was the final

supplementary. We come to question 2 which Deputy Mézec was to ask and Deputy Tadier can you please repeat your request to me?

Deputy M. Tadier:

It was simply to ask the Assembly whether they would be happy to move this question to the end of the question time, after question number 10.

The Bailiff:

Do we know why Deputy Mézec is not here?

Deputy M. Tadier:

I do not have any other information. I do know he is in the Island but he is not here to ...

The Bailiff:

The question of order of questions is they are dealt with by Standing Order 14. It is a matter for the Bailiff to decide whether a request given to him by 5.00 p.m. on the working day before the meeting day to move the order of questions is justified and clearly I have not received any such request now. It is really a matter for the Bailiff but I would say that my instinct would be that if we start moving orders of questions round to suit the convenience of Members in no time at all we will not know where we are so it is not a particularly good practice, but on the other hand I am in the hands of Members. If Members think that today we ought to allow Deputy Mézec to put his question later then I will certainly do so. Members in favour of allowing him to put the question later kindly show. Those against? Very well we will put the question further down the list.

3.2 Deputy A.D. Lewis of St. Helier of the Minister for Transport and Technical Services regarding the total cost of the payment systems trial at Sand Street Car Park:

Will the Minister confirm the total cost of the new payment systems trial at Sand Street Car Park that began in November 2012, give the date on which the department concluded its evaluation of the trial, and advise when the results of that evaluation will be published?

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

The capital cost of installing the N.P.R. (number plate recognition) system in 2012 was £185,000. An internal project appraisal report was completed in March 2014 reviewing the first year of service. No record of its circulation to the Public Accounts Committee can be found on file and, as such, I arranged for a full copy to be issued to the Public Accounts Committee yesterday. My predecessor also agreed to publish a summary report and again no record of this has been found on the file and, as such, I have asked for this to be forwarded to Members by the end of this week. I would like to thank Deputy Andrew Lewis for bringing this to my attention that perhaps the summary report may have not been already published.

3.2.1 Deputy A.D. Lewis:

Thank you for the Minister's candid response. However it has been some time and I would hope that in future the same situation would not occur. But also the Minister, while he is facing questions about these car parking situations, does the Minister think that the public has been well served by having 3 St. Helier car parks within 400 metres of each other that are all effectively publicly owned but which have at least 3 different separate payment systems? If he does not, what is he going to do about it?

Deputy E.J. Noel:

I thoroughly agree with Deputy Andrew Lewis, that the current situation regarding the confusion about off-street parking, and indeed on-street parking, is something that needs to be addressed. He should know that we are -- that T.T.S. (Transport and Technical Services) are already doing this. We are out to tender shortly for an app base solution whereby people with Smart phones can pay

for their parking and update their parking, and this will be to run alongside the existing pay card systems for those that do not have access to a Smart phone. That is work ongoing. We hope to be bringing that in, in the second or third quarter of next year. That will allow for the first time a payment system that works both within the multi-storey carparks and on the street.

3.2.2 Deputy S.J. Wickenden of St. Helier:

When the car park operation is a material factor in the Sustainable Transport Policy and when the states adopted the Sustainable Transport Policy in December 2010 they requested the then Minister for Transport and Technical Services to monitor the impact and effectiveness of the policy against a series of goals and publish the results at least annually. The last update that we received was December 2013. Would the Minister agree to update the Sustainable Transport Policy for 2014 and 2015 before the M.T.F.P. (Medium Term Financial Plan) addition is lodge?

Deputy E.J. Noel:

Certainly, and I have one of the only drafts here with me of that update report. I have asked for some substantial work to be done on it in terms of identifying new targets. The original targets in the Sustainable Transport Plan were based in 2010 and based on measures that were deemed to be coming into place prior to the amendment. One of the amendments that this Assembly brought in effectively took one of the levers away from the department in terms of raising charges from the car parking side of the plan to supplement the policy itself in terms of additional bus provision and additional infrastructure to meet those targets. So, yes, the report is coming shortly. I hope to have it published in a format that takes into account some of 2015's figures obviously. I will not have all of 2015's figures by the end of the year but certainly all of 2014's figures and hope to bring to Members by the last sitting of this year.

3.2.3 Deputy G.P. Southern:

In his draft that he is studying at the moment is there any mention of the possibility of a Hoppa bus service in and around town or a substitute close to a Hoppa service which may be more affordable? Is there any mention of that, which has been a longstanding requirement from this House, that voted in favour of a Hoppa bus, 2, 3 years ago and still no sign of one? Is there any sign in his report?

Deputy E.J. Noel:

Certainly there is. Not in the traditional sense that maybe Deputy Southern is alluding to, but in a hybrid sense building on the availability of volunteer drivers and vehicles to provide a service for our urban community to link them up to our main bus routes. Yes, there is.

3.2.4 Deputy A.D. Lewis:

I thank the Minister for his candid response. However, he will also be aware that the Constable of St. Helier during the Sustainable Transport Policy debate some years ago requested an amendment to not just the size of emissions from cars but also the size of cars and "small cars" was then put into the amended version of the Sustainable Transport Policy. The Minister will be well aware that cars are getting bigger. Has he and his department made full allowance for the fact that cars are getting larger and is he redesigning car parks to accommodate that or is he going to be penalising people with large cars so that we can get a more Sustainable Transport Policy on the road?

Deputy E.J. Noel:

Again, as Deputy Andrew Lewis should know if he has visited Pier Road car park in the last 6 months or so, that we are taking the opportunity to increase some of the parking bays, and the rest of the multi-storey car park provision in the Island is also going through a refurbishment programme. The next car park, in the early part of 2016, is Sand Street and then we will be making additional provision for larger vehicles and also changing the provisions there to enhance the availability and the space for disabled vehicles as well, and for those people with young families.

3.3 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding Dame Heather Steel's report concerning the Dean's handling of an abuse complaint:

Will the Chief Minister advise why he, His Excellency the Lieutenant Governor and the Bailiff met the Archbishop of Canterbury to seek the release of Dame Heather Steel's report concerning the Dean's handling of an abuse complaint and whether he considers that the publication of the report, for which the victim was never interviewed, will draw a line under this matter?

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

His Excellency the Lieutenant Governor, the Bailiff and I met with the Archbishop of Canterbury and the Bishop of Dover in order to make strong representations for the release of the Steel report in compliance with the terms of reference. Without the publication of the report it will not be possible for Bishop Gladwin's review of safeguarding policies to be completed or for the Archbishop of Canterbury's commission into the relationship between the Church of England and England and in Jersey to take place. It is therefore vital that the report is released so that it can be determined what further steps, if any, are necessary or appropriate.

3.3.1 Deputy M.R. Higgins:

I see the Chief Minister did not answer the second part of the question, which was whether it would draw a line under the affair. However, my question to him is: the Dame Heather Steel report is flawed, certainly in my eyes and the eyes of many others, because of the fact that she did not interview the victim of the abuse and also because Dame Heather Steel gave undertakings that she would give a transcript of her interview with former Deputy Bob Hill to him before the thing was produced. I have mentioned it in the States before because I have asked the Chief Minister to raise that matter with the authorities.

[10:00]

As a result of that, plus the fact that Dame Heather as a judge in the Jersey Court of Appeal, and was known certainly to Deputy Bailhache, something that she acknowledged in her interview with former Deputy Bob Hill, could be considered to be conflicted in this case and therefore could not do a thing. First of all, did the Chief Minister raise the transcript that Dame Heather said that she would give to former Deputy Bob Hill, yes or no? Secondly, I am making the points here, does he also think it is flawed with the information that I have just mentioned?

The Bailiff:

I think there were 2 questions there, Deputy. The first was: does the Chief Minister agree that Dame Heather promised to give a transcript of the interview to the former Deputy Hill?

Deputy M.R. Higgins:

It was asking whether he raised the issue because I have raised it in the States before and I asked him to do so.

Senator I.J. Gorst:

I think the Deputy is getting rather confused. The Dame Heather Steel report was instructed by the Bishop of Winchester, it would therefore be for him to raise any issues with Dame Heather in regard of what is suggested. That review was undertaken to see if it was necessary to take any disciplinary measures against clergy in Jersey. That is why it is important that it is released in compliance with the terms of reference. Secondly, I do not think it is fair for the Deputy to cast aspersions upon Dame Heather Steel because she herself is a highly respected former High Court judge in England and Wales and I cannot, for a minute, I think it is inconceivable therefore that she would produce anything other than a fully robust and independent report. He also suggested that I had not answered his question. I did answer his question. Unless this report is released in compliance with the terms of reference then the other piece of work which needs to be completed and undertaken will not be able to do so.

3.3.2 Deputy M.R. Higgins:

It all comes down to credibility in a sense. How can any report where the person who is writing the report gives undertakings that she will give a transcript and then goes back on it mainly because of comments she made during that interview, including describing the victim as a criminal. Now unfortunately former Deputy Bob Hill is not in the States and able to question you more intently but the point is we have a flawed report ... in fact the whole exercise from start to finish has been botched and brings no credit on the church. Would the Chief Minister agree with that?

Senator I.J. Gorst:

I will try and answer the first part of his question. It is hearsay and it is not right for me to comment on hearsay of what was or was not said or what undertakings were given in a private meeting, and I am not going to do that. I stand by my belief that Dame Heather Steel, as I have said, a respected former High Court judge in England and Wales as well of course here, it is incomprehensible, inconceivable that she would write a report that was anything other than independent. I think we have to acknowledge that the sequence of events have not shown the church in the best light that we should all wish to see. In Jersey that is difficult because the connection between the church and the Parishes at the core of our parochial system, it is at the core of our community and that is another reason why it is important that the terms of reference are complied with, so that the other reviews can be undertaken so that everyone involved can move on and we can feel confidence again in the institutions, which are at the heart of our community.

Deputy M.R. Higgins:

The Chief Minister did not answer the question, which at the end was: does he believe that it has been botched from start to finish?

The Bailiff:

I think the Chief Minister did say that the Church had not ... what was exact language?

Senator I.J. Gorst:

I said not been shown in the light that we would all wish or not in the best possible light.

Deputy M. Tadier:

I think perhaps the more fundamental question that is on many people's lips outside of this Assembly, outside of those who do not live in the church/States/Royal Court bubble is why on earth is the Chief Minister getting involved in this matter? He is not a clergyman, he is the Chief Minister for Jersey. Would the Chief Minister perhaps comment on that wider issue, that it seems that he is inadvertently being dragged into a squabble between a fairly niche ... I am not saying it is not an important issue for the victim who has suffered, I believe, abuse in this instance, but it is not for the Chief Minister to get dragged into what is essentially a squabble between some very old-school entrenched competing interests.

Senator I.J. Gorst:

It might surprise the Deputy to know I get dragged into squabbles every day that I am in office. I do not think that in this case that is what is happening. This Assembly approves the canons of the Church of England and of course they are agreed elsewhere, but they are part of the law of this land and also, as the Connétables will say only too clearly, the connection between Parish and church is extremely close. The connection between ratepayers and church is extremely close. Whether they attend those churches or not. Therefore a situation as we find ourselves in, which has implications for the institutions in our community, I think is rightly something that when I am requested to I should bring to bear my good officers to try and find solutions and move issues forward when undertakings have been given.

3.3.3 Deputy M. Tadier:

So by that extension presumably we know that social clubs throughout the Island in different Parishes, which also provide a very vital role, the various voluntary secular organisations also provide a vital role, some of which may be older in their philosophies than the established church in Jersey. Does the Chief Minister intend to get involved and drawn into all those squabbles when there are competing interests in those organisations as well?

Senator I.J. Gorst:

As I said rather flippantly, some of those do come across my desk. They would fall into the remit of social policy and I have a very able right-hand man who deals with those quite frequently.

3.3.4 Deputy M.R. Higgins:

Perhaps the Chief Minister can tell us what the result has been of his meeting with the Archbishop of Canterbury; has he solved the issue? Or when will we hear the issue is going to be solved?

Senator I.J. Gorst:

Of course the ultimate solving is not within my hands. I do not need to tell you, Sir, perhaps I, through you, can tell the Assembly that we made the strongest possible case for compliance with the terms of reference, which were agreed by the Bishop of Winchester. Members will know that we have a temporary episcopal oversight from the Diocese of Canterbury by the Bishop of Dover and we thank him for the care and concern that he is addressing to these issues, and he himself is on record as saying that he would like to find resolution to these matters as quickly as he possibly can. We reinforced that wish and that desire in our conversation and we hope that those undertakings can be agreed to, can be complied with, so that, as I say, we can then move on and deal with the wider and broader issues.

3.4 Deputy M. Tadier of the H.M. Attorney General regarding the implications of a decision of Mexico's Supreme Court regarding access to cannabis:

Following the recent decision of Mexico's Supreme Court that access to cannabis is a fundamental human right, what implications does this have for Jersey, if any, and what is the likelihood of such a test case precipitating a similar decision in Jersey?

Mr. R.J. MacRae, H.M. Attorney General:

The recent decision of the Mexico Supreme Court in relation to access to cannabis has no implications for Jersey and does not increase the likelihood of a case precipitating a similar decision in Jersey. This is because the decisions of the Mexican Supreme Court are not persuasive in Jersey in comparison to the case law of common law or European civil jurisdictions which are party to the European Convention on Human Rights. Furthermore, a decision of a single national Supreme Court would not be taken by or in the European Court of Human Rights as indicative of international human rights standards of general application.

3.4.1 Deputy M. Tadier:

I thank the Attorney General for that answer. He will be aware that there is similar pressure being brought in the U.K. I think by M.P.s (Members of Parliament) ... at least one M.P. and wider civil society to suggest that in the U.K. the access to cannabis, certainly for those with medicinal needs, should be considered a human right. Could he give us any update or any thoughts about the legal position in the U.K. as to whether that position is likely to be legally viable?

The Attorney General:

I am sorry but I cannot; I do not know enough about it. But what I will say is the relation to human rights generally, the European Court of Human Rights, which are one the principal founts of our guidance and literature in relation to these issues would look in the first instance to European decisions in relation to these sort of issues. Generally, the Strasbourg Court has chosen to avoid

decisions in relation to the merits of introduction of such legislation as same-sex marriage, abortion and would probably avoid this issue leaving national courts and national parliaments to determine this sort of human rights issue.

3.5 Deputy M.R. Higgins of the Chief Minister regarding steps taken by States Departments to ensure the security of servers and computer systems from cyber-attack:

Will the Chief Minister explain what steps, if any, States departments are taking to ensure that servers and computer systems are secure from cyber-attack by criminals or terrorists and is the proposed reduction in Information Systems staff compatible with these steps?

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

Cyber security is important, not just for data and systems in government but also for businesses and the Island's critical infrastructure. The Government of Jersey is therefore developing an Island-wide cyber security strategy to ensure that Jersey remains a safe place to live and do business. This strategy draws on a number of reviews and audits. We are now building on the findings from these reviews and in doing so working in partnership with, among others, the critical national infrastructure, the Jersey Financial Services Commission, the police and the private sector. Any changes made after we have of course reviewed the way we provide information services will continue to ensure resilience.

3.5.1 Deputy M.R. Higgins:

The reason for my question surprisingly was not as a result of the U.K.'s announcement of trying to beef up cyber security but really stemmed from the hacking of the United States biggest bank, JP Morgan Chase, and a dozen other companies. In the case of JP Morgan Chase, which you would imagine, being the biggest bank of its type in the United States, would have very, very resilient systems, far better than we would have in the States, they lost 83 million customers' details to hackers, which are being exploited around the Island. Can the Chief Minister tell us how much money is going to be spent on cyber security and what sort of guarantees he can give that what he is proposing at the present time is likely to succeed?

Senator I.J. Gorst:

The Deputy knows the premise of his question that it is not possible to give guarantees in this particular area. Officers, overseen by Senator Ozouf in conjunction with the Minister for Home Affairs, and others in the Law Officers' Department, are working on this new cyber security strategy. It is not just about government, I think as the Deputy acknowledges, it is about critical national infrastructure and it is about businesses in our community, making sure that they are resilient when it comes to attack. I think we have an excellent role model in the work that the Jersey Financial Services Commission does. The Deputy is shaking his head, but I think he is slightly out of date in that regard. They are doing excellent work. We need to make sure that other businesses in our community are doing similar work and we, in Government, have a co-ordinated strategy. We do not yet know how much more money it is going to cost, but it will cost more money and I know that negotiations are being entered into with our good friend who is well known for opening the purse, the Minister for Treasury and Resources.

3.5.2 Deputy T.A. Vallois of St. John:

The C. and A.G. (Comptroller and Auditor General) produced a report on 18th June this year detailing the information security within the States, and particularly it concluded that an ambitious reform programme and an ambitious eGovernment programme would provide changes to the ways of working and that the States need to have confidence in this. In particular a new inclusive and a corporate approach to information security is adopted so that information security is embedded in ways of working throughout the States. How does the Chief Minister envisage providing us with confidence that this may be the case in the future?

The Bailiff:

You were quoting from a report of the Comptroller and Auditor General, just in case members of the public do not understand C. and A.G. because it is a technical shorthand.

[10:15]

In short, it is going to be a long hard slog because confidence is not where it needs to be in delivering the reform. The Comptroller and Auditor General produced a very good report. As I said, the officers right across State departments are overseen by Senator Ozouf, are working on a new strategy around cyber security and information security. It is being overseen by a programme but it is not just about technology. It is about physical environments as well. The Deputy knows that Treasury and Property Holdings are working on office consolidation. She also knows that work is being undertaken in the eGovernment arena but those works have proved difficult and not to be as fast or delivering in the way that we would like to see. So, in short, it is going to be a hard slog to rebuild confidence.

3.5.3 The Deputy of St. John:

With all due respect to the Chief Minister, it may be a hard slog but in terms of providing confidence to the States when we see items in the media about I.T. (information technology) stuff being manoeuvred out and possibly outside firms coming into deal with particularly I.T. systems, I would like confidence in the fact that we are doing this in the appropriate way. Could the Chief Minister ensure that he comes forward with an actual target date for completion and ensure that it is done in an appropriate rounded up way rather than individually and in a piecemeal system?

Senator I.J. Gorst:

When we come to the I.T. outsourcing there are various elements that we are currently undertaking that could legitimately be undertaken at this point in time by external parties. There are other parts of that function which will never be able to be outsourced and then there were other parts that need to have a lot of work on them around systems before they would be able to be outsourced. In response to the Deputy's question about timeframe, the answer is yes.

3.5.4 Deputy A.D. Lewis:

In a number of the Comptroller and Auditor General's reports she has mentioned the fact that culture is an issue within the States of Jersey. Currently she has stated that we are far too trusting in our approach to security. Would the Chief Minister agree with that and feel that cultural change is an absolute pre-requisite within the States of Jersey in order to avoid any such cyberattack, as has been spoken about in this question, and other security issues?

Senator I.J. Gorst:

Yes, I accept that, and that is why the piece of work was started and is being undertaken, and that is why Ministers are taking it seriously.

3.5.5 Deputy M.R. Higgins:

Going back to my second question, I think it was. The Chief Minister, there has been talk of obviously reducing the size of the information systems staff quite considerably and outsourcing the work. This undertaking to go through and change culture and basically secure the systems throughout the States is going to take a large effort and personally I do not think that a firm coming in from outside and going round States departments to try and do it is the correct way. Will the Chief Minister reconsider the proposals at the present time to reduce the number of I.S. (Information Systems) staff so that we can have better security sooner rather than later?

Senator I.J. Gorst:

Unfortunately the premise of the Deputy's question shows that he does not understand the issues that he has been trying to speak about in the Assembly this morning. These are critically important issues ?around cyber security, information security, physical and technological as well. That does not mean to say that the Government has to employ many more staff in the I.T. arena to be able to

give that confidence. Perhaps some of the other questions that have been raised this morning would indicate that the right thing to do is to partner with third parties and external organisations to start to give some confidence to the Members of this Assembly.

Deputy M.R. Higgins:

Sorry, if I can just say, no one is against outside consultants coming with expertise but to roll it out in the States you are going to require a lot more people, especially to make it effective.

The Bailiff:

Deputy, that breaches about every Standing Order. You had had your final question, you did not talk through the Chair, you should not have been talking and you carried on talking.

Deputy M.R. Higgins:

I apologise, Sir, but I did enjoy it.

3.6 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the rationale underpinning proposals to freeze tax thresholds for the over 65s:

I shall try not to transgress any rules. I will try my best. Will the Minister explain the rationale that underpins his proposals to freeze the tax thresholds for over 65s, along with the short and long-term implications for tax revenues?

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

As outlined in the draft budget statement I am committed to delivering the strategic priority of sustainable public finances agreed by this Assembly. I am therefore proposing to maintain the age-enhanced exemption thresholds in 2016. However, by not increasing the threshold in line with the estimated R.P.I. (retail price index), it creates a saving of approximately £200,000 per annum against the original income forecasts. In addition, the grandfathering of eligible claimants from the 2016 year of assessment is a measure to help maintain long-term sustainable public finances because the current enhanced exemption for those over 65 creates unsustainable costs in the long term as a result of the ageing demographic. It is estimated that a saving of an additional £300,000 per annum from 2019 will result from this change.

3.6.1 Deputy G.P. Southern:

Is it not the Minister's intention to use fiscal drag to raise further revenues from this particular sector in society and is it not the case that, for example, in the period of the Medium Term Financial Plan *where R.P.I. is assessed to be between 3.1 and 3.3 per cent, this will increase revenue from this sector by up to 13 per cent or so?

Senator A.J.H. Maclean:

I have already mentioned the potential revenues that could result from this measure as it stands at the moment based on the 2016 budget proposals. Clearly for future budgets there will need to be further consideration as to whether the gap is closed further between the standard exemption rates and the age-enhanced, which is the stated aim, but there are a number of factors that will influence that particular pace of change, and whether it falls exactly within the period the Deputy has referred to is difficult to say at this point.

3.6.2 Deputy G.P. Southern:

And the first part of my question about the rationale? What is the rationale for this difference in rates in the first place and the rationale for taking it away?

Senator A.J.H. Maclean:

The Deputy asks a very good question. It is difficult to identify the rationale as to why we have this difference in the first place. All I can see from records is that it was in the early 1980s that an age-

enhanced allowance was first introduced at a time when revenues for the Island were quite plentiful and presumably previous politicians decided that this was a measure they wished to take. It is argued that for long-term sustainable public finances that one exemption threshold is more relevant. We do not believe it is particularly fair or justifiable or affordable, and that is probably the answer to the Deputy's question, in the long term with the ageing demographics; a point that I made in my opening remarks.

3.6.3 Deputy M.R. Higgins:

The Minister has said that it is his intent to reduce the enhanced allowance for the over 65s. In other words, it is a policy that is going to go after all those who have retired and who have spent or paid into the system a phenomenal amount of money and it seems to me that the intent is, over time and with other measures, to reduce quite considerably the amount of money that would be going to our elderly. Does the Minister not agree?

Senator A.J.H. Maclean:

Sadly I do not agree with the Deputy because the Deputy is not correct. We are not talking about reducing. What we are talking about, the measure for the 2016 budget, is freezing the exemption. It is not taking it away so it does remain in place, so what he says is incorrect.

3.6.4 Deputy M.R. Higgins:

The Minister knows full well that by freezing it is having the effect of reducing in real terms the effect of any allowance they get. It is a cut by any other means and the Minister should be ashamed of himself. I would say as well that the States are going on about the elderly population but at the same time we have already raised the age of retirement and there will be less people getting the retirement benefit because of that fact. Will the Minister acknowledge that his policies are wrong and definitely going to hurt these people? I know he will not but I would like to hear his excuse for it.

Senator A.J.H. Maclean:

I do not accept the point made by the Deputy and that will not be a surprise to him. In fact this is not, as he is alluding to, targeting pensioners. The State pension is increasing. There are measures within the Medium Term Financial Plan in support of pensioners within the Island, particularly the significant investment going into health, obviously the measures with regard to long-term care, and I would also point out with regard to this budget for 2016 that the R.P.I. for pensioners is effectively negative at the moment. So the measure is very small. It is not reducing the benefit that pensioners get and I think the question to ask, if I may, to the Deputy, is quite simply: is it reasonable to have an enhanced benefit for over 65s? Is it not better, bearing in mind that we have fairly generous exemptions altogether, that those are similar and simplified to make the tax system much easier?

The Bailiff:

We will take that as a rhetorical question. It is not the Deputy answering questions.

3.6.5 Deputy M. Tadier:

The problem is of course, I think we all agree there is an inherent unfairness in having a 2-tier system. It has been unfair for the last 35 years. It is only now for financial reasons that the Council of Ministers want to close this unfairness. Is it not the case ... and he will not even tell us what the time period is or what the long-term plan is to close that inequality. That is the issue. So I would ask the Minister: is it not the case that we are discriminating against 2 groups of individuals? We are discriminating on an age basis for those under 65, who do not get to enjoy the same exemption thresholds. He smiles but that is absolutely correct. We are penalising the over 65s as of next year because they will see the quality of their spending power go down in real terms under this Government. So does the Minister accept that and accept Reform Jersey's argument that the only

way to create fairness in this situation is to immediately uprate the under-65's component so that it meets with the over 65s straightaway and to do that through progressive taxation?

Senator A.J.H. Maclean:

I was smiling because it appeared, as the Deputy was talking, that he wanted it both ways. In fact he summarised at the end by simply saying that he would like to raise all the exemptions to the level of the age-enhanced. That comes back to my original point, a matter of affordability. What I would also say is establishing the fair and true level of where exemptions should be is probably a question that was more relevant. That is a matter that needs to be given some attention to ensure that we have got our exemption levels at the right point.

3.6.6 Deputy M. Tadier:

It would be helpful if at some point - and I am sure the Treasury Officer is working hard on that - to know what the figure is we are talking about for that. We would appreciate that as soon as possible so we can lodge our amendments. But does the Minister accept that it could be affordable if ... there is lots of money out there, there are lots of individuals with disposable income at the higher end, who could easily afford to make sure that those most feeling the pinch - we have seen the statistics released last week - that those at the lower end are feeling the pinch more and that the gap between the most well-off and the least well-off has increased. This is a perfect way to try to close that gap and have a more equal society.

Senator A.J.H. Maclean:

I am not entirely sure of the question there.

The Bailiff:

No, I was going to ask that.

Senator A.J.H. Maclean:

The Deputy is effectively supporting the policy of the Reform Jersey party I think to increase taxation to the wealthier in our society and redistribute that to those less well-off. I would first of all thank the Deputy and his colleagues for coming into Treasury. I know they had a meeting with Treasury officials recently and have asked a number of questions and some data is being collated. I think that is a helpful debate to have, to get greater understanding on both sides. It certainly makes it a more valuable debate, and we will see what those figures demonstrate and indeed the possible amendments that the Deputy may or his colleagues may seek to bring forward in the future.

3.6.7 Deputy C.F. Labey of Grouville:

That might be the Reform's proposals but this Government's proposal seems to be to increase tax to pensioners by freezing these exemptions. Pensioners will suffer. Their income will go down. Does the Minister for Treasury and Resources not accept that for those on fixed income, this was brought about because pensioners have to live on a fixed income. They probably spend more time at home, spend more time on heating their homes, and this is another attack on pensioners and middle Jersey. People that have worked all their lives, have got some expectation of what their tax bill, what they have got to save, and this Government seems to thwart that every step of the way. Does he not accept that?

The Bailiff:

Is there a question?

[10:30]

The Deputy of Grouville:

Does he not accept that? [Laughter]

Senator A.J.H. Maclean:

No, I do not accept that. I am not sure that it is valuable to repeat the arguments as to the reason why; I have said it already this morning. We are not attacking pensioners, that is not the intention here. We are certainly not taking the age-enhanced exemption away, it is being appraised, and I do accept that point, but is it fair and reasonable that pensioners have a significant enhancement above everybody else? In fact, that was even the point of Deputy Tadier: that young people and other hardworking people in the Island are getting significantly less. We have increased the state pension, there is investment going into the health service; all of these measures are aimed at supporting the very valuable pensioners that we have in our society. I should point out to Members also that, of the pensioner population, which is estimated by the Stats Unit at around about 15,000 individuals, approximately 50 per cent, half, are not affected by this measure anyway; they fall below the tax threshold. But for those that are affected, I accept, there is in some respects an impact, and it is noted.

The Bailiff:

Thank you, Minister. Can I remind Members that the purpose of question time is to seek information on a matter or ask for official action, it is not a time for speeches and for debate of a proposition, because that comes at a different time, the purpose is to get information. The questions so far in relation to this topic have not seemed to be addressed to that objective at all. A final question from the Connétable of St. John and then the final supplementary.

3.6.8 The Connétable of St. John:

The Minister said earlier that there was a £200,000 saving for the Tax Department by the removing of the age-enhanced allowance, but he also said that there was no impact on pensioners. Could he clarify that for me?

Senator A.J.H. Maclean:

I am not sure I said there was no impact on pensions, as the point is made that, by default, there is going to be a modest impact. What I was trying to point out was we were not reducing the age-exemption levels at all, but obviously from an inflation point of view, which is almost negative in the R.P.I. pensioner category for the current time, the impact was very low. The point about the £200,000 I was making was that at the time that the measure was being proposed, or the forecasts, I should say, were being put in place, there was an estimate in the forecast on the assumption that age-enhanced exemptions would be increased along with the R.P.I. rate. By not doing that and by freezing it, by default there is a few hundred thousand pound saving compared to income forecasts that we had previously set.

3.6.9 Deputy G.P. Southern:

I will try not to wander off the topic. The Chief Minister mentions that he is very proud to make courageous decisions nowadays. Did this Minister forewarn the over 65s at the election that he was considering coming after their exemptions or not, and if not, why not?

Senator A.J.H. Maclean:

I have no idea if there was any specific mention of age exemptions or enhanced exemptions at the time of the election; I was not the Minister for Treasury and Resources at that stage. I made comment in my election material about the importance of the pensioner community within the Island and the value that they have added, and I stand absolutely behind that original comment.

3.7 Deputy M. Tadier of the Minister for Economic Development regarding Jersey retail gas prices:

In light of the continuing fall of wholesale gas prices in the United Kingdom by up to a third, what action, if any, will the Minister take to reduce Jersey's retail gas prices before the onset of cold weather this winter and, if none, will he explain why?

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

As Members will know, this is an area delegated to Senator Ozouf who has delegated it back to me today due to his absence from the States. As was stated in the written answer to Deputy Southern, C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) are undertaking a review of all aspects of the fuel market in Jersey, including liquefied petroleum gas, or L.P.G., as we tend to refer to it. It would be unwise to consider the need for gas price regulation of the type suggested in the Deputy's question until the C.I.C.R.A. report is publicly available and we have had a chance to fully consider its findings and take appropriate advice. Formal price regulation is a significant step that would require the States to use exceptional powers contained within the law and should not be undertaken lightly, particularly as it would have costs associated with it that could ultimately be borne by the consumer. It is not simply a case of adjusting prices in 2015 and the States having no further responsibilities in this area; there would be a need for monitoring and ongoing developments in the market and future tariff management which would mean the States, from that point, being committed to continuing price regulation. Careful consideration would also need to be given to who is the right body to act as gas market regulator and what additional resources they might require. I am pleased to report that C.I.C.R.A. will publish the findings of their review on 20th November and, if there are issues identified with the operation of the gas market, we would need to take advice at that stage as to what is the most appropriate and proportionate remedy.

3.7.1 Deputy M. Tadier:

I welcome the publishing of that report, of course, but the Minister will be aware that there is information which we already know: we know that, for example, gas wholesale prices in the U.K. are the lowest that they have been in 5 years. We also know that prices on the ground in Jersey certainly do not reflect that and we know that, with the report being published on 20th November, it is very unlikely, even if we had a government that was of an interventionist mind, that anything would be able to be done for this winter. So if I could ask the Minister to go on what we already know, he may have had perhaps a pre-sight of the document, and to say that he can, if he wishes to, take action for this winter and set up some kind of mechanism which would link wholesale gas prices in the future to retail prices without necessarily being overly interventionist. Is that something that he would consider?

Senator L.J. Farnham:

While I understand that the Deputy is concerned about the market and the price of gas, I think I did explain my concerns about price regulation in my original answer, but we really do need to wait for the review to be published so we can consider its findings before we make any commitment in that area.

3.7.2 Deputy G.P. Southern:

May I first say that it is very inconvenient to be asking somebody who has not got responsibility in this area; the Assistant Minister, who has, is not present again for, I think, the fifth session running. He has not managed to arrive in this Chamber early for 9.30 a.m. Nonetheless, given his limited understanding of the issue, does the Minister accept that, since the 3.5 per cent drop in gas prices last year, there has been significant drop of prices in the wholesale market, and does he not think that it would be appropriate that a further reduction in gas prices be made before this cold weather sets in this winter?

The Bailiff:

Can I just say, Deputy, that Senator Ozouf is out of the Island on States business, so it is not a question of arriving late. Minister?

Senator L.J. Farnham:

It is important for Members to understand that the gas used in Jersey is manufactured liquefied petroleum gas imported into Jersey by a specialised tanker with the manufacturing process being carried out in Jersey. It is a different type of product used from that in the U.K. and it makes it

difficult to make simple comparisons between Jersey and U.K. prices. I am sorry; could he just repeat the last part of the question?

3.7.3 Deputy G.P. Southern:

Does he not think that, following the price reduction last year, it would be appropriate to institute a price reduction this year given the continual spiralling downwards of the wholesale gas price? As he says, gas is imported into the Island from the world market, from the European market, from the wholesale market; the price has gone down significantly. Is it not appropriate that that reduction is passed on to the Jersey gas consumer?

Senator L.J. Farnham:

I think every Member would like to see a further reduction in the price of gas given the current geopolitical influences that are affecting it but, as I said, it would be unwise to make any statement or any commitment prior to seeing the C.I.C.R.A. review. I know the Assistant Minister is taking the matter very seriously insofar as he has commissioned a complete 83-page report of the body that oversees this market. There was a presentation last night, which was very interesting, where the Deputy himself was not in attendance. I understand the Assistant Minister has also offered to explain his reasoning behind the action he has taken to introduce better and tighter regulation and controls into these markets. Like I say, we would all like to see lower prices in gas. It might be appropriate, but I am not going to make any commitment until we fully understand the C.I.C.R.A. review.

3.7.4 Deputy M. Tadier:

A fair summary of the Minister's position is that we would all like to see a lower rate of gas for winter bills this year and ongoing, and we would also like to think that when the wholesale price of gas comes down and it has been the lowest it has in 5 years, that should be reflected in retail prices. Basically, the Minister is unwilling to do anything about it ideologically because he does not believe in intervention in the market. Is that a fair summary of the Minister's position?

Senator L.J. Farnham:

A fair summary of my position, and I share this with Senator Ozouf who is working on this, is we want to see the fuel market working in the interests of consumers. That is a position we are aiming for and that is a position we hope to achieve with C.I.C.R.A. and the regulator.

3.8 Deputy A.D. Lewis of the Chief Minister regarding options for reforming the conveyancing system:

Given that currently home buyers can withdraw from a property transaction as late as the day that the transaction goes to court, incurring significant legal fees, wasting the resources of utility providers and causing stress and frustration for buyers and sellers, will the Chief Minister support a review to investigate options for reforming the conveyancing system and undertake to report back to the Assembly the recommendations for improvement?

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

I thank the Deputy for his question. For many people, of course, the purchase of a home is the most expensive and important transaction they will make, I therefore understand and sympathise with the stress, frustration and cost for buyers and sellers when a conveyancing transaction fails to complete. It is my understanding, however, that it is currently possible for parties to enter into binding preliminary sale agreements prior to passing contract. Although such agreements cannot force a party to pass contract, they can provide for remedies in damages for the loss and costs associated with transactions that are not completed.

3.8.1 Deputy A.D. Lewis:

Does the Minister not, though, agree that this should be enshrined in law and a review of the conveyancing law may assist that? Also, is he aware that further delays and inefficiencies are also created due to the fact that Jersey has no land registry? Could the Chief Minister explain why there is no registry that clearly references the plan? Surely, with Jersey's desire to be a leader in digital, such a registry online for all to see is an obvious step forward?

Senator I.J. Gorst:

The Deputy asked me a question why something is not in place that has not been in place; it is a good question, but I am not sure that I am the one to be asked of it or be able to answer it. I am aware that the Judicial Greffe and the Legislation Advisory Panel have set up a working party to look at those issues; I am not aware of the progress that they have made, but I shall seek a progress report and provide that to the Deputy.

The Bailiff:

Presumably, Deputy Lewis, when you say that there is not a registry, you mean there is a registry but it does not record transactions in relation to the identification of property, it records transactions in relation to the person transacting?

Deputy A.D. Lewis:

Correct, Sir.

3.8.2 Deputy D. Johnson of St. Mary:

As someone who formerly derived part of his income from property transactions, I well appreciate the frustration behind the question posed by Deputy Lewis. I think the starting point must be to acknowledge that there is always going to be an interval of time between the original agreement, informal or otherwise, between the parties, and the time when it comes to a formal contract, and the secret or the objective must surely be to reduce that interval. Under English law, which is my area, it was almost standard practice for parties to proceed to a preliminary agreement of sale as quickly as circumstances allowed, which included mortgage applications, *et cetera*, and once that agreement was in place there would then be a completion date given X weeks hence, which would enable the parties to make the necessary arrangements. That took a lot of heart out of the situation. As the Chief Minister just said, it is possible to enter into such an agreement in Jersey.

[10:45]

My understanding is that, for whatever reason, that practice seems to have fallen away of late, and I wonder if as an alternative enquiries might be made of the Jersey Law Society to adopt the situation they have in Guernsey where I am told that in 1997 Guernsey advocates adopted the Guernsey Bar Conditions of Sale, which replaced various different forms used by various firms. It appears to be that if the Jersey Bar could be persuaded to impose or themselves persuade their members to adopt such a system, then a lot of the unfairness and misfortunes to which the Deputy has referred would be avoided.

The Bailiff:

I think the question, Chief Minister, is whether you will approach the Law Society and ask them to adopt the Guernsey system. **[Laughter]**

Senator I.J. Gorst:

I thank the Deputy, however; I know he was probably in breach of Standing Orders and you were extremely gracious to him, but he is experienced in this area and I think we all benefited from his comments. The reality is that the opening question from Deputy Lewis, if there are real concerns about this area, of course I am prepared to meet with him, understand those concerns, and try and either find a solution or ask the Legislation Advisory Panel to review the cases that he provides. I say that because I think the Deputy of St. Mary sits, if recollection recalls, on the Legislation

Advisory Panel, and I am looking for him to acknowledge that or ... no, he does not, okay. But I am sure that they would quite happily draft him on to be involved in any changes or approach to the Law Society that might be required, and we could put his expertise in this area to good use.

3.8.3 Deputy M. Tadier:

It is clearly a complex matter and any potential solutions may also be complex, but does the Chief Minister agree that one part of the solution may be, in order to stop potential wastage of court time and legal fees, to find a way whereby property transactions do not need to go before the Royal Court for them to become valid. Is that perhaps a 21st century solution to solving some of that problem?

Senator I.J. Gorst:

That is, of course, an option; elsewhere in the world one does not need to have that transaction registered in the way that we do in the court process. I think the Deputy asking the initial question suggested that there should be an exploration of the French system where, in effect, lawyers undertake that process in chambers. Without really understanding the concerns that the Deputy's constituents are raising it is difficult for me on the floor of the Assembly to propose a remedy.

3.8.4 Deputy A.D. Lewis:

I assume then that the Minister is prepared to take this away and direct it at the appropriate authorities, perhaps the Legislation Advisory Panel. I sat on that very panel and at the time it was brought forward as a suggestion and on the land registry, for example, it was said it would be too expensive. This was before digital technology became an obvious route to solve that problem, so perhaps we can revisit it. I welcome the Chief Minister's comments but I also welcome comments from members of the public who may be listening today. I know so many people, and there may be many out there today, that have had similar situations when passing contracts on properties. I would urge them to contact me or the Chief Minister and maybe push this one along. I thank the Chief Minister for his interest in this and I do hope that it can be moved forward so we end up with a modern system for a modern digital Jersey.

The Bailiff:

I do not think that was a question.

Senator I.J. Gorst:

No, but I think there was a misinterpretation of the answer that I gave previously. I am not sure that I said I was going to take it away and deal with it; I suggested that the Deputy himself, and I would arrange with the Legislation Advisory Panel to have a conversation discussing the concerns raised by his parishioners together with the Deputy of St. Mary, to consider if there were improvements or changes that could be made.

Deputy A.D. Lewis:

Sir, but will the Minister support a review?

The Bailiff:

Will you support a review, Chief Minister?

Senator I.J. Gorst:

I have answered his question in the best way that I can. When we see the evidence that the Deputy wants to present, if a case is made for a review, then of course I would support a review. If it is not and there are other remedies that could be provided without needing to go through a long process of a review, then of course they would be preferable.

3.9 Deputy S.Y. Mézec of the Chief Minister regarding income inequality in Jersey:

Following the announcement that income inequality in Jersey is now worse than the United Kingdom and that the number of people living in relative low income has gone up over the past 5 years, what urgent action, if any, will the Chief Minister be taking to reverse this trend?

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

The recently published survey of household income distribution reflects the economic situation in the 5-year period since the last survey. The global financial crisis meant average earnings declined in real terms from 2010 to 2012; of course, that trend has now reversed and we are seeing real growth in earnings in the following 3 years. Unemployment increased to just over 2,000 by March 2013 and has now fallen to 1,500 in October of this year. Employment as well has increased and is now at a record high. The best thing for our economy and for Islanders is to reinforce the positive developments of those recent years towards the end of that 5-year period as this benefits all income groups; that is what we are aiming to do by focusing on our priorities and boosting economic growth, getting people into work.

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

A supplementary. I think I heard the Chief Minister say, and I believe he has also repeated on Twitter, that this is simply the results of the global financial downturn, and he pointed out that with Jersey's economic growth the trend has reversed. I would just like to remind the Chief Minister that one year does not constitute a trend. Is it not the case that as well as the global economic system affecting this, that it has also been government policy which has exacerbated this issue with their policies, and particularly in terms of cutting support that has been given out to residents in this Island? So my question to the Chief Minister is: why, when coming up with the proposals in the Medium Term Financial Plan did he have no regard to the fact that the income distribution survey was to be coming out soon, which is going to reveal that the worst-off in Jersey have become even more badly off?

Senator I.J. Gorst:

I understand that our colleagues over there want to make political points out of the income distribution survey, and that is their want, but let us at least while we are making them, look at the facts in front of them. I think one of their spokesmen acknowledged that part of the problem that the income distribution shows is the cost of housing in our community. The Deputy refers to comparison with the United Kingdom; there are fewer people in Jersey with relative low income before cost of housing but the effects of the cost of housing means that there are a greater number. It is that that the Minister for Housing is committed to working to address, it is that which the Government is committed to working to address.

3.9.2 Deputy G.P. Southern:

It is indeed unfortunate. Does the Chief Minister not accept that the following figures are correct, according to his Statistics Department, that the number of children in relative low income and therefore at risk of living in poverty has gone up after housing cost to almost 3 in 10 children; that pensioners, again almost 3 in 10 at risk of living in poverty; and working-age adults, 19 per cent, one in 5 of our population, giving a total of 23,000 individuals at risk of living in poverty in this Island, and that that has been worsened in the last 5 years under his leadership? Does he not accept that that is an absolutely damning statement about his leadership?

Senator I.J. Gorst:

All of the statistics that the Deputy has quoted then, as I said in my opening remarks, were after housing costs, and the Government acknowledges that the housing costs are a drain on average household incomes and that is why we are putting in place policies to deal with that. One of those policies needs to be supply. When the previous Government brought forward proposals to rezone and increase supply, I seem to recall that the Deputies in the party that are now criticising government policy voted against those and resoundingly said they were not necessary and that supply was not an issue. Of course it is an issue. The Deputies are also trying to suggest that the

changes in the Medium Term Financial Plan have affected the 5-year historical statistics. Even I cannot conjure that to be the case because that has happened this year and it will have a future effect, but during that 5-year period, from 2011, the spend on income support, which the Deputies seemed to think is the answer providing greater benefits, has gone from £66 million in 2011 to a budget this year of £83 million. Yes, we will not quite spend it, but the benefits bill has increased and we have continued to upgrade the housing component benefit of income support because we are aware of the issues around the cost of housing, we want to invest in improving social housing, Andium are going to be building new housing, we want to see rezoning to improve the supply of housing. These policies we will see starting to work over the next 5-year period of the income distribution survey. Finally, it is not my Statistics Unit; they are independent and I do not dictate when or how these statistics are released. I receive them the same time as every other Member of this Assembly, and that is as it should be.

Deputy G.P. Southern:

Sir, the Chief Minister is at risk of misleading the House. If he has studied the income support figures he will know that the vast majority of the increase to £92 million is made up merely of inflation and that that is at the root of that difference.

The Bailiff:

Deputy, that is just a comment. The Deputy of St. John?

3.9.3 The Deputy of St. John:

The Chief Minister has made a big play on the housing component of the income distribution survey. Would he not agree that the policy of the Government in the last term of increasing social housing rent to 90 per cent has had an effect and if there is a possibility of reassessing that policy or whether there will be further funds provided to Social Security to provide a proper, fair rent?

Senator I.J. Gorst:

I do not personally think that that is the case but we do not have the evidence to show that. You could have the counterargument that it is that moving of 90 per cent and the uprating of the income support component for housing that has offset that. This report does say that those in rented accommodation, those in the lower quintiles of household income, are suffering the most. We understand that because inflation has outperformed earnings, and we see that in those lower quintiles, where people are not homeowners - homeowners of course have benefited from the lower mortgage interest rate and that is why we have seen that differential increase as well - and cannot access housing to buy, that is where we need to bring forward more mechanisms to enable them to buy and to increase supply. During the course of these 5 years, of course, we have the Deposit Scheme; that got, I think, between 50 and 100 families into home ownership so that they were moving up that quintile. They are the right policies and they are the ones that we should continue to pursue.

3.9.4 The Deputy of St. John:

A supplementary. On the basis of that answer, could the Chief Minister therefore obtain the evidence as to whether the 90 per cent policy has had any effect and share it with States Members in this Assembly, please?

Senator I.J. Gorst:

This is a very detailed report. As the Deputy knows, we use these reports to inform policy going forward, it is very rich. It may be that the Statistics Unit has that underlying information as a result of collating this report. Departments will continue to work with the Statistics Unit, analyse the detailed underlying data and, if it is available, we will obviously provide that. If it is going to take some work to do further analysis then we can ask for that to be undertaken as well.

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

The Chief Minister said that we should be tackling supply; of course, he did not mention that under the population policy that also maintains the supply part of the cycle. But the Chief Minister did clarify the important aspect of those living in rented accommodation and how the housing component affects that particular category the most leading to the poverty aspects that were identified in the report.

[11:00]

Therefore, will the Minister be looking to bring a paper forward looking at the issue of rent control, as in Berlin, in order to tackle this area?

Senator I.J. Gorst:

The Deputy knows that rent control is not the preferred policy of government. The Deputy also knows that the Minister for Housing has produced a housing strategy and there are lots of streams of work that will arise from that strategy.

3.9.6 Deputy A.D. Lewis:

Does the Chief Minister agree that, unless the Government speeds up progress towards increasing the minimum wage to a living wage, as has been done in the U.K., the gap between the rich and the poor will only get larger?

Senator I.J. Gorst:

As the Deputy knows, there are other factors at play in this report, not just one in isolation. He also knows that any recommendation for minimum wage comes from the Employment Forum, and I know that the Social Security Department are in discussion or conversation with the Employment Forum in that regard. We support getting people into work so that they can earn more so that they can be self-sufficient and they can deal with the challenges of the costs in our community.

3.9.7 The Deputy of Grouville:

Would the Chief Minister not take some responsibility in that we are facing housing issues here, and heaven forbid having to rezone yet more green fields, and would he not accept that the lack of a population policy should be addressed with some urgency?

Senator I.J. Gorst:

There is a population policy and those Ministers make decisions week in, week out, about bringing in people who are going to bring economic and social value to our community, and the difficult decisions therefore they have to make about not wanting to encourage immigration from those who are in the lower-paid sectors. They make those decisions week in, week out, and they are not easy, but what this report says is that they should continue to make those sorts of decisions and, if anything, they perhaps should be a little bit tougher in making sure that those who are requesting licences can prove that there is economic and social value to our community. There are not straightforward answers. Sometimes those Members of this Assembly who criticise and know population policy as they see it, next week they find themselves lobbying those Ministers making the decisions to give more licences to those in the lower-economic-value sectors. It is important that we understand the complexities and we explain those complexities to the community in which we live.

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

I follow on from the Deputy of St. John's question. When the Deputy asked the Minister if he could revisit the policy of 90 per cent rents, is it not the fact that the policy follows the £250 million bond 40 years into the future? So when would it be economically viable to revisit this 90 per cent as we have to pay back this money?

Senator I.J. Gorst:

The Deputy makes a good point, but it was important, and it remains important, that we are investing in social or affordable housing, that we are dealing with the issues of the past in renovating that and bringing it up to U.K. home standard, and at the same time increasing supply. I think the Deputy was asking about the evidence of what the effects would be and I have given an undertaking to look at those statistics.

3.9.9 Deputy J.A. Martin:

A supplementary. I was asking how far into the future we are tied into the 90 per cent to repay the loan? It was a simple question.

Senator I.J. Gorst:

Well, the Deputy knows that the loan period was 40 years but the programme is over 20 years.

Deputy M. Tadier:

Sir, may I ask, I think it is a point of order, but we have got 30 minutes left of question time. How many people have had their lights on for this question who have not been able to ask their questions?

The Bailiff:

I am not aware of any, but we are coming on to Deputy Mézec with the final supplementary.

Deputy M. Tadier:

I think it might be because of heads in front, but I have certainly had my light on and I understood that new technology allowed you to see it where you are sitting, Sir, without needing line of sight.

The Bailiff:

I had not noticed it, Deputy, so we have the final supplementary, Deputy Mézec.

3.9.10 Deputy S.Y. Mézec:

I think it is a shame that the Chief Minister dismisses tough questions as political point-scoring before then misrepresenting my own party's position on this for when we opposed this housing situation, which he knows we did, because we opposed it being, as Deputy Vallois pointed out, 90 per cent market rate. The after-housing costs figures in this survey indicate that our position was the right one to be taken and that it is his policy which has contributed to increasing poverty. My question: the question very specifically asked what urgent action, if any, will the Chief Minister be taking to reverse this trend? We currently have no figures whatsoever that indicate that this is going to change any time soon. In fact, what we do have, as we know, is £10 million worth of benefits cuts to the most poor and vulnerable in this society. So can I ask the Chief Minister: in the short term will he come forward with extra proposals deliberately targeted at this new information that we now have to try and reverse this trend?

Senator I.J. Gorst:

The Deputy continues to make points about the 90 per cent. Of course, he knows that that only changed in 2014 and yet that was in the same year that we have seen record numbers of people into work and we have seen economic growth for the first year since 2008, and we have also seen earnings increase above inflation. So some of the difficult downward trends of the early part of this survey are already starting to change. Of course, I admit that one swallow does not a summer make, and we will have to continue to review the performance of the economy, but we know that the F.P.P. (Fiscal Policy Panel) is forecasting that it will continue to grow in 2016. The Deputy also knows that the policies that will arise out of the Strategic Housing Strategy will help to deal with the issues that need to be addressed and government understand that need to be addressed, and we have started to already deliver policies to do that.

The Bailiff:

We come to question 2, which was deferred, and Deputy Mézec will ask that of the Minister for Social Security.

3.10 Deputy S.Y. Mézec of the Minister for Social Security regarding the impact of the phasing-out of the lone-parent component of Income Support on single-parent households living in relative low income:

Can I thank Members for allowing me to take this question last; I was held up by a personal matter that I had not foreseen occurring. In the light of the figures revealed in the Jersey Household Income Distribution 2014/15 Report, what impact, if any, will the phasing-out of the lone-parent component of income support have on the number of single-parent households living in relative low income?

Deputy S.J. Pinel (The Minister for Social Security):

Phasing-out the single-parent component of income support is one of a package of measures approved by the States as part of the overall Medium Term Financial Plan. In all, benefit changes will release an extra £10 million to be invested in the key areas of health and education as well as supporting economic growth. Investment in local employment, both through the department's own Back to Work programme and the broader strategic priority, is aimed at creating job opportunities that single parents will be able to take up to help them to improve their total household income. At the same time, investment agreed as part of the Medium-Term Financial Plan will support new services within health and education, well-targeted at groups who need the most help. For example, growth funding in the M.T.F.P. will allow the Education Department to set up a pupil premium scheme. This will be introduced from the beginning of 2016 providing extra educational resources to individual pupils from low income families, including single-parent families. The impact of the growth in health and education provided through the M.T.F.P. will take some time to be seen in government statistics and will be reflected in many areas, not just that of household income. Overall, I am confident that the package of measures agreed through the M.T.F.P. will have a positive impact on local families, including single-parent families, over the next 5 years.

3.10.1 Deputy S.Y. Mézec:

A supplementary. The figure itself from the income distribution survey is that 56 per cent of single-parent families are living in relative low income. Does she consider this number to be acceptable and, if she does not, does she accept that it is a failure of her department, given that most of these people, or at least a significant number of these people, will be relying on income support to help make ends meet? Does she not consider that to be a failure of her department and policy?

Deputy S.J. Pinel:

No, I do not. What the Deputy is quoting is the 56 per cent of one-parent families and the percentage of income from employment. If he compares that with a couple with children with 93 per cent income from employment, a couple with no children 92 per cent income from employment and a single person with 86 per cent income from employment, the whole reason behind trying to encourage people back into work is to increase their income from employment not just to survive on benefits. [Approbation]

3.10.2 Deputy M. Tadier:

Let me get this straight: the policy of the department is to take money away from the most vulnerable in society, those who probably require the most input from health and education, and use that money that we are taking away from them to pay for health and education rather than taking it from the most able-to-pay in our society? Is that a policy which the Minister is comfortable with?

Deputy S.J. Pinel:

I think the Deputy would agree that everybody requires the necessity of health at some stage in their lives and also young people, which is totally pertinent to single parents, require education, and often increased help with that education, which is exactly where these savings are directed.

3.10.3 Deputy M. Tadier:

I do agree with that, but the Minister must surely say that if we need to increase money, not simply stand still in the vital areas of health and education, we do not do it on the back of the poor but we look to those in our society who benefit the most from economic growth who are at the top end of the income gap not the bottom end. That is where we should be seeking to get the buy-in so that we can improve services for all by doing it that way. Does the Minister not agree?

Deputy S.J. Pinel:

As I said in my opening remarks, this is a complete package of savings which will be directed at health and education for the benefit of the greater society. It will have an impact but we will not know immediately what the impact will be on the lower income families. This survey has taken 5 years, so it will not be able to be assessed immediately. I think, as Deputy Mézec said in his opening remarks in the last question to the Chief Minister, you cannot adjust or appreciate a one-year trend.

3.10.4 Deputy J.A. Martin:

Can the Minister explain in very good maths: I am a single parent, I have 2 or 3 children, I work part-time and the Minister has just taken away £40 a week; can she tell me how many hours I have to work extra with the 23p disregard, to make up that £40, and where do I put my children at the same time?

Deputy S.J. Pinel:

The Deputy is not correct in that the £40 is being removed immediately; it is being reduced over the next 4 years by £10 a week so as to avoid that immediate removal of £40 a week. The information has been published: a single parent with one child can attain £470 a week in benefits. A couple with one child can attain £522 a week; the difference being the adult component/2 single adult components. The child component is the same whether it is one, 2 or 3 children; each child will receive £64 a week. The household component is the same and the rent is the same for 2 adults with one child or one adult with one child.

3.10.5 Deputy J.A. Martin:

A supplementary. Figures do tell very different stories. Can the Minister please state for the rest of the Assembly and people listening, those figures quoted for the one parent/2 parents include the rent, which is probably over half of that amount?

Deputy S.J. Pinel:

Yes, I can confirm that. For example, obviously, rentals for 2-bedroomed flats will differ, but an average of £223 a week, and that is, in most circumstances, paid to the landlord.

3.10.6 Deputy G.P. Southern:

Can I say how disappointing it was not to see the Minister at the presentation of the income distribution survey, which 5 people have now attended in total from this Chamber. Notwithstanding that, if the Minister 6 weeks ago, when she came with her cuts package, had said to this Assembly: "The proportion of one-parent families has gone up over the past 5 years from 40 per cent to 56 per cent of those living in relative low income and therefore at risk of poverty."

[11:15]

What I propose to do is take £2,000 a year off those families to make them worse off, would Members have voted for that proposal? I do not believe they would in a month of Sundays. However, we did pass it because we did not have that information. The Minister steamrollered her proposals through without the evidence that we needed.

The Bailiff:

The question, Deputy?

Deputy G.P. Southern:

The question is: does she accept that that figure of 56 per cent less £4,000 might mean something like 80 per cent of single-parent families are now living in relative low income and at risk of poverty?

Deputy S.J. Pinel:

May I please correct the Deputy? A presentation on the household income distribution survey, because it is so pertinent to Social Security, was made to Social Security. To say that the Social Security Department in the propositions for the M.T.F.P. removed £2,000 unwittingly from those lone parents, it is not beyond the wit of man to do the sums that if the lone-parent supplement or component is going to be removed by £40 per lone parent over 4 years, then that will come to £2,000. It is not £2,000 a year.

The Bailiff:

A final supplementary?

Deputy G.P. Southern:

A final supplementary, if I may.

The Bailiff:

Sorry, it is not your final supplementary.

Deputy G.P. Southern:

Can I have a supplementary then?

The Bailiff:

You may have a supplementary, Deputy.

3.10.7 Deputy G.P. Southern:

The Minister made much of extra money going into education; the educational bonus is going to be occurring partly because of her savings. Does she not accept the likelihood that the best outcome of that is that educational bonus ends up getting paid towards providing a breakfast for each primary school child who comes to school because these families will not be providing breakfast because they will not be able to afford it?

Deputy S.J. Pinel:

I think the Deputy is referring to my remarks about the pupil premium and this is something that has been introduced into the U.K. to the tune of £2.5 billion a year. We cannot access that sort of funding but we can bring about a level of entitlement for those disadvantaged pupils in our schools in line with those identical disadvantages in the U.K. resulting in higher standards achieved. The whole range of methods that have been tested and evaluated to raise standards... the department from those will select these as appropriate, and it is likely to include the booster classes, one-to-one tuition, peer mentoring, teacher training and teaching assistants. Thank you.

The Bailiff:

A final supplementary?

Deputy S.Y. Mézec:

No, Sir.

4. Questions to Ministers without notice - The Minister for Home Affairs

The Bailiff:

We come now then to questions to Ministers without notice. The first question period is for the Minister for Home Affairs and I call on Deputy Higgins.

4.1 Deputy M.R. Higgins:

I draw attention of Members and the Minister to the answer to written question 18 on subject access requests to departments. The information I was seeking there was about how many subject access requests they have had over a period of time and whether they were answered within the 40-day period stipulated by the law. It can be seen from the answer to that that the States of Jersey Police has by far the worst record in complying with the law with 5 subject access requests being outstanding for one year or more. Will the Minister explain why they have failed to comply with the Data Protection Law?

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

I am sorry, I did not hear exactly the question that the Deputy was asking at the very end there.

Deputy M.R. Higgins:

Could the Minister explain why the department has failed to comply with the Data Protection Law with regard to these requests and what she intends to do about it?

The Deputy of St. Peter:

I have to say that this is the first time I have seen these figures and I will make enquiries and respond accordingly to the Deputy, I think, as I have not had an opportunity to consider these figures in any depth. At this point it would be unrealistic to respond.

4.1.1 Deputy M.R. Higgins:

Could I ask the Minister, does she not approve any written answer that is given to the States?

The Bailiff:

It was a question that was put to the Chief Minister, Deputy.

Deputy M.R. Higgins:

That is true, Sir. [Laughter] Does the Minister not know what questions are being asked of the Chief Minister?

The Deputy of St. Peter:

I was not aware that we form part of this answer, no.

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

Members will be aware 5 young people bailed on suspicion of murder on 5th July were released from their bail in this regard last week but are still facing other possible charges. In light of the fact over 19 weeks have elapsed since first arrested, is the Minister satisfied this inquiry has been carried out satisfactorily and what assurances can she give Members the matter of potential charges being brought or not will be expedited by the Law Officers' Department?

The Bailiff:

The Minister does not have to answer the second part of the question because she is not responsible for the bringing of prosecutions but the first part of the question, Minister?

The Deputy of St. Peter:

I was exactly going to explain that myself and that there is, however, a working group being conducted at the moment. This is not in relation to the specific case that the Deputy refers to but in general the issue of bail, as I sit on the Criminal Systems Board along with the Chief Minister, and

there is legislation under development in that area at the moment which will hopefully come and be progressed over the next year. In relation to the first part of the question, although I do not have any political responsibility or ability to become involved in operational matters, I am aware that the police have worked very closely on this matter and taken their investigation extremely seriously.

4.3 Deputy J.M. Maçon:

Five or 6 years ago Deputy Tadier brought a proposition to this Assembly that was approved looking to tackle getting an alternative to wheel-clamping; that has been worked on in the department. Can the Minister explain what priority she has given this and when it will finally be lodged for debate?

The Deputy of St. Peter:

Yes, I have recently signed a Ministerial Decision asking law draftsmen to begin the drafting process for that piece of legislation.

Deputy J.M. Maçon:

When will it be lodged for debate?

The Deputy of St. Peter:

I would presume towards the middle to end of next year.

4.4 Deputy L.M.C. Doublet of St. Saviour:

Could the Minister please give the Assembly some background as to the scale of the problem of violence against women and girls in Jersey and worldwide which I believe would have prompted her to adopt the White Ribbon campaign which she communicated to Members via email? Also, without wanting to detract from that issue of male violence towards women and girls, would she perhaps confirm that in Jersey we could adapt this campaign slightly to also include solidarity with men who suffer from violence?

The Deputy of St. Peter:

In asking Members to sport a white ribbon next week to show their support for the White Ribbon campaign, which is a campaign to end male violence towards women, each person who wears a white ribbon is declaring that they are wearing it and pledging not to commit, condone, or to remain silent about violence against women. This campaign though is very cognisant of the fact that violence against men also occurs and that support should be also given to those men. However, it is very much a fact that women do experience more violence upon their persons than men do. I do not have the specific facts at the moment that break that down here in Jersey but in the U.K., for example, in the past year 4,000 men experienced violence against their person in the past year and that is opposed to 1,500 in 2005. So you can see that there has been a doubling of those figures over the past 10 years. However, if you look at the figures of violence against women in the U.K., that figure has also grown very greatly over a 10-year period. It was 28,000 in 2005 and 55,000 last year, so the figures I think very much speak for themselves. If you compare 55,000 women versus 4,000 men, you can see exactly why the focus is predominantly towards violence against women. I know that the States of Jersey Police do take very seriously any complaints of violence against a man that is brought to them and they will investigate them with equal proportionate vigour. I think I have answered the question the Deputy asked about scale; I think I have answered both questions. Thank you.

4.5 Deputy M. Tadier:

In circumstances when a deportation order has been made for a prisoner but where travel arrangements cannot or have not been made for the day of that prisoner's release, will the Minister give an explanation of what the process is from then on?

The Deputy of St. Peter:

Sorry, could you repeat that to me?

Deputy M. Tadier:

When a prisoner has been issued with a deportation order for the end of their sentence, so they have to leave the Island when they leave prison, but where the travel arrangements have not or cannot be made to coincide with the release date, what happens to that prisoner?

The Deputy of St. Peter:

That is a technical piece of information which is not available to me at this moment. I have some recollection of a case whereby a prisoner was given some assistance in leaving the Island.

4.5.1 Deputy M. Tadier:

Perhaps a more general question then. It seems to me that there may well be cases where the Prison Service and Customs and Immigration know that at the end of somebody's sentence they will have to leave the Island and that could be for a sentence; they could be aware of that for years. It would seem to me that it would be highly unsatisfactory for arrangements not to be made so that a prisoner could be deported efficiently at the end of that period without a need for them either to stay in detention at the prison or detention somewhere else in the Island. So perhaps we could have a conversation about that because I think it is an important matter.

The Deputy of St. Peter:

I would be happy to and I am sure that the Prison Governor would be happy to indulge us in that opportunity as well. I am aware that they are generally very well organised and I am sure that all good matters are put in place.

4.6 Deputy J.A. Hilton:

Does the Minister agree with me that one might expect the States of Jersey Police to have been considering criminal charges while waiting for the forensic testing taking place in the U.K. to have been completed, thereby minimising the length of time the young people have been held on remand?

The Deputy of St. Peter:

As I mentioned previously, I have no operational ability with regards to the police. Also, I think this may perhaps be an area that the Law Officers might be better equipped to assist the Deputy.

4.6.1 Deputy J.A. Hilton:

As a follow-on from that question: does the Minister believe it is appropriate to refer to the schoolboys being questioned on "possible murder charges" rather than that they were "helping the police with their enquiries"? Does she not feel that was more appropriate terminology to be used?

The Deputy of St. Peter:

I thank the Deputy for her question. Again, this is an operational matter and it is really not appropriate for the Minister to express a view one way or another because it simply would not be appropriate to do so.

4.7 Deputy J.A. Hilton:

In light of the tragic events that have taken place in Paris in the past few days, can the Minister tell Members whether resources have been increased as far as our border controls are concerned?

The Deputy of St. Peter:

Since the tragic events of Friday night our officers have, as they always do, been maintaining links with colleagues in the U.K. and in France and they have been keeping us fully briefed on the situation. Fortunately, our officers are trained to be multi-functional, particularly in the area of customs and immigration. That enables the team to move officers around if there is a specific need to conduct more business in one area than another. As the Assembly would be aware, we are part

of the common travel area and we have increased checks on passengers entering from outside of the common travel area. This means that all passports are being swiped and all cars are being opened, as are all containers arriving from outside of the common travel area. This will be done to the very best of our abilities and it will be done to the same extent as the borders of the U.K. because our staff are trained to meet exactly the same standards as the U.K. border agencies.

[11:30]

4.8 Deputy L.M.C. Doublet:

Following on from my previous question to the Minister, and I thank her for her work in promoting and highlighting the problem of violence against women and girls, I believe she has told our Scrutiny Panel that she is working on a strategy to address the problem. Can she update the Assembly on what things she is doing to prevent violence against women and girls?

The Deputy of St. Peter:

This strategy, the Violence Against Women and Girls Strategy, is currently under development. It is very much at the research time at the moment where we are trying to gain an understanding of the issues in Jersey, whether they are exactly the same as in other nations where we have information to look at and learn from, or whether there are particular areas that are relevant to our Island community that hold greater need for support and enhancement of services. So it is very much at a stage of research but we are very much committed to this approach and particularly to reaching a point where we are able to sign up to the Istanbul Convention which supports violence against women and children.

4.9 Deputy A.D. Lewis:

I wonder if the Minister could tell us whether she is satisfied that the newly-established Police Authority is working as she would have hoped. Is there any intention in the future to include the honorary service within the remit of the Police Authority? Thank you.

The Deputy of St. Peter:

I have regular meetings with the chairman of the Police Authority and I believe that they are conducting their work in a very appropriate manner and taking a great interest in the work of the States of Jersey Police. Just this morning one of our States Members who sits on that authority was telling me about an update, a briefing that they had received yesterday. There is constant contact between the States of Jersey Police and the Police Authority in terms of keeping the authority abreast of current issues. Different members of the authority take specific areas of policing within their area of work and I think that that is a very useful relationship.

The Bailiff:

Thank you, Minister, you have come now to the end of your period for questions.

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

The Bailiff:

We come to the second question period for the Minister for Treasury and Resources. The Deputy of Grouville.

5.1 The Deputy of Grouville:

What is the purpose of imposing a criteria on access to private pensions that is impossible to achieve in that it requires an alternative income that is guaranteed to escalate by 3 per cent per annum? The feedback I am receiving from those in the industry is that they have never seen this criteria reached. Would it not be fairer and clearer to the public to simply say that once a person has contributed to a private pension it is impossible to unlock it before retirement or before maturity?

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

We have been considering the changes that have been put in place in the U.K. with regard to pensions and ...

The Bailiff:

I am sorry, Minister, you will now have to stop; we have become inquorate. I invite Members outside to return to the Chamber. I would still invite Members outside to return to the Chamber because we are barely quorate. Thank you. Yes, Minister.

Senator A.J.H. Maclean:

We have been taking a watching brief on changes proposed to the U.K. pensions system and we will continue to do that to see what impacts or otherwise it may have and what benefits it may offer should changes be proposed here in Jersey. With regard to the particular points that the Deputy has raised herself, I am not aware of concerns that have been raised to the department on the points that she has made but of course we will take due consideration of those and respond accordingly.

5.2 Deputy J.M. Maçon:

I received an email from a constituent raising concern I believe about scrapping non-resident relief in the tax system from the budget. She currently made her arrangements to move from Jersey to live in Greece but because we do not currently have a double-taxation agreement with Greece this move is going to find this individual being taxed in both jurisdictions. Would the Minister consider looking into this case further before progressing with this measure?

Senator A.J.H. Maclean:

Yes, the measure that the Deputy is referring to is impacting on a very small number of individuals but if the Deputy wants to raise the particular case we can certainly have a look at it, but the decision has been taken. I am very happy to look at the individual details and give him feedback on that.

5.3 Deputy A.D. Lewis:

My question regards Jersey Telecom. With customers being now told to expect fibre not to be installed until, in some cases, 2019 - the project was originally 2014 and then moved to 2016, as the Minister will know - it seems that J.T. (Jersey Telecom) are not engaged with the shareholder on the delay. Is he aware of further delays and, if so, is he prepared to publish any requests that have been made by the board of J.T. to further delay the rolling-out of fibre optic?

Senator A.J.H. Maclean:

I have regular updates with J.T. on the operation of their business including, of course, the Gigabyte project. Members will be aware of some of the delays that occurred earlier in the year-end last which have resulted in a re-profiling of the project and indeed there have been issues in terms of getting the right skillset in place in order to ensure that the project can progress and to retain the original targets that were set. I know that the J.T. Executive are planning a briefing to States Members and my understanding is that a full update on the position of the project, the final roll-out timescale, and the latest expected budget position will be made available at that particular point.

5.3.1 Deputy A.D. Lewis:

Is the Minister aware that a freedom of information request has been made to his department about this matter and has his department responded?

Senator A.J.H. Maclean:

If a freedom of information request has been received, and I know there are numerous ones that come into the Treasury Department, it will be dealt with within the set timescale and that information will be supplied accordingly.

5.4 Deputy G.P. Southern:

Just a matter of clarification, I was not clear this morning what the Minister's long-term aim was with this differential between over 65s and under 65s. Could the Minister explain to Members whether it is his intention to freeze the allowances for the over 65s and to allow the under 65s allowances to increase by R.P.I. until they are equal sometime in the future and how long would he expect that to take?

Senator A.J.H. Maclean:

At a high level the Deputy is correct in his assumption that that is the intention but there are of course a number of factors that could influence the timing. I cannot give him an exact timing as to how long that may take and I think I made that reasonably clear this morning. I think the Deputy was asking in particular whether this would be within the current Medium Term Financial Plan period or rather the 2016-2019 Medium Term Financial Plan, and I could not give that undertaking. It depends on a number of different criteria. Each area will be assessed independently but the view is that the exemption should be brought together and should have ultimately one single exemption in the future.

5.5 Deputy M.R. Higgins:

As we all know, the Minister for Treasury and Resources has lost an Assistant Minister, perhaps he can tell us when he intends to replace that Assistant Minister and perhaps he will give us an indication who. I might add, by the way, I am not seeking the position. **[Members: Oh,]**
[Laughter]

Senator A.J.H. Maclean:

I am disappointed the Deputy has discounted himself before I have an opportunity to say a word. **[Laughter]** Replacing the irreplaceable, it is always very difficult. I have had one or 2 Members who have suggested that they might be interested in the role. I am giving it due consideration. We will be discussing it with the Chief Minister and we will be making an announcement in due course. I cannot give an exact timescale at this particular stage.

5.5.1 Deputy M.R. Higgins:

A supplementary? Does the Minister for Treasury and Resources intend giving them responsibility for any particular area or is he going to treat him - treat "him" I say; I think I believe I know who they are - in the same way?

Senator A.J.H. Maclean:

I think the Deputy is forgetting that I already have another Assistant Minister in Deputy Noel who is the Minister for Transport and Technical Services but also fulfils the role of Assistant Minister at Treasury and Resources with specific delegated responsibility for property matters. Historically that is a function that has been delegated and indeed because of the intended transfer of functions, the view was taken at the beginning of this particular political term that Deputy Noel would have that responsibility delegated to him and that is exactly what has happened.

5.6 Deputy M. Tadier:

So with that point in mind, is it even necessary for the Minister for Treasury and Resources to appoint an additional Assistant Minister or would it be better to leave perhaps the preferred individual to do his job on Scrutiny because I am sure the Minister also supports Scrutiny and it is probably more valuable for us to have that individual than for him to go over to the dark side. **[Laughter]**

The Bailiff:

I am not sure that the Government should be described as the dark side. No, I am sorry, Deputy, please, can you withdraw?

Deputy M. Tadier:

It was figurative, Sir, but I will call it the light side then, if that helps with the levity.

The Bailiff:

I am not sure that is the right terminology.

Deputy M. Tadier:

Sir, what are we allowed to say? To join the Council of Ministers, I think is the expression.

Senator A.J.H. Maclean:

As I have said, I will be making a decision in due course as to the appointment of another Assistant Minister. I think that the Deputy is rather suggesting somebody has been pre-selected. I can assure Members that is absolutely not the case. Nobody has been selected at the moment for the role or even asked whether they would consider taking up the role, more to the point. I have to say, it is not an easy role to undertake, it is never a particularly popular role to undertake, and we have got a very tough few years ahead, so I am sure there will not be many people necessarily queuing up to fulfil that function.

5.7 Deputy M.R. Higgins:

Can the Minister give us an update on when the impact statement will be coming to the States about the measures in the Medium Term Financial Plan?

Senator A.J.H. Maclean:

If the Deputy is referring to distributional analysis, that will be prior to the lodging of the Medium Term Financial Plan which is set for June. The intention is to have that information prepared prior to that date. I cannot give him an exact date at the moment but I hope to update him when we have more information.

5.8 Deputy J.A. Hilton:

Is the Minister able to tell Members when the property tax review is likely to be conveyed to us? Thank you.

Senator A.J.H. Maclean:

Yes, certainly by the date of the budget. On or before the information will be supplied and Members will be updated with a briefing prior to it going into the public domain.

5.9 Deputy G.P. Southern:

Is it not the case that the Minister's suggestion to introduce some form of supermarket tax is equally likely to fall foul of E.U. (European Union) regulations in terms of code of conduct for business taxation as previous ideas on office space and others which were proposed in Gibraltar? Is that not the case; is he not barking up the wrong tree?

Senator A.J.H. Maclean:

Just to correct the Deputy, I have not made a proposal of that nature. I can understand why he may be of the opinion that I have because an article did appear in the newspaper to suggest that might be the case. It was in fact a response I made to a specific question on the basis that Guernsey have put in place measures to introduce such attacks and I simply said that we were not in a position. We did not have the necessary data along the lines the Deputy is referring to to be able to defend the position with the Code Group and as such, until we collated such data, we could not even give it further consideration, and that is exactly where we are at the moment.

5.10 Deputy M.R. Higgins:

Following up on the property tax, can the Minister tell us whether his proposals will include the core of the document which was torn out by Senator Ozouf, saying it would not come to pass? Is he deciding to reintroduce it?

Senator A.J.H. Maclean:

I am not sure what the Deputy means by “core”. Some pages were removed from that document and I am not certain that I know which pages they were in particular. All I can tell the Deputy is that when I took up this role there was a property tax review underway. The decision was to complete that review and we will be publishing the outcome from it.

5.11 Deputy A.D. Lewis:

Earlier today I was questioning the Chief Minister on a land registry. I just wanted to know if the Minister for Treasury and Resources would see any benefit of having a land registry for the assessing of property values for tax purposes which of course may also benefit the Constables in the Parishes with regards to setting rates. Would the Minister support a property register or land registry as exists in the U.K. and most other places? Thank you.

[11:45]

Senator A.J.H. Maclean:

There is some value in land registries. I think the Deputy, if I recollect his earlier question, was talking about using an additional platform in order to effect such a move. I think if it could be done in a cost-effective way there would indeed be some benefits. I think some further research into the idea would be a very useful thing to do and I think the Chief Minister took a similar position, if I recall.

The Bailiff:

No further questions? Very well, then that brings question time to an end.

PUBLIC BUSINESS

6. Draft Public Employees (Pension Scheme) (Administration) (Jersey) Regulations 201-(P.96/2015)

The Bailiff:

There is nothing under J or K. We come to L, Public Business. The first item is P.96 and I ask the Greffier to read the proposition.

The Greffier of the States:

Draft Public Employees (Pension Scheme) (Administration) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 4, and 5 of, and Schedule 1 to the Public Employees (Pensions) (Jersey) Law 2014 and Article 3 of the Public Employees (Retirement) (Jersey) Law 1967, have made the following Regulations.

The Bailiff:

Chief Minister, do you wish to propose the principles?

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

Members will be aware that there are 4 pieces of detailed Regulations and an Appointed Day Act to get through, all related to the changes in the pension. If they will forgive me, I am going to speak - I hesitate to use the term - at length on the first Regulation and then hopefully very briefly when I am speaking about the principles of the others because they all hang together. I will try and deal in one speech with them rather than dividing it up and, assuming the principles are agreed, then go through the detailed Regulations. I ask that Members bear with me. Today more of us can expect to live into our 80s and 90s. We are living longer and this of course is putting funding pressure on pension schemes, not only here, but around the world. In May 2014 we agreed the Public Employees (Pensions) (Jersey) Law 2014 and committed to tackle the sustainability and affordability of public service pensions. We in this Assembly agreed to move from providing a public service pension based on final salary to providing pensions based on lower career average

earnings. In doing so, we committed to address the financial pressures that increasing longevity is putting on the P.E.C.R.S. (Public Employees Contributory Retirement Scheme). Today we come to the detailed Regulations for the introduction of the C.A.R.E. (Career Average Revalued Earnings) Scheme that all new entrants will join after 1st January next year and most existing staff will transfer from 1st January 2019. For over 3 years, work has been ongoing to develop, negotiate and bring forward these detailed proposals. The proposals developed have wide implications for employees, the States and of course the taxpayer. It is clear to the States Employment Board that action is needed and needs to be taken to address an underfunding situation which, if no action is taken, will get worse. The Regulations that we are debating today will tackle those issues. These Regulations, if agreed, will mean public sector employees will pay more and work for longer. They also include clearly-defined risk-sharing arrangements and, most importantly, a fixed contribution cap for the employer. For the first time there will be a fixed maximum cost that the States will contribute to public service pensions. This was agreed by the Assembly last year to be set at 16.5 per cent of earnings. By addressing increased longevity in this way, we are tackling a long-term issue that the States faces. Long-term issues cannot be ignored of course in the current economic climate, or indeed at any time. We know that the P.E.C.R.S. is no longer sustainable in its current form. Over the last 30 years the cost of providing pensions has increased by around 30 per cent. In 1980 the average 60 year-old man could expect to live to 76. Today that same man could expect to live to 87, an extra 11 years in retirement. Therefore, people are spending much longer in retirement, yet the scheme and the contributions into the scheme have not changed over that time. Members therefore will see that it is no longer in its current form sustainable. There is a contribution shortfall for every new member joining the scheme, the problem is growing, and these Regulations address that issue. Pension benefits are being promised which are no longer being paid for. This is, as I have said, unsustainable and these Regulations help to address it. So what process have we gone through? Over the last 3 years, through the joint working of representatives of P.E.C.R.S. Committee of Management, the Joint Negotiating Group - they are the people who negotiate pension provision for the majority of public sector employees, as well as Treasury officials - they have together sat down and developed these proposals. I would like to thank those who have been involved in bringing forward those proposals: the independent chairman of the Committee of Management; they have been reviewed, have extensive technical review by actuaries, legal advisers and law officers. I thank all those involved for their contribution and for their part in the negotiation in getting to this point. As I have said, there are 4 sets of Regulations and an Appointed Day Act. But if I come to the first one; that is about administrative matters and governance arrangements. Not only do we need a public service pension scheme that is sustainable and affordable, we also need a scheme that is appropriately governed. The governance arrangements around the scheme are being strengthened with new requirements for admitted bodies and pensioners to be represented on the Committee of Management. Maximum terms of office for committee members are specified within Regulations for the first time, best practice has been followed with new requirements for a statement of investment principles and a pension administration strategy will also be produced and published. The next set of Regulations cover funding and valuation. Any changes to the pension scheme need to be affordable for the States and taxpayers, as I have said. These Regulations increase the contributions that public servants will pay ...

The Bailiff:

Chief Minister, are you proposing to address all 4 together because you seem to be doing that?

Senator I.J. Gorst:

I was. I can certainly separate them out if you would prefer.

The Bailiff:

It is simply that they are different propositions. Theoretically, if Members wanted to speak they could then speak at large on all of them on the same point.

Senator I.J. Gorst:

Indeed they will still be able to do so but I shall take your leading. That means it is somewhat a little bit more of a separated debate but that is not a problem at all. I maintain the principles of the administrative Regulations. Thank you.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show? **[Interruption]** The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the principles of P.96, the Draft Public Employees (Pension Scheme) (Administration) (Jersey) Regulations 201- and I ask the Greffier to open the voting.

POUR: 28		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Deputy M. Tadier (B)		
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy of Grouville				
Deputy of Trinity				
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 of St. Ouen				
Deputy L.M.C. Doublet (S)				
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)				

The Bailiff:

Deputy Brée, does your panel wish to scrutinise these Regulations?

Deputy S.M. Brée of St. Clement (Vice-Chairman, Corporate Services Scrutiny Panel):

No, Sir, the panel has already issued a report on the pension scheme and we see no further work required at this stage.

The Bailiff:

Thank you. So I do not need to ask you for any of these propositions then? Thank you. Chief Minister, do you wish to propose the Regulations in detail? **[Laughter]**

6.2 Senator I.J. Gorst:

That is an extremely difficult question for me because you know that I enjoy the subject of pensions. Of course if it was simply down to me, I would wish to propose them in detail but I am sensing the mood of the Assembly and I am not sure that all Members enjoy the detail of pensions as I do. If I could propose them *en bloc*. They are extremely detailed. They deal with the setting up of the Committee of Management, who will sit on the Committee of Management, the term of office of the independent chairman, how they should be appointed, how they can be removed, the delegation of functions, the budget, the appointment of actuaries, the duties of the actuaries, appointments of investment managers, the duty or functions of those investment managers, the duty of the committee in relation to the investment managers and appointment of custodians and their duties. Importantly, the change around statement of investment principles which I think is going to lead to great improvement, how the assets of the fund are dealt with and how investments are made, the administration of the scheme and the 1967 scheme, the pension administration strategy, again, an important change, the need to publish annual reports and accounts and how transfers in and out of the fund will be delivered. That again is important for compliance and acceptance from U.K. schemes into the fund. Various things about interest on late payments, production of information, issuing of annual benefit statements to members of the scheme, how payments will be made in respect of deceased payments and those who are incapable of managing their affairs and how tax deductions are dealt with. There we are, so I propose them *en bloc*.

The Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Those in favour of adopting the Regulations, kindly show? **[Interruption]** The appel is called for. I invite Members to return to their seats and I will ask the Greffier to open the voting.

POUR: 29		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy S.Y. Mézec (H)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy of Trinity				
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 of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Bailiff:

Do you wish to propose the Regulations in Third Reading?

6.3 Senator I.J. Gorst:

If I may, Sir. Could I at this point thank the current Scrutiny Panel who picked up the review of the detailed Regulations following on from work that the previous panel did and the work that their expert did as well? I think they have been extremely helpful and I hope informative to Members in reaching their decisions today.

The Bailiff:

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

7. Draft Public Employees (Pension Scheme) (Funding and Valuation) (Jersey) Regulations 201- (P.97/2015)

The Bailiff:

We come to the second of the pension Regulations, P.97, Draft Public Employees (Pension Scheme) (Funding and Valuation) (Jersey) Regulations 201- and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Public Employees (Pension Scheme) (Funding and Valuation) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 4, 5, 6 and 7 of, and Schedule 1 to the Public Employees (Pensions) (Jersey) Law 2014 and Article 3 of the Public Employees (Retirement) (Jersey) Law 1967, have made the following Regulations.

The Bailiff:

Chief Minister, do you wish to propose the principles?

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

If I may, Sir. We come on to the funding and valuation Regulations. These will provide for funding arrangements that will ensure the respective schemes are sustainable and affordable for the long term. The main focus of this set of Regulations is setting the arrangement by which the respective funds will undergo actuarial valuations and how the adjustments to benefits following evaluation will ensure that costs are controlled within the cost cap. The Regulations also provide for future adjustments to the accrual rate, reductions to annual pension increases and reductions to re-valuation rates for benefits in the scheme so as to ensure sustainability and affordability into the future. They also specify the member and employer contributions applicable for different categories of existing member from 1st January 2019 and of course for new members from 1st January 2016. The structure of the funding and valuation Regulations is set out so that it establishes arrangements for that funding strategy and valuations and then considers the termination of rates, cost caps and control of funding levels and use of scheme assets. I maintain the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Those Members in favour of adopting the principles, kindly show? Those against? The principles are adopted. Do you propose the Regulations perhaps *en bloc*, Chief Minister?

7.2 Senator I.J. Gorst:

If I may, Sir, yes. We have got Regulations that deal with the funding strategy and valuations. They require a funding strategy statement.

[12:00]

We have got the dealing with actuarial valuations and the timing that the committee shall provide those valuations and for the first time that must be done within a set period of time, that is 15 months, of the valuation date. We have got agreement for the setting of assumptions for actuarial valuations; that is extremely important because we are moving to prudent assumptions. We have got the setting of the scheme actuarial rates. We have got annual increase in pensions, revaluation rates. As I said in the principles, the setting of the employer and member contribution rates, interim rates to help transition. We have got the Regulations that deal with the cost caps and the control of funding into the future. We have got the Regulations that deal with the ring-fencing of the 1967 scheme assets. In schedules we have got the interim rates and schedules dealing with transition members and employer transitional contribution rates and repayment of the pre-1988 liability.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. In Third Reading, Chief Minister?

Senator I.J. Gorst:

If may, thank you.

The Bailiff:

Does any Member wish to speak? The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Public Employees (Pension Scheme) (Funding and Valuation) Regulations in Third Reading. I will ask the Greffier to open the voting.

POUR: 33		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy S.Y. Mézec (H)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
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 of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (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)				

8. Draft Public Employees (Pension Scheme) (Membership and Benefits) (Jersey) Regulations 201- (P.98/2015)

The Bailiff:

We come to P.98, the Draft Public Employees (Pension Scheme) (Membership and Benefits) Regulations lodged by the States Employment Board. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Public Employees (Pension Scheme) (Membership and Benefits) (Jersey) Regulations. The States in pursuance of Articles 2, 4, 5 and 9 of in schedule 1 to the Public Employees (Pensions) (Jersey) Law 2014 and Articles 2 and 4 of the Public Employees (Retirement) (Jersey) Law 1967, have made the following the Regulations.

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

These Regulations deal with membership and benefits. They provide for the main benefit structure for the new public employees' pension scheme and set out provisions for admitting other employers into the scheme. The new Regulations include provisions for forfeiture of member's pension following conviction and sentencing for an offence committed in connection with his or her employment. They are new facets of this new scheme which the previous scheme did not have but they mirror provisions in schemes in the United Kingdom. They define the eligibility criteria for membership to the scheme and then provide for payment of contributions and deal with the structure and management of pension records for all members of the scheme and they also outline the retirement and survivor benefits. Of course the retirement ages are increasing to mirror the retirement requirements to receive the Old Age Pension in Jersey as well. I maintain the principles.

The Bailiff:

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

Deputy L.M.C. Doublet:

I am just looking at Standing Orders. I was not sure exactly when to say this and it is not a direct financial interest but my fiancé, being a police officer, is affected by these pension changes, not in a beneficial way, quite the opposite, but I thought it was worth declaring just for the record.

The Bailiff:

These are Regulations which have an indirect or are shared with a large class of persons' financial interest for those Members who have partners or spouses and therefore it should be declared if you wish to speak but there is no other inhibition on voting. Does any Member wish to speak on the principles? Those Members in favour of adopting the principles kindly show. Those against? The principles are adopted.

8.2 Senator I.J. Gorst:

If I could take the Articles *en bloc*. Perhaps I will not run through them because they are very detailed and there are lot of them in this regard but if any Members have questions I will endeavour to answer them.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the Regulations, kindly show? Those against? The Regulations are adopted. In Third Reading, Chief Minister?

Senator I.J. Gorst:

If I may. Thank you.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on Third Reading? Those Members in favour of adopting the Regulations in Third Reading kindly show. Those against? The Regulations are adopted.

9. Draft Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations 201- (P.99/2015)

The Bailiff:

We come to P.99, the Draft Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) Regulations lodged by the States Employment Board. I will ask the Greffier to read the citation of the draft.

The Greffier of the States:

The Draft Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations. The States in pursuance of Article 2, 10 and 11 of the Public Employees (Pensions) (Jersey) Law 2014 and Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, have made the following Regulations.

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

Yet again, this does what it says on the tin and it will provide the bridge between the provisions of the current P.E.C.R.S. Scheme and the new public employees' pension scheme and the idea is that it provides a seamless transition from one scheme to the other. There is, Members will know, an amendment which is to the Articles and that deals with an old age pension adjustment which the States Employment Board were minded to remove straightaway but after negotiation with members of the scheme, have agreed to allow it to remain in place for a period of time. We will come to that in the Articles. I maintain the principle.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the principles? Those Members in favour of adopting the principles kindly show? Those against? The principles are adopted. Do you wish to propose them *en bloc*, Chief Minister? Beg your pardon, I was getting carried away. Do you wish to propose your own amendment, Chief Minister?

9.2 Senator I.J. Gorst:

I wonder if it is possible, for ease for Members, otherwise it is going to be extremely complicated, if we could take the Regulations as amended ...

The Bailiff:

So we will take Regulations 1 to 6?

Senator I.J. Gorst:

Yes, sir.

The Bailiff:

Very well. We will take Regulations 1 to 6. Do you wish to propose?

Senator I.J. Gorst:

I was just turning to the page in my paper but, yes, they are proposed.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on Regulations 1 to 6? All Members in favour of adopting Regulations 1 to 6 kindly show. Those against? Those Regulations are adopted. Now we come to Regulation 7 where there is an amendment of the States Employment Board. I ask the Greffier to read the amendment.

The Bailiff:

Now we come to Regulation 7 where there is an amendment of the States Employment Board. I ask the Greffier to read the amendment.

The Greffier of the States:

Page 32, Regulation 7. After Regulation 7(11) add the following paragraph – “(12) Unless an election as required under Regulation 15 of the Existing Members Regulations or Regulation 15 of the New Members Regulations, as the case may be, has been made before the transition date, the calculation of 1967 Scheme retirement benefits referred to in paragraphs (2)(a), (4)(a), (6)(a), (8)(a), (9)(a), (10)(a) or (11)(a), shall not include an adjustment under Regulation 15 of those respective Regulations, as the case may be.”.

9.3. Senator I.J. Gorst:

This is a technical adjustment which currently is available to some members in the existing scheme where they can offset taking benefits from the existing scheme if they are receiving the old age pension and the calculation is undertaken for them to allow them to do that. As I say, after representation from various union bodies, because it was only an issue that was raised right at the last minute of the changes, the States Employment Board decided that it would continue with a transitional arrangement along the same lines as the transitional arrangements which we had previously agreed would be in place for generally remaining in the existing scheme.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Those Members in favour of adopting the amendment kindly show? The amendment is adopted. So we return to Regulation 7 as amended and that is proposed, Chief Minister, and seconded ...

Senator I.J. Gorst:

If I may. Thank you.

The Bailiff:

Does any Member wish to speak on Regulation 7 as amended? All Members in favour of adopting that Regulation kindly show? Those against? The Regulation is adopted. How do you wish to go about this, Chief Minister?

9.4 Senator I.J. Gorst:

Could I propose the remaining Regulations and then, of course, there are amendments to Schedules 1 and 2. So I am assuming from your previous direction that you would like me just to propose the Regulations up to the schedule.

The Bailiff:

So Schedule 1 refers back to Regulation 19. We ought to take Regulations 8 to 18 now and then we will take 19 and Schedule 1 and then the amendment to Schedule 1. Very well, proposed and seconded. **[Seconded]**

Senator I.J. Gorst:

Yes, thank you.

The Bailiff:

Does any Member wish to speak on Regulations 8 to 18? Those Members in favour of adopting those Regulations kindly show? Those against? The Regulations are adopted.

The Bailiff:

You now wish to propose Regulations 19 and Schedule 1 and the amendment to Schedule 1. Greffier, perhaps, you will read the amendment.

The Greffier of the States:

Pages 47 to 48, Schedule 1. In paragraph 1 - (a) delete subparagraph 11; (b) for subparagraph (12), substitute the following subparagraph - “(11) In Regulation 11(2)(b), for the words ‘as increased under Regulation 11 of the general regulations’ ...”

The Bailiff:

No. I am sorry, Greffier. I wonder if Members would be happy for us to all take this as read. Thank you. Right. So this is the amendments to Schedules 1 and Schedule 2, which are all on the amendment proposition, P.99. Proposed, Chief Minister?

9.5 Senator I.J. Gorst:

If I may. They are supplementary to the amendment that we have just agreed.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the amendments to Schedule 1 and Schedule 2 as set out in the P.99 amendment paper, kindly show. Those against? The amendments are adopted. We return then to Regulation 19 and Schedules 1 and 2, that the schedules are being amended. Does any Member wish to speak on those Schedules and Regulation? Those Members in favour of adopting the Regulations, 19 and 20, and the Schedules 1 and 2, kindly show. Those against? The Regulations are adopted. Do you wish to propose them in Third Reading?

Senator I.J. Gorst:

If I may. Thank you.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting the Regulations in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading.

10. Draft Public Employees (Pensions) (Jersey) Law 2014 (Appointed Day) Act 201-(P.100/2015)

The Bailiff:

We now come to P.100, the Draft Public Employees (Pensions) (Jersey) Law 2014 (Appointed Day) Act. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Public Employees (Pensions) (Jersey) Law 2014 (Appointed Day) Act. The States, in pursuance of Article 13 of the Public Employees (Pension) (Jersey) Law 2014, have made the following the Act.

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

Thank you. As I said right at the start, this is the culmination of around 3 years' worth of work, which has been undertaken by staff right across various departments, not least of which are the Law Officers' Department, undertaken by States employees who sit on the Committee of Management, who sat on the Joint Negotiating Group. We have not always seen eye-to-eye but I believe that we have got a set of proposals and changes that will be beneficial to the States, to employees and to taxpayers in the medium term.

[12:15]

I am aware that Scrutiny and their advisers asked the question about whether the contribution cap of 16.5 per cent was sustainable in the longer term and that is a very good question and it is an issue which departments and the States Employment Board will need to, in due course, review. I thank Members who turned up to the briefing yesterday and those Members that have been involved in the debate previously and the previous Scrutiny Panel. My only disappointment is that I have not been able to enjoy a long and detailed debate on this subject but I think that simply shows that a lot of people have put in a lot of hard detailed work to get to the point that we are today and there is a general consensus that this is the best way forward for the States, for employees and for taxpayers. Therefore, I propose the principles of the Appointed Day Act.

The Bailiff:

Is it seconded? [**Seconded**] Does any Member wish to speak?

10.1.1 Deputy J.A. Hilton:

Just a quick question. The Chief Minister just told Members that he would be reviewing the scheme as time went on. I see from the information given in the proposition that ... I think it was 1998 that there were last regulations. How often will the States Employment Board review the scheme?

The Bailiff:

Does any other Member wish to speak? Chief Minister.

10.1.2 Senator I.J. Gorst:

Of course the actuarial valuations will take place every 3 years. I would expect, when we set off 3 years ago, that we might not have thought this would be the case, but I would expect big changes to pension schemes. You might be wanting to review them now in the light of current demographics and changes economically in Europe, between 5 and 10 years. They may not be of the same magnitude that we have seen today but they need to be constantly under review around that time period because they have got to be sustainable. They have got to be affordable, which is rightly the issue that the experts from the Scrutiny Panel raised, and they have got to be fair. There are always in Jersey, with the current employment profile, going to need to largely mirror what is happening in the U.K. because of the medical professionals that we recruit from the U.K. but if the U.K. change their scheme and make it less generous than it stands today that will be another opportunity for Jersey to consider and reconsider its scheme as well. Of course there is another body of work that needs to be undertaken around the teachers' scheme as well to move them on to a very similar scheme to the changes that we have seen today. So in the past people have set up pension schemes and let them run for 20 or 30 years; that is not how pension schemes operate in the current world. They need to be reviewed and changed more frequently.

The Bailiff:

All Members in favour of adopting the Appointed Day Act kindly show. Those against? The Appointed Day Act is adopted.

11. Draft Public Finances (Amendment of Law No. 3) (Jersey) Regulations 201-(P.114/2015)

The Bailiff:

We now come to P.114, the Draft Public Finances (Amendment of Law No. 3) (Jersey) Regulations lodged by the Minister for Treasury and Resources. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Public Finances (Amendment of Law No. 3) (Jersey) Regulations. The States, in pursuance of Articles 1, 2 and 4 and 69A of the Public Finances (Jersey) Law 2005, have made the following Regulations.

The Bailiff:

Minister, do you wish to propose the principles?

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

The following draft Regulations are a consequence of the States approval on 25th September 2013 of P.92/2013 regarding ministerial responsibility for justice policy and resources. The approval of that proposition clarified that within the executive branch of Government the Chief Minister is responsible for justice policy and resources as defined in the report which accompanied that proposition. The bodies affected by this clarification are defined within the Public Finances Law as non-ministerial States-funded bodies. The draft Regulations are straightforward as they separate the list of non-ministerial States -funded bodies into 2 parts in order to reflect the bodies relevant to proposition P.92, namely; the Viscount's Department, the Judicial Greffe, the Law Officers' Department, Probation Department and Data Protection Commissioner. The position for the remaining non-ministerial States-funded bodies will remain unchanged. The proposal brings the Public Finances Law into line with the requirements approved within P.92 by retaining the existing framework within the relevant offices and arm's length bodies to perform their legal, judicial and regulatory functions while at the same time ensuring that the Chief Minister is consulted when the headline budget for a relevant non-ministerial body is changed. The method by which all non-ministerial bodies participate in the process which results in the Medium Term Financial Plan is unchanged. The situation remains that if the Council of Ministers cannot agree a figure for the heads of expenditure for a non-ministerial body then an explanation must be included in the Medium Term Financial Plan. This position does not change under these draft Regulations and this Assembly continues to set the headline budgets for all heads of expenditure including for non-ministerial bodies. The amendment simply requires that the Minister for Treasury and Resources should consult the Chief Minister when proposing to use the existing provisions within the Public Finances Law which enable the transfers of funds to or from a relevant non-ministerial States-funded body or the use of any excess income by a relevant non-ministerial States-funded body. In this way the Chief Minister will be aware of any proposed changes potentially affecting justice policy and resources which may be proposed to the Minister for Treasury and Resources by any of the relevant non-ministerial bodies following the setting of the heads of expenditure limits by this Assembly. I want to make it clear that the draft Regulations do not threaten the independence of the courts, prosecution or data protection authorities. This independence remains protected by the relevant laws nor do the draft Regulations give the Chief Minister any responsibility for individual legal cases, operational or administrative matters, legal or constitutional advice provided by officers of the Crown or day-to-day resource management. All of these issues remain the responsibility of the relevant officers and arm's length bodies. I commend the Regulations to the Assembly.

The Greffier of the States (in the Chair):

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show. And against? The principles are adopted. Deputy Brée, this falls to your panel. Do you wish to ...

Deputy S.M. Brée (Vice-Chairman, Corporate Services Scrutiny Panel):

No, we do not wish to.

The Greffier of the States (in the Chair):

Very well. Do you wish to propose Regulations 1 to 6 together, Minister?

Senator A.J.H. Maclean:

Yes, *en bloc*.

The Greffier of the States (in the Chair):

Are they seconded? [**Seconded**] Does any Member wish to speak on any of the Regulations? Those in favour of adopting Regulations 1 to 6 kindly show. Any against? They are adopted. Do you propose the Regulations in Third Reading, Minister?

Senator A.J.H. Maclean:

Yes, sir.

The Greffier of the States (in the Chair):

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading kindly show? Those against? The Regulations are adopted in Third Reading.

12. Draft Road Traffic (No. 62) (Jersey) Regulations 201- (P.115/2015)

The Greffier of the States (in the Chair):

We now come to the Draft Road Traffic (No. 62) (Jersey) Regulations and I will ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Road Traffic (No. 62) (Jersey) Regulations 201-. The States, in pursuance of Order in Council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956, have made the following Regulations.

12.1 Deputy E.J. Noel (The Minister for Transport and Technical Services):

The Regulations before Members today will amend the Road Traffic (Jersey) Law 1956 in order to introduce several new motoring offences and revise the penalties for existing offences regarding dangerous or careless driving. Members will recall the tragic road accident on St. Clement Coast Road in 2011. The passenger was killed and the driver was subsequently charged with causing death by dangerous driving, an offence which carries the maximum sentence of 10 years imprisonment. The prosecution concluded however that there was insufficient evidence to secure a conviction for dangerous driving. Unlike the U.K. there is currently no offence of causing death by careless driving in Jersey and the prosecution therefore proceeded with an alternative charge of careless driving for which the maximum penalty is £1,000. The defendant pleaded guilty to that charge and was fined £750 and disqualified for one year. The previous Minister for Home Affairs, Senator Le Marquand, subsequently wrote to my predecessor, Deputy Kevin Lewis, in 2012 requesting that a new offence be created of causing death by careless driving with a penalty of up to 5 years' imprisonment. Senator Le Marquand also chaired a cross-departmental working group to review the maximum penalties for all traffic offences and the group proposed significant increases as the levels of fines in most cases had not increased for many years. The recommendations of that work have been included in the Criminal Justice (Miscellaneous Provisions) (Jersey) Law which Members approved only last month and which now await approval with the Privy Council. The group supported creating a new offence of causing death by careless driving but also considered that the consequence of causing serious injury should also be addressed. Over 50 serious road accidents per year is the typical occurrence in the Jersey whereas on average we have,

unfortunately, some 3 fatalities. These injuries, although not fatal, could be life changing and serious and the seriousness of them should also be recognised in the offences and the level of penalties. Proposed new offences have therefore been developed which would combine the seriousness of the action with the seriousness of the consequence and ensure that the courts have the power to apply appropriate penalties in order to provide an effective deterrent to unsafe road use. Members may wish to refer to the table in the accompanying report which explains what is proposed and how it fits in with the existing legislation. I do not propose to read out all of the provisions but would draw attention to what I would consider the key points. A new offence will be created of causing death by careless driving with a maximum penalty of 5 years in prison. New offences of causing serious injury by dangerous driving or by careless driving will be also created with 5 years and 2 years' maximum imprisonment respectively. I stress that the penalties are not of course fixed but maximums enabling the courts to apply a more appropriate range than they can currently. The penalties for the new offences are consistent with those of the U.K. where they exist and the Attorney General has advised on the appropriateness of all the offences and the penalties. The definition of serious injury has been taken from the Air Navigation (Jersey) Law and in summary it means hospitalisation and/or fractures, severe lacerations, injuries, injuries to internal organs or second and third degree burns. To conclude I would advise Members that the numbers of serious injuries have not been decreasing in Jersey over the last 2 decades and it is important that we do more to see that we have a declining trend in the future. Having appropriate penalties as a deterrent to unsafe road use is a vital aspect of the package of measures we need to progress to make our roads safer and to reduce the likelihood of a repeat of the tragic accident on St. Clement Coast Road. I make the proposition and ask Members to support the Regulations.

The Greffier of the States (in the Chair):

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

12.1.1 Connétable M.P.S. Le Troquer of St. Martin:

I will be supporting the proposition and do not want to speak just for the sake of speaking but I wanted to make a couple of points during this debate that I think Members should be aware of. I do not think the proposition will make a difference in the way people drive. I do not think people are going to be driving on the road thinking there is going to be increased sentences: "I might face a different charge." Nevertheless, we have the proposition before us. I spent many years investigating serious and fatal road traffic collisions. I was a fatal accident investigator in the States Police at a time when this Island had numerous fatal accidents every year. Thankfully that has been reduced considerably, albeit one fatal accident is one too many. I think thanks have to go to the work undertaken by the Island's Road Safety Officer, by the States Police and the Honorary Police, by T.T.S. themselves and the road layouts and road surfaces. We have got safer cars. We have got speed limits and the like. Many things have played a part. However, throughout my career I was always advised that sentencing and certainly the charge that should follow should not reflect the consequences of the final, what happened; a person was killed or a person was seriously injured. If someone drives dangerously then they were convicted of dangerous driving and if they drove carelessly they should be convicted of careless driving. I accept that it must be very hard for a family who have lost someone or who have had one of the members of their family seriously injured in a road collision. I can only express and say the training that I had during my career; the consequences.

[12:30]

I was quite surprised it was the former Minister for Home Affairs who suggested the proposition, having been a magistrate himself, but nevertheless we have it. Some Members might be surprised at this. In fact I think some ... I see some nodding there. They are not surprised at the things I have said this morning but I am sure families would also find it hard to accept. We have to remember nobody goes out to kill or to injure somebody seriously with a vehicle and if they do that there is a customary law, the common law offences of murder or manslaughter. Murder, the one, or

attempted murder really, which could be reduced to manslaughter. I was a senior investigating officer when the last road traffic accident occurred on this Island when we did not have causing death by dangerous driving. That offence was only introduced in 1997 and it followed 2 fatal accidents on the Island, the last one, as I said, I dealt with. We had to use the customary law offence of manslaughter which was brought at that time. For Members, and I am sure most Members must know, that manslaughter is the unlawful killing of another person without malice aforethought. It differs from murder obviously because of the absence of malice. I stand to be corrected by the Attorney General this morning but I think this is the situation. I do not want to go off at a tangent and I return to my original point; motorist do not go out to maim or kill with their driving. There is legislation to cater for that already. By introducing a whole range of new offences we have before us today and sentences it could be suggested that we are interfering with the justice system, with the courts, with the magistrates who have an independent role and we are just supplying them with more tools in his or her capacity as Magistrate or the Bailiff himself in the Royal Court. The simple answer, obviously, would have just been to increase the minimum sentences or increase the maximum sentences, it should be really, and the disqualification periods. That would have been ... I think we have made a bit of heavy weather of this issue. The media report today; I am pleased that the Minister has said this morning this is not adding a charge of causing death by careless driving. There is a whole range of new offences that are being introduced today. We are trying to cover every eventuality, causing death by careless driving, causing serious injury by careless driving; causing serious injury by dangerous driving. We already have the death one. Mandatory disqualification periods now for dangerous driving and for other offences being brought in this morning. The Article that causes me probably the greatest concern are the amendments required to Article 36 in the 1956 law, and I do have it there, may be seen that we are actually assisting the courts with the alternative verdicts. I have it in front of me this morning, the alternative verdicts. Now, that is not shown in the proposition. The alternative verdicts are but the first paragraph is not. "If, on a trial of a person charged with an offence specified in the first column of the table below where the general nature of the offence is indicated the court or the jury, as the case may be, is of the opinion that the person is not guilty of that offence but is guilty of an offence under one or more of the provisions specified in the corresponding entry in the second column of the table below, he or she may be found guilty of an offence under one or more of those provisions." I think that is quite important. We are creating, this morning, or adding to the options available to any defending advocate to put to the court or to a jury, although I am not sure if a jury would now count, because it is the statutory offences only. The jury there before was obviously for the manslaughter piece, the common law offence. Finally, the proposition may give some comfort to relatives of victims involved in a collision that results in a death or serious injury. However, it also gives a whole range of alternatives for defending counsel to put forward during a trial. The easiest answer may have been to just simply increase the maximum fines and custodial sentences available for the courts to use. The magistrates already have their own guidelines in relation to sentencing and an example obviously is the drink driving; driving over the prescribed limit. The magistrates do not have separate Articles in the law depending on the level of the person's drink drive reading level. They set that themselves, the magistrates. I am sorry if I sounded negative but I wanted to bring this issue to the attention of the Assembly and to the public and to the media. The families of the victims may still be disappointed because the sentences imposed by the courts may not reflect the sentences they expect following the use of any of the new offences.

12.1.2 Deputy S.M. Wickenden:

I know a lot of people in the Island and a lot of my parishioners have concerns about types of driving in the Island. Although I fully support this I was wondering if the Minister could let us know why in the U.K. they have certain powers to confiscate vehicles and crush them if they feel that somebody is not driving safely and I think that is a very strong deterrent for driving dangerously if you lose your vehicle. I was wondering while the department was putting this together whether this was thought about or whether the Minister will be bringing something forward in that manner.

The Greffier of the States (in the Chair):

Does anyone wish to speak on the principles? If not I will call on the Minister to reply.

12.1.3 Deputy E.J. Noel:

I thank the 2 Members that have spoken. To address Deputy Wickenden's query first; it is something that we did bring up at the workshop that we held back in June with the 13 road authorities and the 13 police authorities in the Island and the context was there for excessive speeding offences whereby the vehicle could be confiscated and crushed or sold on and the funds used for road safety aspects. That aspect was not supported by those present at the workshop for a number of reasons, being if it was somebody else's vehicle that had been used, *et cetera*, so there were complications but it is something that I certainly do keep to the back of my mind because I know it is being used or trialled in other jurisdictions and I know it is being trialled in Glasgow so it is something that we will continue to monitor. I would like to take the opportunity to thank former Deputy Baudains and former Senator Le Marquand for starting this process which has led to this important piece of legislation before us today. I thank my predecessor, Deputy Kevin Lewis, for progressing the law and, finally, I would like to thank the Law Officers and indeed the Attorney General but, in particular, my small but very competent transport policy team up at T.T.S. who have worked hard behind the scenes to prepare all the necessary paperwork and the legislation before you today. As I said at the start of the debate, having appropriate penalties as a deterrent to unsafe road use is a vital aspect of a package of measures we need to progress to make our roads safer and reduce the likelihood of a repeat of the tragic accident that happened in St. Clement back in 2011 and I ask Members to support the principles.

The Greffier of the States (in the Chair):

All those in favour of adopting the principles kindly show. Those against? The principles are adopted. Constable of St. Helier, this falls to your panel, do you **[Aside]** ... very well. Do you wish to propose Regulations 1 to 11 together, Minister, *en bloc*?

12.2 Deputy E.J. Noel:

If I could. Just to speak briefly for amendments for Regulation 1, it is obviously the title of the legislation. Regulation 2 deals with the current dangerous driving, it does not have a provision for a disqualification to drive. Regulation 3 covers the offence caused by serious injury for dangerous driving. Regulation 4 simply adds a reference to the new Article 23A in Article 22(4) which defines dangerous driving. Regulation 5 amends the law so that a fine of £1,000 for careless driving becomes a level 4, which is currently at £5,000. Regulation 6 inserts into the law the new offence of causing death by careless driving. Regulation 7 amends the period for disqualification for causing death by careless driving under the influence of drink or drugs. Regulation 8 introduces the new offences of causing serious injury by careless driving or by careless driving when under the influence of drink or drugs. Regulation 9 increases the penalty for driving under the influence from £2,000 and imprisonment of up to 6 months to a level 4 fine and imprisonment of up to 12 months. Regulation 10 amends Article 36 of the law which prescribes the alternative verdicts. I maintain the Regulations.

The Greffier of the States (in the Chair):

The Regulations are now proposed, are they seconded? **[Seconded]** Does any Member wish to speak on any of the Regulations? All those in favour of adopting the Regulations kindly show? Against? They are adopted. Do you propose the Regulations in Third Reading, Minister?

Deputy E.J. Noel:

I do.

The Greffier of the States (in the Chair):

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? The appel is called for. The vote is 4 against the Regulations in Third Reading. I ask Members to return to their seats and I ask the Greffier to open the voting.

POUR: 35		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Breilade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
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 A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (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)				

13. Public Lotteries Board: appointment of Chairman and Members (P.121/2015)

The Greffier of the States (in the Chair):

We now come to P.121/2015 the Public Lotteries Board: appointment of Chairman and Members 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, in pursuance of Regulation 3(2) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, to appoint the following as members of the Public Lotteries Board, namely - Darren Scott, Economic Development Department chairman; Ruth Johnson, Chief Minister's Department; Alison Rogers, Treasury and Resources Department; Andrew Sugden, Economic Development Department; Nathan Fox,

Economic Development Department; Alison de Bourcier, Economic Development Department; Phil Ashley, Treasury and Resources Department.

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

I will ask my Assistant Minister with responsibility for this to act as rapporteur.

13.1 Deputy M.J. Norton of St. Brelade (Assistant Minister for Economic Development - rapporteur):

P.121 proposes the appointment of a new Public Lotteries Board under the Gambling (Channel Islands Lottery) Regulations 1975. As Members may be aware, the purpose of the Public Lotteries Board is to advise the Ministers in all matters concerning the promotion and conduct of the Channel Islands Lottery and to attend lottery draws that take place in Jersey. First and foremost I should state from the outset that the appointments proposed to Members today will only be short-lived as a full public recruitment exercise will commence in early 2016. The Regulations do not provide for an appointment of an interim board so we must appoint, as it were, for the full 5-year term. However, as soon as the public recruitment exercise is complete in early 2016 the proposed board today will resign. The Channel Islands Lottery has been rejuvenated in recent years. Jersey profits for local good causes were just under £260,000 in 2004. Ten years later in 2014 this figure has risen to over £700,000. The first prize in the Christmas lottery draw in 2004 was £291,000. In 2014 it was £1,220,600. There is no doubt that the Channel Islands Lottery improves people's lives across our community and this has not happened by accident. A drive to cut out administration, strip out unnecessary costs, professionalise the operations and drastically improve the range of playability of products has been undertaken. Improvements continue to be made to ensure the Channel Islands Lottery is streamlined so as it can only maximise a return for good causes. The Channel Islands Lottery may be small in global terms but it is something which the Channel Islands can be justifiably proud of. In 2011 the way the States purchased tickets was changed from buying tickets to a percentage of sales and those terms mean that we only pay for tickets when they are sold. Importantly these changes mean that new games are now devised utilising world leading lottery expertise. In 2014, a public tender exercise, a further percentage of sales contract was awarded to a local company which has led to improvements and cost savings in the way the games are distributed locally. One consequence of these much needed changes was that the previous Public Lotteries Board had become largely redundant as the areas to which they had historically had input were no longer necessary due to the transformation of the lottery. After many years of dedicated public service the terms of office for that board were allowed to expire back in 2013. With a strong desire to hold the 2015 Christmas draw in Jersey, the last 2 having been held in Guernsey, it is considered prudent to have a constituted Public Lotteries Board in place for that draw. The voluntary and charitable sector are still engaged with Government in working through vital improvements and changes made necessary by the adoption in this Assembly of the Charities (Jersey) Law 2014.

[12:45]

As a result we have been unable to finalise the new terms of reference for the Public Lotteries Board. Until we are able to complete this work we are unable to commence the public recruitment exercise necessary for a new Public Lotteries Board. Today's proposed appointments of a group of officials with knowledge of the Channel Islands Lottery represents a pragmatic approach until we can publicly recruit a new board with new terms of reference. I envisage that being in the first quarter of next year and I request Members support the proposition.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? All Members in favour of adopting the proposition kindly show. Those against? The proposition is adopted.

14. Jersey Financial Services Commission: appointment of Commissioner (P.126/2015)

The Bailiff:

We come now to P.126, Jersey Financial Services Commission: appointment of Commissioner lodged by the Chief Minister and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, to appoint Mr. Michael Nelson de la Haye, O.B.E. (Officer of the British Empire), as a commissioner of the Jersey Financial Services Commission with effect from 1st January 2016 for a period of 5 years.

The Bailiff:

Now, the proposition having been read, this is a matter which, by law, is to be debated in camera and therefore I will advise the public through the system that the States are going into camera and I ask journalists to withdraw. I say again, I do not wish to have to call the Viscount to remove journalists from the Chamber.

[Debate proceeded in camera]

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Very well, then Usher would you please inform the media that we are going out of camera and they may return. Well, I think we now proceed to a vote and those in favour of adopting **[Interruption]** ... the appel is called for. I invite the Members to return to their seats. The vote is on P.126 and I ask the Greffier to open the voting.

POUR: 38		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
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 S.Y. Mézec (H)				

Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (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)				

[Approbation]

The Bailiff:

That concludes Public Business apart from the arrangement of Public Business for the future.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

15. Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):

The arrangement for Public Business if the States agree will be as per the Consolidated Order Paper except that Projet 147, currently down for 19th January, should be moved to 15th December. If the States agrees the meeting for 1st December has the potential, I suggest, to last for 2 days.

The Bailiff:

Very well, the States now stand adjourned until 9.30 a.m. on 1st December.

ADJOURNMENT

[12:52]