

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 3rd JUNE 2014

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[9:31]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

I am delighted to welcome His Excellency to the Assembly. **[Approbation]**

QUESTIONS

2. Written Questions

2.1 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING ARTICLE 123 OF THE PLANNING AND BUILDING (JERSEY) LAW 2002:

Question

Will H.M. Attorney General advise members how Article 123 of the Planning and Building (Jersey) Law 2002 is applied in practice and, in particular state –

- (a) whether Article 123, which is contained in Part 9, ‘Administrative Provisions’ of the Law, is a substantive offence in its own right under the Law under which a person can be charged in the Magistrate’s Court or whether the provisions of the Article only comes into play when a body corporate or limited liability partnership has been found guilty of another provision of the Planning Law, such as Article 7; and,
- (b) whether a body corporate and a natural person ie. a director of the same body corporate, can be charged with an offence under Article 7 of the Law at the same time, and, if this is the case whether it breaches the English precedent relating to separate legal personal liability laid down by the House of Lords in *Saloman v A Saloman & Co Ltd* (1897) AC 22, which has been followed by the Jersey Courts?

Answer

- (a) Article 123 Planning and Building (Jersey) Law 2002 (the Law) does not, in itself, create any criminal offence. It is a provision of the Law which extends criminal liability for offences under the Law committed by a limited liability partnership and a body corporate to senior members of the partnership or body corporate where it can be proved that an offence under the Law was committed with the consent or connivance of or attributable to the neglect of that person.

For an individual person to be charged with an offence under the Law, it does not require the partnership or body corporate to have been already convicted.

- (b) It is therefore the case that charges may be brought simultaneously against a partnership or body corporate and an individual person under Article 7 and indeed other provisions of the Law. Article 123 of the Law provides a statutory exception to the separate legal entity principle.

2.2 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING PROCEDURES FOR PLANNING ENFORCEMENT ACTIONS:

Question

Will the Attorney General advise Members of the procedure or procedures which have been adopted by the Law Officers' Department when it deals with Planning Enforcement actions, detailing in particular:

- (a) the interaction(s) between Planning Enforcement Officers and other Officers of the Planning and Environment Department and the Officers from his department or lawyers appointed by his Department when considering and undertaking an Enforcement action or prosecution under the Law;
- (b) who is responsible for determining whether a prosecution is in the public interest;
- (c) who is responsible for the formulation of the charges that are laid before the Magistrate in the Magistrate's Court and for seeking any changes to these charges once proceedings have been commenced;
- (d) the role of the Centenier in such actions, particularly in relation to charging and the changing of charges once initial proceedings have commenced.
- (e) the role of the Planning and Enforcement Officer once the matter has been handed over to the Law Officers' Department with a recommendation for prosecution; and,
- (f) any changes to the procedures adopted over time, indicating when these changes came into effect?

Answer

- (a) In cases where a Planning Enforcement Officer considers that a prosecution may be appropriate, the officer will submit a file to the Law Officers' Department with a report setting out the history of the matter, details of the alleged conduct, the evidence and the reasons why a prosecution may be appropriate. Once referred to the Law Officers' Department the matter will be allocated to a Legal Adviser in the Criminal Division, who will examine the documentation and liaise with the Planning Department as necessary to make a decision, on behalf of the Attorney General, whether or not a prosecution should be brought.
- (b) Prosecution decisions, which include whether a prosecution is in the public interest, are normally made by those within my Department and, very occasionally, by external advocates instructed by me, in accordance with the Code on the Decision to Prosecute.
- (c) When providing advice to bring charges, the Legal Adviser will normally provide details of the draft charges which he or she wishes to be brought. If proceedings are to commence in the Royal Court, the Crown Advocate responsible for the case will draft the summons and arrange for the defendant to appear before the Royal Court. In the less serious matters, the

proceedings will be brought before the Magistrate's Court. In these cases, the Honorary Police arrange for the defendant to be charged and they will draft charges in accordance with the advice given by the Legal Adviser.

- (d) If proceedings are brought in the Magistrate's Court and if a defendant pleads guilty, the Centenier may deal with the case throughout. Once a defendant pleads not guilty, the case is then dealt with by a Legal Adviser. Any amendments to the charges may be applied for by the person who is dealing with the case at the stage at which the amendment is necessary.
- (e) The Legal Adviser responsible for the matter will liaise with the Planning Enforcement Officer as necessary. In some cases further information or an update will be needed. Where a prosecution is brought, the Planning Enforcement Officer may be required to give evidence at trial.
- (f) In 2013, my office had discussions with the Planning and Environment Department with a view to securing improved practices. As a result of those and other discussions, a Senior Legal Adviser in the Department has been given responsibility for providing guidance and support to all those investigating suspected regulatory breaches in States Departments with a view to improving the quality of investigations and the files submitted to me for consideration of a decision to prosecute.

2.3 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING ARTICLE 7(4) OF THE PLANNING AND BUILDING (JESREY) LAW 2002:

Question

Given that Article 7(4) of the Planning and Building (Jersey) Law 2002 states that a person may be convicted of an offence under this Article despite the fact that (a) an enforcement notice or a condition notice has been served in respect of the breach of development controls; and (b) every step required by the notice to be taken has been taken, could the Attorney General advise Members, through the use of examples, where he feels that a prosecution under this provision would be in the public interest and where he does not if a person so served with an Enforcement Notice complies fully with the terms of the Notice?

Answer

Article 7(1) of the Planning and Building (Jersey) Law 2002 provides that a person who develops land except with, and in accordance with, permission shall be guilty of an offence. Article 7(4) makes clear that a person may be convicted of such an offence despite the fact that an enforcement notice or a condition notice has been served in respect of the breach of development controls, and every step required by the notice has been taken.

There are two stages in any decision to prosecute. The first stage is the evidential test, that is, whether there is a realistic prospect of conviction. The second stage is the public interest test. In cases of any seriousness a prosecution will usually be appropriate unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour. In the case of an infraction, a prosecution is likely to be in the public interest if, for example, the breach was significant, or deliberate, or was one of a series of breaches which suggests a persistent lack of

conformity with the law. A prosecution may not be in the public interest where the breach was minor, or the result of a genuine mistake or misunderstanding, or where the Court is likely to impose only a nominal penalty and the accused has taken steps to remedy the breach. However, it will be necessary to consider each public interest factor in the circumstances of the case and go on to make an overall assessment.

In the case of a planning infraction, where an enforcement notice has been issued and fully complied with, my Department would give careful consideration as to whether a prosecution would be in the public interest.

Each case is difficult and must be considered on its own facts applying the principles set out above. I do not think that it would be helpful to refer to specific cases for the purposes of comparison as it would be necessary to consider in detail all the relevant facts and circumstances of those individual cases.

2.4 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE APPOINTMENT PROCEDURES FOR SENIOR POSTS:

Question

Will H.M. Attorney General set out in full the appointment procedures for the posts listed below, stating in detail all those involved in the decision making process and when, and all those who can write or meet with these individuals and/or bodies to make recommendations/representations or to influence the appointments of:

Bailiff

Deputy Bailiff

Attorney General

Solicitor General

The Dean

H.E. Lieutenant Governor

Answer

The Bailiff, Deputy Bailiff, Attorney General and Solicitor General

The appointment procedure for Bailiff, Deputy Bailiff, Attorney General and Solicitor General is already in the public domain and can be found in the report entitled '*The Review of the Roles of the Crown Officers*' (The Carswell report) dated December 2010, Chapter 7 - Appointment of Crown Officers. Further information is to be found in the transcript of the public hearing dated 4th May 2010 before the Carswell Review Panel when the Bailiff attended upon the Panel.

The Dean

Any vacancy in the office of Dean will be advertised by the Bishop of Dover in conjunction with the Archbishop's Appointments Commission. The Bishop of Dover will make arrangements to

shortlist any candidates. Short listed candidates and their wives attend on Island for meetings with a number of persons including the Bailiff, Vice Deans, Church Wardens and other representatives of St Helier Parish Church, the Lay Chairman of the Jersey Deanery Synod and the Constable of St Helier. Interviews are conducted by the Lieutenant Governor, the Bishop of Dover and Church Wardens. The Bishop of Dover and the Lieutenant Governor then consult with those who have met the candidates and the Lieutenant Governor with the advice of the Bishop of Dover selects the preferred candidate. That person's name is submitted to the Ministry of Justice for approval by HM The Queen.

H.E. the Lieutenant Governor

Any vacancy in the office of Lieutenant Governor is advertised in the United Kingdom through the Ministry of Justice and through the Ministry of Defence. On the occasion of the last vacancy, a recommending panel comprising the Bailiff, the Lieutenant Bailiff and a member of the Jersey Appointments Commission was constituted in order to shortlist candidates and interview all those candidates who were shortlisted. The Panel consulted the Chief Minister. Following the interview process, a recommendation was made to the Lord Chancellor who in turn made a recommendation to Her Majesty.

All of the above appointments are made by the Crown and accordingly the procedure is agreed with the Ministry of Justice.

2.5 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ASBESTOS IN JERSEY SCHOOLS:

Question

Would the Minister advise –

Whether any primary or secondary schools currently have asbestos and, if so, which schools and what type of asbestos is it, what type of material is in it and is it in places vulnerable to damage from the children?

Whether he is confident that there is no risk of harm to the people using the Highlands College Campus, given that asbestos is present around windows and doors within the buildings?

Whether Jersey Property Holdings (JPH) inspects off site buildings such as Parish halls and community centres which are used by Highlands College for classes?

Given that it is costing £114,000 per annum to manage, monitor and remove asbestos, does the Minister not believe that it makes economic sense to plan to remove all asbestos in a phased way?

Can the Minister confirm what classification has been put on school buildings in respect of their risk level e.g. low, medium or high?

What safety measures, if any, are in place and what monitoring happens to ensure that ESC are complying with their SLA and the process is quality controlled?

Can the Minister confirm that inspection reports exist for the years between 2008 and 2011 for all ESC sites that have asbestos and can he provide them?

Answer

This answer relates to schools under the management of the States, which are maintained by Jersey Property Holdings (JPH). JPH does not hold information on private schools.

The following Primary and Secondary school sites under States management have Asbestos Containing Materials (ACMs) present:

Primary

St Martins Primary School and Nursery

Bel Royal School

Greenfields Centre SEN School

D Hautree House School

St Luke's Primary School

First Tower School

St Lawrence School

Les Landes School

St Saviours School

Victoria College Preparatory School

Secondary

Grainville Secondary School

Les Quennevais School

Le Rocquier Sports Block

Victoria College

In both Primary and Secondary schools all known asbestos that remains in situ is in good condition and in areas where it can be managed with the appropriate procedures that are in place.

There is no risk from this remaining in place in its current condition and this is monitored in accordance with the Approved Code of Practice 8 Revised (ACoP) guidelines.

The Asbestos Containing Materials (ACMs) identified within the Primary and Secondary schools are a mixture of the following materials:-

- Product Type 1 - Asbestos reinforced composites (plastics, resins, mastics, roofing felts, vinyl floor tiles, semi-rigid paints or decorative finishes, asbestos cement, etc.)
- Product Type 2 - Asbestos insulating board, mill boards, other low density insulation boards, asbestos textiles, gaskets, ropes and woven textiles, asbestos paper and felt

- Product Type 3 - Thermal insulation (e.g. pipe and boiler lagging), sprayed asbestos, loose asbestos, asbestos mattresses and packing

JPH has rated the removal of ACMs from schools as a high priority and whenever the opportunity of property vacation due to school holidays, etc. and where budget has permitted the instruction to undertake removal they have done so.

There are areas that can be accessed by school children but the ACM is of a very low risk (Type 1) and controlled by communication and regular monitoring.

The Highlands campus buildings that contain ACMs are re-inspected on an annual basis with a written report issued confirming the findings. If there are any identified changes in the condition of the materials these are flagged up to JPH immediately. There is always a potential risk with buildings containing ACMs as the re-inspections are a 'Management Survey' which is a non-intrusive visual inspection. However the management plans and procedures put in place by both JPH and ES&C/Highlands facilities staff are very robust and set out procedures that both parties have to adhere to which safeguard the facility users from exposure.

JPH does not undertake the inspection of properties outside of its management such as Parish Halls or Community Centres as they are the legal responsibility of the property owner.

The costs of removing all the known ACMs from the property portfolio are estimated to be in the region of approximately £3 million and would cause extensive disruption to the property users due to the locality of the ACMs. In certain circumstances this would involve the usage of temporary classrooms and additional costs above the cost of removal. Therefore the decision has been made to manage the ACMs through stringent documentation and procedures and to remove only as part of any refurbishment or redevelopment plans.

JPH classifies properties depending on the annual inspection report overall property score and takes the appropriate management action. The scoring methodology is set out below. There are no high risk ACMs in publicly accessible areas

- Cumulative score 10 to 12 - This is allocated to those items requiring urgent attention as they currently, or in the foreseeable future, present an unacceptable risk. High risk.
- Cumulative score 7 to 9 - These are items which as single entities have a high risk of being damaged/ disturbed or where there is an accumulation of asbestos materials in a single location that when examined as a whole have a high risk of being damaged/ disturbed. Medium risk.
- Cumulative score 5 to 6 - These are items that have no, or very little, sign of historical damage and are usually board or panels, which are not easily accessed. Low risk.
- Cumulative score 4 or less - This covers asbestos cement, resins, Artex, plastics, rubber etc. containing asbestos, which do not generally present a significant risk. Very low risk.

JPH has bi-monthly meetings with the ESC Directorate to ensure any matters of concern are raised and actioned by the relevant party. The monitoring of asbestos and any other deleterious materials is a standing item on the agenda. JPH also continually review the documentation in place and have undertaken a total re-inspection and re-drafting of the site specific Asbestos Management Plans (AMPs) to reflect specific improvements.

JPH has also been working with the States Corporate Health and Safety Manager and the Health and Safety Inspectorate to improve procedures further and provide input into the Corporate Asbestos Policy.

Both departments are working closely together to ensure that the safety of the property users is a high priority and are adopting a consistent approach to the delivery of Asbestos Management. The priority is to remain compliant with the current Approved Code of Practice and continually review internal policies and procedures.

Inspection reports exist for all of the ES&C properties constructed prior to year 2000 and under the control of JPH. ACMs are not present in properties constructed after 2000.

2.6 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING LEISURE BOAT FEES OVER THE LAST 10 YEARS COMPARISON TO COMMERCIAL FEES:

Question

Could the Minister advise how much leisure boat fees (for moorings and so on) have risen in the last ten years compared with commercial fees, and explain the reason for the difference?

Answer

Ports of Jersey policy for commercial fees, which was approved by Ministerial Decision, saw an annual increase of 2.5% in January 2014 (based on June 2013 RPIY).

In 2010, the Assistant Minister for Economic Development requested that a three-year strategy be negotiated with commercial operators that would see the introduction of a ship's call charge at a minimum rate of 4 pence per gross tonnage by 1 January 2013. This was based on vessels over 500 GRT (Gross Registered Tonnage) but capped at 3,000 GRT. Prior to 2011 the policy was to apply an annual 2.5% rate with effect from 1 January to all Port of Jersey harbour dues. This was based upon the States of Jersey anti-inflation strategy (P125/2000).

Since 2011 ancillary charges for commercial port services such as pilotage, tug services, quay rentals and lay-up charges increase between 3-5% per annum based on operating costs such as labour and fuel.

These commercial fees levied part contribute to the overall running costs of the ports, including where necessary, investment in new operating equipment. For example, a new crane was purchased in 2008 at St. Helier Harbour at a cost of £1.6m and to offset this investment a crane charge per lift was introduced for commercial shipping, currently standing at £1.25 per lift. The vital services provided by Jersey Coastguard Service are also offset by commercial harbour dues.

Marine leisure charges were traditionally not subject to the 2.5% cap. In October 2010 the Assistant Minister for Economic Development approved an increase in charges as proposed by Port of Jersey following discussion and agreement with boat owners' association representatives. Prior to 2010 marine leisure berthing dues in St Helier and Elizabeth Marinas increased every January based on the previous June's RPIY. Agreement has also been reached for an additional 1% charge to be incurred at La Collette over and above the annual rate as a means of cost recovery following a major refurbishment of the facility in 2011. La Collette is now rated as the Island's premium

marina. Ancillary charges for marine leisure services, including boat-park, hoist, block bookings and admin charges see variable increases of up to 6% per annum based on market trends. Since 2011, there have been no increase in charges for boats on quays or boat hoist lifts. A commercially confidential discount is also given to marine traders for lifts during the winter period, January to March

Prior to 2010 mooring dues for the old harbour, English & French harbours, outlying harbours, mud moorings and swinging moorings were increased in line with leisure berthing dues. However, following consultation and agreement with appropriate boat owners' association representatives, a four-year strategy, proposed by Ports of Jersey and approved by the Assistant Minister for Economic Development, increased outlying harbour dues as follows: In 2011, the first year, saw a change in pricing structure from square meterage to overall length. The following year, the increase was agreed at an annual rate of 20% for the remaining three years. However, 2012 saw further discussion with interested parties, resulting in the Assistant Minister for EDD agreeing that the final year's rate of 20% would be amended to 10% over a two-year period. This current agreement is due to expire in December 2014 and rates for subsequent years will be discussed and agreed with appointed representatives and members of the marine leisure development group during the third quarter of 2014.

Marine leisure dues contribute to the overall running costs of the marinas and maintenance of outlying harbours and mud berths. In recent years Ports of Jersey have invested heavily in maintaining and improving these facilities, including £380k on improvements and maintenance of cranes in outlying harbours, £1.6m in repairs to Gorey Pier, £146k on replacement of buoys, raises and mini pontoons in the old harbour and £650k on dredging work in St Aubin's Harbour as well as £1.3m in improvements to its north pier.

2.7 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE CONSEQUENCES OF J.E.C. TRENCH RE-INSTATEMENT ON ROAD SURFACES AT HAVRE DES PAS:

Question

Would the Minister explain why the Transport and Technical Services Department has allowed the recent JEC trench re-instatement following the laying of cable ducting (especially in the Havre des Pas area) to be so uneven, and can he advise whether motorists can expect the surface to be remedied and, if so, when?

Answer

The reinstatement of the JEC 90KV Normandie 3 Cable in TTS administered Public Roads has been carried out in 3 Sections:

Section 1 – Rue a Don from Long Beach Car Park to Grouville Parish Hall and La Rue des Alleurs to La Rou Soulas

The cable and its associated apparatus was installed prior to the ongoing Rue à Don resurfacing project and is therefore a permanent reinstatement. The trench has been completed in accordance with the specification and the Department is not aware of any ride quality or other issues. This is a permanent reinstatement.

Section 2 - St. Clement's Inner Road to Green Road / Greve d'Azette junction

The cable and its associated apparatus has been installed using a foamed concrete backfill and permanent asphalt surface. This is a permanent reinstatement.

Section3 - Green Road / Greve d'Azette junction to South Hill

The cable and its associated apparatus has been installed using a foamed concrete backfill and interim asphalt surface. This is an interim reinstatement.

Quality of Surface Reinstatement

The Department is currently aware of several areas that do not meet the required specification which are planned to be remedied this year, depending on other planned utility and resurfacing works. More testing is still to be carried out as the works are still ongoing.

With regard to Section 3 and the interim reinstatement (from the Green Road / Greve d'Azette junction to South Hill) the JEC have agreed to fund a full lane width resurfacing of the carriageway along the line of the trench. Final reinstatement in this section has not yet been scheduled, but will be incorporated into the Department's ongoing resurfacing programme.

It is the Department's policy to allow up to 3 years for any settlement to take place in the trench prior to accepting the final reinstatement of the surface. Any irregularities or surface depressions that do not comply with the specification will be rectified at the cost of the relevant undertaker during this period. Any irregularities or surface depressions that present a safety hazard to motorists or pedestrians will be attended to earlier as a matter of urgency.

2.8 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING REGISTRATION FOR G.S.T. AND THE AMOUNT LEVIED ON PUBLIC TRANSPORT PROVIDERS:

Question

Will the Minister provide information on of the number of entities registered for Goods and Services Tax (GST) purposes and the total amount of GST levied from each of the following sectors of Jersey's domestic public transport industry for both years 2012 and 2013 –

- (i) buses;
- (ii) coach companies;
- (iii) taxi companies;
- (iv) self-employed taxi drivers; and,
- (v) other local transport service providers?

Answer

Because of the small number of entities in each of the listed sectors we are unable to provide a detailed breakdown as there is a risk that the tax liabilities of individual businesses may be disclosed.

The following represents the sum of all 5 of the requested sectors

<u>Current registrations</u>	<u>Returned GST</u>	
2012 2013		
Less than 5 registrations	£240,000	£121,000

Registration for GST is not compulsory unless turnover exceeds or is expected to exceed £300,000 per annum.

It is important to note that businesses are classified for GST purposes using a modified version of the UK 2007 Standard Industry Classification using the industry code for the predominant business activity. Because of this the returned data reflects both revenue and capital income and spend and may contain GST figures from activity which differs from the primary activity of transportation.

2.9 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING A BREAKDOWN OF THE CRIMINAL OFFENCES CONFISCATION FUND SINCE 2010:

Question

Will the Minister provide Members with a detailed breakdown of what the Criminal Offences Compensation Fund has been spent on from 2010 to the present day?

Answer

A detailed breakdown relating to expenditure incurred from 2010 to date is listed in the table below:

Expenditure	2010 £	2011 £	2012 £	2013 £	2014 £
Operating Expenditure					
Asset Sharing Agreements		22,559,560	466,395		1,886,869
Repayment of confiscations				8,014	
Fees relating to confiscations	100,000	5,762	4,000		2,361
Treasury administration charges	7,105	1,040	1,000	1,500	500
Grants					
Annual funding for Court and Case Costs					
Judicial Greffe and Viscount Department	310,000		506,000		
Law Officers' Department	887,909				
Other grants					
Egmont Group Secretariat	4,316				
Home Affairs Department					
Fire and Rescue Service Agreement		404,000			
CCTV				70,515	
Upgrade Drunk and Incapable Unit				17,748	
Judicial Greffe (Magistrate Court) - Domestic violence training				20,000	
Total	1,309,330	22,970,362	977,395	117,777	1,889,730

2.10 SENATOR P.F. ROUTIER OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING ACCESS TO STATES BUILDINGS FOR MEETINGS:

Question

Can the Chairman list any organisations, groups or committees which are not States functions that have access to the States Building for meetings?

If there are any such groups, will the Chairman undertake to ensure that they are made aware of the conditions of use outlined in R.112/2007 regarding access to the States Building and members facilities?

In the lead up to the elections, will the Chairman remind members that they cannot use the facilities in the States Building for election campaigning purposes?

Answer

The Jersey Human Rights Group holds meetings in the States Building. Members' prayer breakfasts, which are supported by Business Connect, are also held in the States Building.

After receiving the Senator's question I wrote to both groups to reiterate the conditions of use as outlined in R.112/2007. I also asked them to advise the Committee if, having reviewed the Conditions of Use, they wished to apply to continue to use the States Building as the location for their meetings. Senator Routier has since advised that members' prayer breakfasts will no longer take place in the States Building.

Rooms in the States Building are occasionally used by the administrators of the Lord Portsea Gift Fund and the Greville Bathe Fund, and for citizenship ceremonies when there are no rooms available in the Royal Court Building.

The Committee will send a reminder to all States members that the use of any of the facilities for electoral purposes is not permitted.

2.11 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING STEPS TO INITIATE CLOSER COOPERATION WITH THE FRENCH AUTHORITIES:

Question

Given the considerable enthusiasm of the relevant French authorities, as expressed for example, in the recent Brittany/Jersey meeting, would the Minister outline the steps, if any, being taken to initiate closer co-operation?

Answer

The Health and Social Services Department has either initiated or participated in some early exploratory discussions with our French counterparts in the following ways:

The Medical Officer of Health held a meeting with her French Public Health counterpart to discuss public health and protection issues and the possibility of sharing data for comparison purposes. This was positively received and this is being explored further.

The Hospital Managing Director has recently met with Dr Lamballais representing the Centre Hospitalier Universitaire exchange project, to have initial discussions about possible collaborative working in relation to medical education, clinical collaborations and tertiary treatments. Co-operation could be developed primarily with the President of Conseil Général Ille et Vilaine and department 35 including Rennes University Hospital. Further investigation of these opportunities has been agreed.

The Deputy Director of Commissioning, with responsibility for overseas contracting, met with Elise Meerpoel, Assistante De Direction of Bureau de Jersey and has provided an annual briefing on the opportunities for French health care providers to tender for acute care services that we are unable to provide on Island. All such tenders are advertised through the Official Journal of the European Union (OJEU) and are open to providers from any country. In 2013 the Department also provided this information to the delegation from Le Manche at the economic development seminar.

2.12 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING T.V. LICENCES:

Question

Would the Minister state whether he is aware that householders without a television are continually threatened by TV licensing inspectors despite having advised them of their lack of television by letter and telephone, and advise what action, if any, can be taken to address this matter?

Answer

I am aware of some current concerns. My understanding is that such cases are, fortunately, rare. However, I recognise that any individual who is in this situation may find it distressing.

For clarification, it is a legal requirement to have a TV Licence if you watch or record television programmes, on any device, as they're being shown on TV. A TV Licence is not required if you don't use any of these devices to watch or record television programmes as they're being shown on TV - for example, if you use your TV only to watch DVDs or play video games, or you only watch 'catch up' services like BBC iPlayer or 4oD.

People in Jersey can apply for a free 'over 75' TV Licence if they are aged 75 years or over and on a low income. In these circumstances householders should contact the Social Security Department. Jersey residents who are registered as blind are eligible for a 50% concession on their licence and should contact TV Licencing to apply.

Where a TV Licence is not required it is important to inform TV Licencing and to follow the correct process as set out on the TV Licencing website (<https://www.tvlicensing.co.uk/cs/no-licence-needed/index.app>). The Jersey Citizens Advice Bureau also provides information on TV Licencing on its website and is able to offer general advice to individuals.

If a householder is concerned about the tenor of the communications they have received from TV Licencing or is unsure how to resolve the issue then I would encourage them to contact the Jersey Trading Standards Service who will be happy to ensure that they have followed the right process and, if necessary, intercede on their behalf to help resolve the matter.

The Jersey Trading Standards Service has dealt with a small number of similar cases over the last few years all of which have been satisfactorily resolved.

2.13 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING MILLI'S CHILD CENTRE AT BEL ROYAL:

Question

Will the Minister inform the Assembly of Education, Sport and Culture Department's policy in respect of the services which are presently available for separated families and provide details of the professional support, funding and facilities provided by the Department to Milli's Child Centre at Bel Royal School?

What urgent action, if any, is the Minister taking to ensure this vital service is able to continue at the end of June 2014 when Milli's is due to close?

Answer

As one of the three Ministers responsible for the strategic framework for children and young people in Jersey, I agree with the policies set out within the framework. In this connection, the Department for Education, Sport and Culture works with partner agencies, including the Health & Social Services and Home Affairs departments, to ensure that every child of school age receives education appropriate to their age, ability and aptitude.

It is recognised that Milli's Child Centre offers a neutral environment where children of separated families can spend time with one or both parents, and sometimes other family members. This generally takes place outside school hours and at weekends, and in this connection the ESC Department has been able to help by making Bel Royal School available for the association to use as a base for its activities. Earlier this year the ESC Department was informed that Milli's was

looking for alternative premises, and the department contacted the association to establish whether it could be of assistance. To meet the association's objectives, the department was advised that this facility would ideally need to be in a central location and to include a small number of meeting rooms, together with a play area and parking. The department identified several potential premises, including a primary school in the St. Helier area, and it was informed in March that the association was 'delighted' to have been offered these alternative premises. Neither the department nor the school had been informed that Milli's is due to close, nor have they been asked to provide further assistance.

Education, Sport and Culture does not provide direct professional support or funding to Milli's Child Centre, and I understand that the primary responsibility for this area properly rests with the Minister for Health and Social Services, who has responsibility inter alia for the Children's Service.

I was not aware that Milli's was about to close and will discuss this issue with the other Ministers on the Children's Policy Group.

2.14 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR HOME AFFAIRS REGARDING MILLI'S CHILD CENTRE AT BEL ROYAL:

Question

Will the Minister inform the Assembly of the Home Affairs Department's policy in respect of the services which are presently available for separated families and provide details of the professional support, funding and facilities provided by the Department to Milli's Child Centre at Bel Royal School?

What urgent action, if any, is the Minister taking to ensure this vital service is able to continue at the end of June 2014 when Milli's is due to close?

Answer

As one of the three Ministers responsible for the strategic framework for children and young people in Jersey, I agree with the policies set out within the framework. As detailed therein, the focus is to ensure that services and policies minimise the impact of breakdown of family relationships.

The Home Affairs Department does not provide any professional support, funding or facilities for the Milli's Child Contact Centre and I believe that the primary responsibility for this area properly lies with my colleague, the Minister for Health and Social Services, who has responsibility inter alia for the Children's Service.

I was not aware that Milli's was about to close and will discuss this issue with the other Ministers on the Children's Policy Group.

2.15 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING MILLI'S CHILD CENTRE AT BEL ROYAL:

Question

Will the Minister inform the Assembly of the Health and Social Services' policy in respect of the services which are presently available for separated families and provide details of the professional

support, funding and facilities provided by the Department to Milli's Child Centre at Bel Royal School?

What urgent action, if any, is the Minister taking to ensure this vital service is able to continue at the end of June 2014 when Milli's is due to close?

Answer

Health & Social Services does not provide any funding to Milli's Child Contact Centre, but acknowledges the work that the service has provided in supporting families. Contact has been made with the service organisers from Milli's and it is clear that the reason for the closure of the centre relates to the problems in recruiting volunteers to run the provision.

The Minister, as Chair of the Children's Policy Group, is intending to raise the issue at the next CPG meeting, with a view to the departments, which include Home Affairs and Education, Sport & Culture, assessing the possible impact of the closure and working together to identify what may need to be done to deal with this potential gap.

2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING SOCIAL HOUSING WAITING LISTS:

Question

Given that the Minister has stated that he will control social housing rent levels by increasing the supply of housing to meet demand, will he explain to members what this means in terms of the number of units of accommodation required over the first 10 years of the Housing Transformation Plan as this relates to the current waiting list for social housing in the light of predicted population growth?

Answer

The revised Island Plan provides for 1,100 Category 'A' affordable homes to be delivered during the period 2013 to 2020, based on levels of demand arising from a planning assumption for net migration of +150 households per year and the Housing Needs Survey.

2.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING FAMILIES CARING FOR THE ELDERLY:

Question

Does the Minister consider that in transferring the funding of Invalid Carers Allowance (now renamed Home Carer Allowance) from general taxation to a contributory basis, it was appropriate to include contribution conditions which can prevent family members from claiming this benefit and becoming full-time carers for elderly disabled relatives, and, if so, why?

How does the Minister rationalise this change against moves to keep those in need of care in their own homes for as long as possible rather than in more expensive institutional care?

Answer

The Home Carer's Allowance offers compensation to working age people who give up employment to take on a caring responsibility. In this respect a contribution requirement is completely appropriate to ensure the benefit maintains this focus. The requirement for a contribution record was described in P.101/2012 and the proposition was approved by the Assembly 40 pour, 3 contre with 1 abstention.

P.101/2012 described the contribution requirement thus;

This benefit is paid primarily to working age people who give up paid employment due to their caring responsibilities and it is reasonable to require that the individual should have previously paid contributions in order to receive this benefit. As with other contributory benefits, it is proposed that the carer has paid contributions for at least 6 months at some time in the past. The carer will also need to have contributions in the relevant quarter – i.e. 2 quarters before the start date of the claim. To ensure that parents of young children are able to satisfy this condition, the contributions in the relevant quarter can be either paid or credited, including Home Responsibility Protection credits which are available to a parent caring for a child under five.

There are wives who were married before April 2001, who continue to be able to elect not to pay contributions, and who will receive a pension based on their husband's contribution record. A married woman in this situation may not have a contribution record in her own right, but she will still be entitled to claim the new benefit.

In addition the benefit is available to people who have credits following unemployment due to redundancy or in respect of time spent in higher or further education.

Low income carers without a recent contribution record, perhaps due to long periods of unemployment, may be supported through Income Support. These carers may draw further support via the separate Income Support Carer's Component which currently adds £46.97 to their weekly income. In order to meet the requirement for the Income Support Carer's Component and Home Carer's Allowance, the 'cared for' individual must be assessed at Personal Care level 3. These individuals, if also claiming Income Support, will receive a payment of up to £145.25 per week. The Department has recently lodged proposals to allow children meeting the criteria for Personal Care level 3 to qualify for the full value of this payment, regardless of the overall income of their household.

Invalid Care Allowance was a tax funded benefit which was transferred into the Social Security Fund. This move has strengthened the future of the benefit allowing it to be maintained and automatically uprated according to the standard rates of benefit. P101/2012 also addressed this;

"...the transfer of this allowance in respect of working age carers to the Social Security Fund is appropriate for a number of reasons. The value of the current invalid care allowance is already set at the same rate as the contributory benefit rate. The primary purpose of the benefit is to support working age carers who are no longer earning a wage due to their caring responsibilities and so fits well with other contributory benefits which support workers unable to work during periods of incapacity or maternity.

The role of carers is an increasingly important one in our ageing society and including the new home carer's allowance within the Social Security Law ensures that

the value of the benefit will be maintained in line with other contributory benefits and that funding will be available from the ring fenced Social Security Fund.”

HCA, the carer’s component and impairment components of Income Support play a very important role in supporting families and complement the Long Term Care scheme which will facilitate significant change as to how care is delivered in Jersey. The Long Term Care scheme will allow beneficiaries to access a flexible package of care designed to suit their needs, and they may choose whether this is delivered residentially or in their own homes. The new Long Term Care benefit will come into payment on the 1st of July 2014.

2.18 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING A REVIEW OF ORGAN DONATION:

Question

In the light of the States approval of P.89/2013 entitled ‘Organ Donor’s Register’ on 24th September 2013, can the Minister identify when the report reviewing the current policy in respect of organ donations and recommendations for improvement will be published and cite who has been consulted in its compilation?

Answer

The review of organ donation registration in Jersey is underway and is being focused in two keys areas, to enable the department to respond to Proposition P89/2013.

The first and most prominent element of the review is aiming to focus attention on raising awareness of organ donation, with a view to encouraging more people to sign up as organ donors. This is being based around a high profile public relations campaign, the launch of which is being planned to coincide with National Transplant week, July 8-14th.

Running in parallel with the promotional and awareness campaign is the more complex review of how organ donation in Jersey is managed, and whether alternative donor registration options – such as ‘Soft or Hard Opt-out’ legislation - should be considered as viable options for the island in the longer term.

Inevitably, this element of the review is complex, with any proposals for significant change being both publicly and politically sensitive. Consideration of the options, and the implications of implementing any major change, requires the expertise of specialists on the front line in managing organ donation – both in Jersey and in the UK – to ensure the Assembly is in a position to make an informed decision about the future of organ donation in Jersey.

As such, the department is in the process of setting up a small group, which includes clinical expertise and representatives of the UK Blood Transfusion Service and National Organ Donor Register, to look at the issues. It is my intention to bring an interim report back to the States, as agreed, by the end of the year.

Given Deputy Le Hérisseier’s ongoing interest in this issue, I am hopeful he will agree to become involved in the development of the awareness strategy and in supporting the group’s considerations of options and any recommendations for the future.

Contribution to both elements of the review has, and will continue to involve multiple sources including a local Organ Donation Charitable Committee (the Love Hearts Appeal), Parish Councils on the involvement of driving license administration, the NHSBT, Education, Sport & Culture, local clinicians and the media.

This is not an exhaustive list, and the Strategy being developed to priorities the awareness campaign will help to identify other consultation opportunities that may assist in taking this important piece of work forward.

2.19 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING REFERENDA PROCEDURES:

Question

In the light of the States approval of P.153/2013 (Referenda: revised procedures) on 22nd January 2014, can the Chairman announce whether proposals regarding the October referendum will be brought to the States and, if so, when?

Answer

The Committee is currently in the process of undertaking a review of the Referendum (Jersey) Law 2002 following the approval by the States of P.153/2013.

When the proposition was lodged the Committee commented as follows:

“If the Committee’s review finds that amendments to the Law are necessary, law drafting time will need to be requested and, once drafted, the amendments will need to be lodged ‘au Greffe’ for debate by the States. If adopted, the amendments will then require the sanction of the Privy Council. It is therefore unlikely that any such amendments to the Referendum (Jersey) Law 2002 will be in place in advance of the referendum on the composition and election of the States Assembly that is due to be held on election day in October 2014 (the adoption by the States on 15th November 2013 of paragraph (e) of P.116/2013 and paragraph (e) of P.117/2013 refer).”

The Committee is not yet at the stage of requesting law drafting in respect of any proposed changes to the 2002 Law.

The Referendum (Composition of the States Assembly) (Jersey) Act 201- is currently in draft and will be lodged ‘au Greffe’ as soon as it has been finalised by the Committee.

2.20 DEPUTY J.H. YOUNG OF ST. BRELADE OF H.M. ATTORNEY GENERAL REGARDING THE DISCLOSURE OF INFORMATION BY THE MINISTER FOR PLANNING AND ENVIRONMENT:

Question

Would H.M. Attorney General inform the Assembly whether the Public Finance Legislation and/or States of Jersey Law and Standing Orders provide a statutory or legal authority which would enable or require the disclosure by the Minister for Planning and Environment of information which is presently held by him, including individual property addresses; information which presently falls

within the Data Protection (Jersey) Law 2005, on publicly funded grants made by him to property owners and tenants to carry out energy conservation work to these properties, for which the address of the premises to which these works have been carried out, has been withheld by the Minister?

Answer

The Public Finances (Jersey) Law 2005 places duties on Ministers and Accounting Officers for States funded bodies to ensure the proper financial management of those bodies resources. It is the duty of the Comptroller and Auditor General to provide the States with independent assurance that the public finances of Jersey are being regulated, controlled and supervised and accounted for in accordance with the Law. The Controller and Auditor General reports to, inter alia, the States Assembly on these matters and under the Public Finances (Jersey) Law 2005 has powers to require access to information held by States funded bodies for the purpose of fulfilling those functions. However there are no disclosure obligations on States funded bodies or the Comptroller that would require disclosure of the type of information the question refers to the States or public at large.

The Freedom of Information (Jersey) Law 2011 is due to be brought into force at the beginning of 2015. In the meantime, the Code of Practice on Access to Information (“the Code”) applies to information held by the Minister for Planning and Environment and his Department. Under the Code the Minister and his Department are required to disclose information in their possession on request, except where an exemption applies. Information is exempt from disclosure if its disclosure would, or might be liable to, constitute an unwarranted invasion of privacy for an individual.

The handling of any particular request for information needs to be considered on its own merits and considering the nature of the information at hand. However, it is doubtful whether it would be appropriate to disclose the names and addresses of property owners who have benefitted from the energy conservation grants under the Code. Such information is likely to be personal data for the purposes of the Data Protection (Jersey) Law 2005 and any disclosure of that information under the Code could only take place in accordance with the provisions of that Law. In the absence of the consent of the subjects of this information or of a compelling public interest in its disclosure, it is not apparent that disclosure could take place in accordance with the Data Protection (Jersey) Law 2005.

2.21 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE TRAINING OF STAFF TO MANAGE ASBESTOS IN JERSEY SCHOOLS:

Question

Given that Jersey Property Holdings do not train Education, Sport and Culture staff in relation to the management of asbestos, can the Minister say what ESC have done to train their employees?

Can the Minister confirm that all Head Teachers, teachers and support staff in a school know where asbestos is located and the risk it poses if disturbed?

Answer

The prime responsibility for asbestos management, monitoring and removal rests with Jersey Property Holdings as the ‘landlord’ department, and therefore ESC staff are not generally required to undergo the same level of technical training. However, we take this very seriously. Site

managers will have completed the appropriate health and safety management training, which includes the management of asbestos. In addition, Jersey Property Holdings has visited every school and implemented site specific Asbestos Management Plans which specify roles, responsibilities and emergency plans in relation to the substance.

Those ESC staff who have operational responsibility for the management of ESC premises have been informed of the presence of asbestos where this exists, and are aware of the risks it poses if disturbed. Details of the presence and location of asbestos are maintained in the site log books to which these staff and approved contractors have access.

As advised by the Treasury and Resources Minister in his answer to Deputy Hilton of 18th March 2014 (Question 1240/5(8187)), it is worth noting out that all asbestos that remains in situ in primary and secondary schools is in good condition and in areas where it cannot be disturbed unless major destructive works were to take place, in which case appropriate removal procedures would be arranged.

3. Oral Questions

3.1 Connétable J.M. Refault of St. Peter of the Minister for Treasury and Resources regarding the creation of public toilets at Le Port, St. Peter:

What steps, if any, will the Minister be taking to meet the request made at a recent meeting of a representative body of all users of an area of St. Ouen's Bay in the Parish of St. Peter known as Le Port, for public toilets to be constructed in a manner that was sensitive to the area?

Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

As far as I am aware, no request for the construction of new public toilets at Le Port has been received. If such a request is received the matter will be considered by Jersey Property Holdings and a recommendation made to me for consideration. However, there is no dedicated budget for the development of new toilets within the area, or the proposed capital programme, and any recommendations to provide such new facilities would need to be determined with an appropriate funding source.

3.1.1 The Connétable of St. Peter:

Thank you for that answer from the Assistant Minister. I would like to just ask the Assistant Minister is he prepared to work with the Minister for Transport and Technical Services and other users to determine the actual need down there and whether such a scheme would be viable in that area?

Deputy E.J. Noel:

Yes, indeed, I would be willing to work with the Minister for Transport and Technical Services and the Comité des Connétables because I believe this is not just a localised issue, there are wider issues there, and I would be mindful of the fact that we should not be having a knee-jerk reaction to what may be a more long-term solution to be worked out. I would like to point out that public toilets are available within 200 metres of Le Port at the El Tico facility, and those are open to the public on a 24/7 basis.

Deputy R.G. Le Hérisier of St. Saviour:

I just wanted to ask the rapporteur: could he indicate whether he is in favour of developing a full motor home site on the Island and, if so, which one does he prefer?

The Bailiff:

I am sorry, that does not fall within the question about public toilets, Deputy. We will move on to the next question which Deputy Higgins will ask of the Attorney General.

3.2 Deputy M.R. Higgins of St. Helier of the Attorney General regarding the Viscount's recent decision to release creditor details of bankrupts to the media in the 'public interest':

Will Her Majesty's Attorney General explain to Members the rationale behind the Viscount's recent decision to release creditor details of bankrupts to the media in the 'public interest' and will he explain what consultation, if any, the Viscount took, with whom and when, and what limits or qualifications there are to this publication?

[9:45]

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

Under the Departments of the Judiciary and the Legislature (Jersey) Law 1965, the Viscount is an independent officeholder and, as such, the Attorney General has neither control of nor responsibility for the discharge by the Viscount of the functions of his office. More importantly, however, as concerns his functions in a *désastre*, the Viscount is an officer of the Royal Court and acts as such in the decisions that he makes. Accordingly, decisions taken by him in individual *désastre* cases are not proper matters for discussion in the Assembly.

3.2.1 Deputy M.R. Higgins:

First of all, the question was not originally directed to the Attorney General, it was directed to the Chief Minister, who I think has responsibility for the court system or for justice in the Island. I do think it is a matter of interest to the public because the Viscount in this case is setting what I think is a dangerous precedent in that he is publishing information of debts that have not yet been proved. For example, Walkers, the advocates, had £40,000 knocked-off their previous bill and yet they are submitting other claims, as are others. So how is it that information that has not yet been firmly established is put online and where is that in the public interest?

The Attorney General:

I do not think I am in a position to go any further than my original answer. The reasons for the Viscount's decision is a matter for the Viscount and they are not a matter for discussion in this Assembly. That would quite clearly cross the line between a separation between the legislature and the judiciary.

3.2.2 Deputy M. Tadier of St. Brelade:

Can I just ask the Attorney General to whom one would ask that question to be able to get an answer?

The Attorney General:

If the question had been posed to the Chief Minister I would assume the Chief Minister would answer it in precisely the same way: these are not matters for discussion within the Assembly. It is perfectly reasonable to ask questions about the operation of areas of the court to the Attorney General; traditionally the Attorney General has been the person who has answered questions of that nature, but questions about specific matters, specific judgments of the court, specific matters before

the court, specific *désastres* that are ongoing and current, certainly should not be discussed in the Assembly.

3.2.3 Deputy M. Tadier:

In that vein, could one ask would the Attorney General think it normal practice for a member of the public to have such information as the amount being claimed against them to be put in the public domain?

The Attorney General:

I am afraid in the context of the question, it is impossible to separate the general question that has been asked of me by the Deputy with the specific question that has been raised in connection with a specific *désastre*, and I do not feel able to answer it.

3.2.4 Deputy J.H. Young of St. Brelade:

If a person who is subject to *en désastre* proceedings considers that they suffer from damage due to publication of incorrect information, do they have any rights, any redress?

The Attorney General:

To be able to give any kind of answer to that I am afraid I need to know the precise details because any case of this nature will be right-specific. The Viscount would not normally be liable for any of the acts that he takes - if that is the question - pursuant to his office in a judicial or quasi-judicial capacity. That is not to say there are no rights of recourse in other ways, but I would need to give that much further consideration to be able to give a useful answer to the Assembly.

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

Is the Attorney General aware of any precedent in a case where a Viscount has allowed this to happen with little justification for public interest, as it seems to be in this case?

The Attorney General:

I am certainly not going to comment on what the justification may have been for any decisions taken by the Viscount for the reasons that I have just mentioned. I have not considered any precedence in this matter so the answer is no, I am aware of no precedence for or against what has taken place.

3.2.6 Deputy M.R. Higgins:

It seems to me that we have a situation where we have people who are not elected who are unaccountable for their actions. If I could address this to the Chair, Sir, could you tell us who the Viscount is accountable to and the methods of redress?

The Bailiff:

No, you cannot ask questions of the Chair, Deputy. [Laughter]

Deputy M.R. Higgins:

Can I ask the question then, who do you ask? Is there anyone in this Assembly, or is the Viscount totally unaccountable?

The Bailiff:

Is that a question to the Attorney General?

Deputy M.R. Higgins:

Yes, Sir.

The Attorney General:

The Viscount is accountable in a number of different ways, primarily in connection with the *désastre* he is accountable to the Royal Court and, if people are dissatisfied and have an interest in what he has done, they are capable of making an application to the Royal Court; in some cases by appeal under the Désastre (Jersey) Law, in other cases by judicial review. There are mechanisms available to people who are aggrieved by the actions of the Viscount, that does not mean that there is recourse to this Assembly to discuss the matters that the Viscount has done.

3.2.7 Deputy M.R. Higgins:

Could the Attorney General tell us how a person who is bankrupt and has no means can bring an action before the Royal Court?

The Attorney General:

I am sure the Viscount will advise anyone who does not have the means - and *ipso facto* a person under *désastre* will not have the means - that they have recourse to the legal aid system and they can seek legal advice via the legal aid system in Jersey and, because they cannot afford it, would expect, in reasonable circumstances, to have a lawyer appointed to represent them.

3.3 Deputy R.G. Le Hérissier of the Minister for Economic Development regarding the Channel Islands Competition Regulatory Authorities:

In the light of the recently-published Annual Report, would the Minister confirm his total confidence in the board and policies of the Channel Islands Competition Regulatory Authorities?

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

As with all regulators, C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) have a difficult and often unpopular job to do in seeking to satisfy the competing demands of diverse stakeholder or interest groups. I believe that the board and officers of the competition authority under the leadership of a chairman go to great lengths to safeguard the interests of the Island population. C.I.C.R.A. continue to supply me with sound advice on competition matters and I continue to have confidence in the work that they do.

3.3.1 Deputy R.G. Le Hérissier:

I wonder, while the Minister's ringing endorsement is - I am sure - much appreciated in certain quarters, could he, for example, explain why the Chairman has said: "Economies of scale have significantly reduced and the benefits of pan-Channel Islands working have diminished." He talks of the authority's: "Inability to require the implementation of wholesale line rental by Jersey Telecoms" and he says that: "Channel Islands businesses are poorly served" after many, many years of regulation, I should add: "in respect of both on and off-Island connectivity." Could he explain why the Chairman has written in almost despondent terms about those issues?

Senator A.J.H. Maclean:

I think in a previous oral question that I answered to the Deputy, I referred to the fact that C.I.C.R.A. were going through a period of significant change, not less so due to the merger between the 2 Islands of the authority that the board has responsibility for. That has, without a doubt, caused some challenges to C.I.C.R.A. With regard to the specific questions which I think the Deputy has around the telecommunications market, the comments of the board and the Chairman in particular, relate to the frustrations I think the board felt through the whole process that ended up regrettably - I think all Members will agree - in court with regard to the wholesale line rental issue. That is, I think, a frustration because the competition authority recognised that

they are not the only solution to this issue, it is also government that has a role to play in ensuring that we have what the Island needs for the long term, which is an open and competitive market so that our digital sector has the opportunity to grow and consumers get the best possible price and value.

3.3.2 Deputy G.C.L. Baudains of St. Clement:

Notwithstanding the Minister's diplomatic opening reply, I wonder if he could tell us why it is that the regulator seems unable to achieve proper competition within the telecommunication market?

Senator A.J.H. Maclean:

I think I pointed out that the regulator took the action that it thought necessary in order to open up the market. Interestingly it started, quite correctly, with dialogue with the operator, as was the case in Guernsey; and in fact, in Guernsey the outcome was somewhat different. We see over there that Sure, the dominant player, in fact, has agreed to open the market for wholesale line rental and that clearly is to the benefit of the Guernsey market. Clearly, the position in Jersey was somewhat different; Jersey Telecom decided they did not feel it appropriate to follow the discussions with J.T. (Jersey Telecom) with opening up the market in the timescale being set by the regulator and consequently that led, unfortunately, to the court case which was both costly and ultimately one that the regulator unfortunately lost. Although I might add, it was, as I understand it, largely around process that the regulator lost. This has just delayed the process and, again, in the interests of the economy and the interests of consumers in the Island, that is where the loss is. It will come, but there is now a delay, and that is very regrettable.

3.3.3 Senator A. Breckon:

Just to expand a bit on that point, the 2013 Annual Report shows an increase in telecom licence fees of £375,000 and part of that was used, £250,000 of it, to fund legal fees against a States entity, which is Jersey Telecom. Does the Minister believe that that is the best use of public funds and time and is in consumer interests?

Senator A.J.H. Maclean:

No, I do not.

3.3.4 Deputy R.G. Le Hérissier:

At the end of his report, the Chairman says: "A disproportionate amount of time has been spent on political and management issues largely arising from having a combined regulator." Does the Minister feel that pan-Channel Islands co-operation is essentially dead in this regard, or how would he otherwise explain the Chairman's comments?

Senator A.J.H. Maclean:

I certainly do not think pan-Channel Islands co-operation is dead, in fact, I think it is something that needs to evolve. It is relatively new, this is only the second full year that we have had C.I.C.R.A. in place. That relationship is developing and I think it is important for both Islands that we work hard to ensure that it is successful. There are challenges, as I have pointed out previously to the Deputy. As far as the deeper meaning of the comments in the report by the Chairman and concerns that, clearly, Deputy Le Hérissier has with regard to the Competition Authority, I would invite him to come and express them to me in privacy, and I am more than happy to take them up on his behalf and sit in on a meeting with him with the Chairman to hear first-hand exactly the nuances in the comments the Chairman made.

3.4 Deputy G.P. Southern of St. Helier of the Minister for Housing regarding efforts to increase supply of housing in the short and medium term:

Given that the price of a 3-bed house remains over 13 times the average wage rendering purchase beyond the means of most families what, if anything, will the Minister do to increase supply and therefore bring prices down to affordable levels in the short and medium term?

Deputy A.K.F. Green of St. Helier (The Minister for Housing):

We need to recognise that high house prices are a result of economic success combined with our natural desire to limit development; simply, too much demand chasing too little supply. This is why the Housing Transformation and the Island Plan and our population policies are so important in supporting supply and managing demand. For example, the Housing Transformation Programme and the revised Island Plan provide increased supply and funding around a limited migration objective of 325 people per year. The revised Island Plan provides for 3,700 new homes by 2020 with the £250 million invested in more and better social housing. We also trialled a starter home deposit loan scheme last year, recognising the deposit hurdle that many young families are facing, and also to help people move on from first-time buyers buying their home and then they can move up. I was allocated the responsibility last year for co-ordinating all housing in the Island. I have already commissioned a housing strategy, including measures to increase home ownership and affordability. The detailed research is well underway with the new Strategic Housing Unit working alongside the Economics and Statistics Units, and other departments, so that we can secure genuine joined-up thinking and clear direction. This will dovetail with the long-term plan for strategies in St. Helier.

3.4.1 Deputy G.P. Southern:

I am glad to hear that all is for the best in the best of possible worlds once more from the Minister, but the Minister talked about 3,700 homes by 2020, he also talks about 1,100 'A' category homes by 2020. What is the record of house-building in his tenure over the past 3, 5 or 7 years? Does the Minister have a figure for success already proven?

Deputy A.K.F. Green:

Yes, I think we have a really exciting development programme that has already started due to the £27 million that the Minister for Treasury and Resources was able to make available under fiscal stimulus. I could read ... I have got a long 2-page list of developments underway, but I think you would prefer me not to. I am happy that we are heading in the right direction.

3.4.2 Deputy G.P. Southern:

How many was the question, compared to 1,100 or 3,700, or whatever number he picks out of the sky for the future, how many has he built in the last ... any period?

[10:00]

Deputy A.K.F. Green:

I have got the information here but it is in list form. Some schemes are underway, such as Le Squez, some schemes are under way such as Lesquende, others such Journeaux Street are finished. If you will allow me to, Sir, I will read the whole list and you can add them up, or I will provide the total later.

The Bailiff:

No. We have got many questions to be asked today. Deputy Martin?

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

The Minister said in his reply that he is now responsible for all housing on the Island. What back-up plan does he have given that many of the top banks - or one at least and the others will follow - are going to make it legal that you can only borrow 4 times your wage? They are starting it in London, because of the very high house prices, which is the only place I can think of in Europe where it is exactly the same as here. Does he have a back-up plan to help people buy or will banks in Jersey be allowed to loan 13 times their wage here?

Deputy A.K.F. Green:

I do not think we are looking at this from the right angle. The figures quoted by my friend the Deputy of St. Helier relate to 3-bedroomed homes. People entering the housing market rarely enter a 3-bedroom home, so what you should be looking at is when they buy their first home, be it one-bedroom or 2-bedroom in St. Helier, or anywhere else come to that, the multiples are very different. But to specifically answer the Deputy's question, there are a whole host of schemes that we are working on, both as part of the Housing Transformation Programme ... we have to accept that for some people affording to buy their home is just not on and that is why we need good-quality social housing. But for some, who find their situation improving - because I always say that Jersey is a socially-mobile society - opportunities will arise soon with things like rent-to-buy, where you rent for a period of time, that becomes your deposit, and then you buy. Shared equity is another one.

The Bailiff:

Sorry, Deputy, give a concise answer, if you would.

Deputy A.K.F. Green:

I have got schemes in progress.

3.4.4 Deputy J.H. Young:

The Minister emphasises the Housing Transformation Programme that is going to address Deputy Southern's question. Can he tell us what the ratio of costs to annual earnings is likely to reduce to under the Housing Transformation Programme, including the £180 million interest on the £250 million?

Deputy A.K.F. Green:

I am not sure that I completely understand the question. I wonder if the Deputy could just repeat.

Deputy J.H. Young:

Yes. It occurred to me that the Minister says he is going to increase supply and this will bring down the prices of houses, and his answer was he is going to deliver extra homes through the Housing Transformation Programme. What I would like him to do is tell us what will it come down to from 13 times average wage? Will it be 10 times, will it be 8 times, will it be 7 times, when calculating the cost of producing a home, including the interest, compared with the annual earnings of people? That is what I would like him to forecast.

Deputy A.K.F. Green:

I do not know the answer to that: that is the work we are doing at the moment with the Strategic Housing Unit and the plan for housing our community in the Island; that work is well underway and when I have the information, I will make it available. It is basic economics that if you have sufficient supply then the price remains stable, and maybe even it reduces.

3.4.5 Deputy G.C.L. Baudains:

The Minister makes much of supply and demand, and I presume he is aware that there are many houses that could be built but developers are sitting on their permits waiting for more

economically-favourable conditions. Does he not therefore believe that there is a conundrum to be solved here and, if so, has he any solutions in that direction?

Deputy A.K.F. Green:

The Deputy is right, and this is one of the challenges that we have and certainly I have been speaking with the Minister for Planning and Environment, who is a member of my Strategic Housing Oversight Group. It is difficult to undo the past, but I can assure you that this will not be allowed to continue in the future.

3.4.6 Deputy M. Tadier:

Given the fact that at least one of his fellow Ministers seems to believe that there is at least £3.5 million knocking around which can just be given away, does the Minister for Housing believe that he could identify a similar amount that could be given to people who cannot afford their own homes to buy so that we can save money from the income support bill?

Deputy A.K.F. Green:

Part of my Housing Transformation Programme, and indeed the work that my good friend the Minister for Planning and Environment has done in bringing forward the draft Island Plan, 80 per cent of any site rezoned at the moment will go to social housing. That is good. 20 per cent will go to affordable-to-purchase homes, and they will be affordable; I would not like to put a price on them, but they will be considerably cheaper than the normal open market. But I sound one word of warning: it will not be like it was in the past - you will not be able to buy, for example, a 40 per cent cheaper than marketplace house and then sell it at full marketplace price weeks later. Once affordable, it will always remain affordable. **[Approbation]**

3.4.7 Deputy G.P. Southern:

The Minister has twice mentioned the period up till 2020. Is the Minister confident that he can bring house prices down by 2020 or does he realistically expect the house prices to continue to rise by 2020?

Deputy A.K.F. Green:

You have to be careful what you wish for here; we do not want to force prices right down, I do not want to see young couples who are working hard and have put everything that they have into their homes and end up in negative equity. The best we can hope for are stable prices with some schemes, as I have referred to before, to help young couples get on the housing market.

Deputy G.P. Southern:

Will the Minister answer the question: is he confident that he expects to stabilise house prices by 2020?

Deputy A.K.F. Green:

I am confident, if we do all the things that we are talking about, we will have stable house prices. That is already happening; just look at the house prices in comparison to London now.

3.5 Deputy J.A. Martin of the Minister for Education, Sport and Culture regarding the provision of information and voter registration forms in States-funded secondary schools:

How many States-funded secondary schools, if any, have had voting registration forms and collection boxes put in them, and what information about voter registration, if any, has the

Department provided to all students aged 16 years or over who will be leaving school in the next few weeks?

Deputy P.J.D. Ryan of St. John (The Minister for Education, Sport and Culture):

The responsibility for promoting the election and organisation of hustings for candidates rests with the Privileges and Procedures Committee with assistance from the States Greffe. The E.S.C. (Education, Sport and Culture) Department liaises with the States Greffe and supports its work to raise awareness about the election. In this connection, E.S.C. has written to all secondary schools with copies of voter registration forms and has asked them to make these available to students aged 16 years and over. It is usually the voter's responsibility to return the registration form to their Parish Hall, but schools are free to make alternative arrangements, including collection boxes, and this has been made clear to head teachers. In addition, the States Greffe is currently preparing some information leaflets about voter registration and election day, and these will be circulated to students when these become available.

3.5.1 Deputy J.A. Martin:

Sorry, I did not hear the Minister say how many schools, and does he realise that it is getting quite late in the year? The 16 year-olds are already leaving. Would the Minister undertake, as the Minister for Education, Sport and Culture, to provide these registration forms and boxes when these 16 year-old students - who will all reach 16 by 31st August, eligible to vote this year - come and pick up their exam results? Will he do something, as the Minister for Education, Sport and Culture? He did agree with P.P.C. (Privileges and Procedures Committee) and I take that one on the chin.

The Deputy of St. John:

All schools have been written to, all secondary schools, so all children of 16 years, or young adults of 16 years and over. I hope that answers the Deputy's question in that way. I do appreciate that some 16 year-olds are leaving school but we to some degree have to work in a co-ordinated fashion with Privileges and Procedures and the States Greffe. So as soon as we have information, it goes to all schools. Following a meeting with Deputy Mézec about ...

The Bailiff:

I think you have answered that concisely, Minister.

The Deputy of St. John:

Thank you, Sir.

3.5.2 Deputy C.F. Labey of Grouville:

Could the Minister explain to the Assembly how many of these students have undergone the Citizenship Programme?

The Deputy of St. John:

I would hope that all of them, because it is part of the Jersey curriculum; time is specifically set aside, either through assemblies or P.S.H.E. (Personal, Social, Health Education) lessons, to inform all students of a particular age about the election system, their responsibilities as citizens, *et cetera*, so I would hope that all have. In that vein, I know that the Director of Education has recently written - only in the last week - to all head teachers to ask them to ensure that time is put aside for that very purpose, either through assemblies specifically for that purpose or through P.S.H.E. lessons.

3.5.3 Connétable P.J. Rondel of St. John:

I just wondered, maybe the Attorney General could help ...

The Bailiff:

These are questions to the Minister.

The Connétable of St. John:

Yes, to the Minister, but it may have to go via the Attorney General, because are the schools permitted, for want of a better word, to get involved in the electoral system by issuing forms and returning them on behalf of students?

The Bailiff:

It is a matter for the Minister, if he wants to answer that.

The Deputy of St. John:

It is a balancing act, but I think it is true to say that as part of the P.S.H.E. curriculum teachers are required to teach ... I am trying to look for the exact words. It is a well-recognised principle that students should be able to learn about the democratic process in schools in a neutral environment. Teachers and lessons are expected to be unbiased and apolitical; they give students the background and context necessary for them to make informed decisions about political issues themselves. The responsibility - and I think this is where the Constable was getting to - for promoting the election and organisation of hustings for candidates rests with the Privileges and Procedures Committee with assistance from the States Greffe. I am just repeating: the E.S.C. Department liaises with the States Greffe and supports its work to raise awareness about the election. "Awareness" is the key word.

3.5.4 The Connétable of St. John:

Returning the form that was mentioned earlier, if they are given to the students, via the Education Department, is that written in the law? Is that permissible? That is what I want to know.

The Deputy of St. John:

It is not written in the law either way and it is not the department that returns these forms to the various Parish Halls, it is for the schools under delegated responsibility to head teachers. They have the policies and the guidelines very clearly articulated in various ways, so it is up to the schools and the head teachers if the pupils in the schools themselves request a collection box so that they are all taken in one go, then that is a decision for the head teacher to make.

The Connétable of St. John:

Sir, on the advice just being given by the Minister, can the Attorney General confirm that is correct?

The Bailiff:

I am sorry, not during question time, no. You can take that up separately, Connétable.

3.5.5 Deputy M. Tadier:

What is the policy of the department, if any, on politicians coming to schools to speak to students?

The Deputy of St. John:

I think I have already covered that. It is the responsibility of the Privileges and Procedures Committee and also the candidates ...

Deputy M. Tadier:

Sir, I think the Minister is misleading the House. I do not think it is the responsibility ...

The Bailiff:

No, he is not misleading the House. He may be ...

Deputy M. Tadier:

I do not think he is correct, Sir. I think he is labouring under a false impression.

The Deputy of St. John:

I was about to say: and the candidates themselves do collectively arrange for their hustings meetings.

Deputy M. Tadier:

I am not asking about election processes, I am asking about out of election time, what is the policy of sitting Members being invited or visiting schools?

The Deputy of St. John:

This is something that I will need to check on and get back to the Deputy to get the exact policy. I think I will have to just leave it there.

3.5.6 Connétable J.L.S. of Gallichan of Trinity:

Very similar to the Connétable of St. John: if they are already placed in the box, will the Minister tell us how they will then be sent back to the Parishes? Is it down to the headmaster to do that or is it down to the individual children to register with their Parish?

The Deputy of St. John:

The primary responsibility is with the person themselves to register with the Parish but if schools are arranging for collection boxes then it will be the school's responsibility to distribute them to the various Parishes.

3.5.7 Deputy J.A. Martin:

It has already been agreed and the Minister should know that the boxes would go back to the Greffe and the Greffe would then send them out to the individual Parishes, and it is legal because P.P.C. has checked it. The final question - I would like to have had an answer - was about registration, not about politics. It was about getting 16 year-olds registered. I still do not know how many schools are doing it. Can the Minister answer me? They have all been written to. How many schools have collection boxes or even registration forms in them this minute when the 16 year-olds are leaving and most of them have already left this year.

[10:15]

The Deputy of St. John:

Every school with 16 year-olds or over has registration forms. It is a different matter as to whether the school itself has collection boxes. That is a matter for the head teacher.

3.6 Deputy J.H. Young of the Attorney General regarding the pending litigation between Harcourt Limited and its potential effect on the approved Esplanade Masterplan:

Will the Attorney General inform the Assembly whether the Planning and Building (Jersey) Law 2002 either requires or entitles the Minister for Planning and Environment to take into account, as a material consideration when considering policies and guidelines for development of the Esplanade

Quarter, or in determining planning applications within this area, the pending litigation between Harcourt Limited and its potential effect on the approved Masterplan for development?

The Attorney General:

In my opinion, the answer to the question is no, it does not. Article 19(1) of the Planning and Building (Jersey) Law 2002 provides that: “The Minister, in determining an application for planning permission shall take into account all material considerations.” While the law does not define “material considerations”, the courts have required there to be a connection between the consideration and the use and development of the land; in short, to be material, it must be a planning consideration. The pending litigation does not relate to the use and development of land and is not a planning consideration.

3.6.1 Deputy J.H. Young:

I thank the Attorney General for his answer. Could he confirm that if the Minister for Planning and Environment had produced the Masterplan, based on information which was produced for financial forecasts in the absence of a legal claim, would he not accept that if this legal claim destroys the financial viability of that Masterplan, that must surely be a legal consideration for the Minister to include in his review.

The Attorney General:

I do not think it is a legal consideration. Masterplans and policies are matters for the Minister and sometimes matters for the Assembly if he submits them to the Assembly for approval by the Assembly. It is a matter for the Minister whether circumstances have changed, or might change, in a way which the plan should be revisited, but I do not think it is a legal matter.

The Bailiff:

Does any other Member wish to ask a question? Final question, then ...

3.6.2 Deputy J.H. Young:

Could I just ask for a clarification, Sir? Does what the Attorney General has just said mean that the answer is not no, it is that it is up to the Minister for Planning and Environment to decide whether it is material to the Masterplan or not?

The Attorney General:

This is not really a matter of law and therefore not really a matter of legal advice, it is a matter for the Minister - a matter of policy - as to what the Minister does, the circumstances in which he changes a plan or brings a revised plan to the Assembly and the things that he takes into account. It will be a matter for the Assembly, if faced with a revised plan, to determine whether the appropriate things have been taken into account and whether or not to approve it, but it is not really a legal matter.

The Bailiff:

We come to the next question which the Connétable of St. John will ask of the Minister for Treasury and Resources.

3.7 The Connétable of St. John of the Minister for Treasury and Resources regarding agricultural tax revenues:

Following the recent purchase by off-Island concerns of Jersey farming companies and areas of land, are there any large scale farms left paying Jersey tax, or is tax on agricultural revenues going to H.M. Treasury?

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

The Connétable of St. John has a permanent request for questions to be answered by the Minister, however, on this occasion I have a conflict of interest as a landowner, which is on my declaration of interests, and I have agreed with the Connétable that my Assistant Minister should answer the question, but I declare an interest in the matter.

Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):

As Members will be well aware, all Jersey non-finance and utility-type companies pay income tax at zero per cent. The question is not clear as to whether it relates to potato farmers exclusively or to farmers trading in the Island. It is also not apparent quite what level of activity the Constable would consider as: "large scale." For the purposes of this reply, I can advise that the tax office has produced data at the end of May on all farmers, irrespective of their specific farming activity, with a turnover of greater than £300,000 per annum. Their research reveals the following information: (1) that there are currently 44 Jersey farming companies that have a turnover of greater than £300,000 per annum; (2) that these Jersey farming companies are chargeable for tax on their farming profits at the standard corporation rate of zero per cent; (3) of the 44 Jersey companies trading as farmers, 43 are wholly owned by Jersey residents and one is partially owned by Jersey residents. There are none which are wholly-owned by non-residents; (4) finally, where Jersey companies are wholly or partly owned by Jersey residents, the Jersey resident shareholders will be liable to pay Jersey income tax on the distributions that they receive from their farming companies.

3.7.1 The Connétable of St. John:

Can the Minister estimate how much revenue from large Jersey farming businesses pay to Her Majesty's Government, or other external governments, instead of going to the States Treasury?

Deputy E.J. Noel:

Zero per cent is zero per cent, so there is no Jersey company paying tax to either our own coffers or H.M. Treasury's coffers.

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

Can the Assistant Minister confirm whether there will be, either for this year's tax assessments or next year's, any companies paying tax overseas?

Deputy E.J. Noel:

I am sure that there are a number of companies operating within the Island that have operations outside the Island and therefore potentially have tax due in those other jurisdictions. That information I do not have to hand, and I am sure it will be quite difficult to establish.

3.7.3 Deputy T.A. Vallois:

Can I just make it a little bit more clear for the Assistant Minister: of the 44 companies he has just mentioned, will any of those be paying, as of this year's or next year's tax assessments, money to Her Majesty's Treasury or a zero per cent in Jersey?

Deputy E.J. Noel:

The individual tax affairs of individual taxpayers in the Island are not, nor should they be, provided to either the Minister or myself. I would not be able to answer, of those 44 entities, whether or not they pay tax in any other jurisdictions.

3.7.4 Deputy J.H. Young:

The Minister spoke of 44 entities; have I understood him correctly that these are registered for G.S.T. (Goods and Services Tax) and that the tax he is talking about is G.S.T. on the income they

receive for that produce from wholesale? Firstly, could he confirm if that is correct or not and, if it is correct, can he tell us the total amount of money that comes into our exchequer from this source?

Deputy E.J. Noel:

The £300,000 limit was taken from the G.S.T. database because it was an easy way of identifying what we consider to be large companies. The amount of G.S.T. from these companies, I do not have to hand, and I am sure that officers may be able to find that information and I can distribute it to Members.

3.7.5 Deputy M.R. Higgins:

Can the Assistant Minister tell us how much tax these 44, or other Jersey farming companies, are paying into the Exchequer in the Island and how much they are getting in subsidies from the Island? Do the subsidies outweigh the taxes that we are receiving?

Deputy E.J. Noel:

As I have already explained, in terms of income tax, they are taxed at zero per cent. They will be paying collected monies through the G.S.T. system and they will be paying Social Security contributions on behalf of the staff that they employ. Again, I have not got that information to hand of what their economic value is to the Island, but I am happy to get that information and circulate it to Members.

3.7.6 The Connétable of St. John:

I might be able to help the last speaker, just before putting my question. The amount of tax paid by agriculture and horticulture last year, given in an answer to a question at the last Assembly, was £739,000 in total across that industry and, in fact, just a tad shy of £2 million was paid out in grants. Will the Minister confirm that in the future, within the grants pages on the Treasury annex that was produced a few weeks ago, for former Jersey limited companies who no longer pay taxes, will they be taken out of this particular book? Because I see names within that document that, in fact, have been sold-off out of the Island.

Deputy E.J. Noel:

The information that we provide in the annex to the annual financial statements for the States of Jersey, and indeed in the actual financial statements themselves, are widely published. The information that the Connétable is requesting, the Treasury Department do not provide those grants, it is the Minister for Economic Development that provides grants and, I think this question is probably better asked of that Minister.

3.8 Deputy J.A. Hilton of St. Helier of the Chief Minister regarding the publication of the 'Family W' Serious Case Review:

Can the Chief Minister inform members why the "Family W" Serious Case Review is not to be published, even though the report is complete?

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

I will ask Senator Routier to answer this, as he is Chairman of the Adult Safeguarding Panel.

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

The Independent Chair of the Safeguarding Board is in the process of talking to the children and family members who are at the heart of this review. However, I cannot answer this question until that has been done. As soon as that has happened, I will ensure that States Members are provided with all of the relevant information.

3.8.1 Deputy J.A. Hilton:

Is the Assistant Minister aware there are a number of serious child sexual abuse cases to be reviewed by the Safeguarding Board and does this fact cause him alarm, as it would appear the protection of Island children is failing yet again?

Senator P.F. Routier:

I am aware that there are some more cases to be reviewed and, as we have not been used to having as many cases as are currently coming forward, it is of concern. What is, I think, positive about these reviews taking place is that it is being looked at very seriously that we need to ensure that, when a case is being reviewed, some learning is made across all the services and that it is identified, if there had been some failings, that best practice is brought forward in the future.

Deputy M.R. Higgins:

As the question is about when reports are going to be published, I would like to ask when the report on the woman known as H.G. is going to be reported by this panel? Because there seems to be cases being reviewed but no reports coming out and made public. Can the Assistant Minister tell us when it will be ...

The Bailiff:

Sorry, Deputy, that is not related to this question. It is not the same body at all. Very well, Deputy Le Hérissier?

3.8.2 Deputy R.G. Le Hérissier:

The rapporteur referred to learnings. If several cases are alive at the moment, could the rapporteur tell us what lessons have been learned? Because surely it could be construed as a failure that cases have reached this level. Given all the money that has been ploughed into these issues over the last few years, why were the warning signs not picked up at the appropriate management and organisational levels?

Senator P.F. Routier:

The establishment of the Safeguarding Boards for Children and Adults, which have only been established in recent times, is, I think, a real positive step forward for the States generally. The Deputy is quite right: there has been extra investment put in after the Williamson Report to ensure that services are the best we can possibly have them. There is, obviously with these cases coming forward, a recognition that there needs to be some improvements to services, and that will be highlighted when the reports are finalised.

[10:30]

But I need to remind Members about this particular case that, until the family and the people who are involved are spoken to, it is very difficult; we cannot talk about it until that happens.

3.8.3 Deputy R.G. Le Hérissier:

Can I get clarification: could the rapporteur tell us - and I appreciate in a way it should be the Minister - has he been able to draw any conclusions where the failings are as opposed to just focusing on this case?

Senator P.F. Routier:

Not as yet, no.

3.8.4 Deputy J.A. Hilton:

It would seem to me that with the X Family, the G Family and numerous other families, the States of Jersey are still failing our children badly [**Approbation**] and we need to address this as soon as possible. I am very concerned that the Assistant Minister has agreed with me that there are a number of serious child sexual abuse cases coming forward; we need to establish as soon as possible exactly what is going wrong. Is the Assistant Minister satisfied that we have the expertise available in the Island to establish when sexual abuse is occurring within families?

Senator P.F. Routier:

I can only agree with the questioner with regard to the concerns that she has. I, too, share those concerns and want to ensure that everything is looked at in an appropriate manner. The question with regards whether we have the correct facilities and expertise in the Island to look at these cases is something we need to look at very closely. I think we need to ensure that with the help of the safeguarding chairperson who is doing these reviews, she is going to come forward with recommendations which we will have to act on. I would not be able to stand here and defend a service which was not performing correctly and I would hope that if it does require extra resources they would be coming forward.

3.9 Deputy G.C.L. Baudains of the Minister for Economic Development regarding the maintenance of the Weymouth route:

Can the Minister assure Members he will use his best endeavours to ensure our Weymouth route is maintained, including, if necessary, finding an operator with a suitable vessel for the purpose?

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

Yes, to the first part of the question. Weymouth is an important port for the Channel Islands and for Condor. Indeed, all parties are keen to see Weymouth retained if possible and at all viable. Indeed, Condor have invested in some scoping works to assist the harbour authorities in this regard. However, we understand that the Weymouth Borough Council have to date been unsuccessful in securing the estimated £10 million of funding required to dredge and refurbish the port to accommodate larger vessels in the future. The viability of our sea routes depend on the whole network, including car, passenger and freight. It should be noted that the northern route car and passenger service in their current configuration do not operate profitably. It is, therefore, hard to see how Weymouth can be viewed in isolation, especially if a larger, more economic vessel could serve the Channel Islands more efficiently, thereby helping to ensure a long-term, sustainable network of sea routes. This surely has to be the greater priority.

3.9.1 Deputy G.C.L. Baudains:

Would the Minister not agree that if Condor is choosing to use a boat that simply does not fit Weymouth, then are they not, in fact, putting their own convenience before that of their customers?

Senator A.J.H. Maclean:

The Deputy will be aware that there have historically been problems with Weymouth and their port. Indeed, in 2012 Condor had only 48 hours' notice before the port was closed. As a result, they had to react incredibly swiftly, which they did, to rearrange their summer schedules, adjust their marketing and so on. The problems at Weymouth are fairly significant and, as I have said, I think we need to view this as a network. We cannot simply view the matter in regard to one vessel that Condor may or may not be thinking of investing in that could, indeed, bring significant benefits to the Channel Islands. We are looking at a potential £60 million investment in a new ship, an Austal 102, which would have economies of scale, be more environmentally friendly, quicker turnaround

and so on. If indeed that goes ahead, we need to view it in the context of the greater benefits to the Island, not just in the isolation of Weymouth alone.

3.9.2 Senator L.J. Farnham:

Despite the longstanding relationship we have with Weymouth, we have to remain business-minded about this, given the importance of rebuilding the tourism industry moving forward. I just wonder if the Minister could be clear; I am not sure I understood. Is he saying that it would be more feasible and more advantageous for Condor just to focus on one route with a bigger ship?

Senator A.J.H. Maclean:

No, I was not giving that impression and I hope to be able to clarify the point. I have already made a statement that Weymouth is important to the Island, but it has been interesting. There has been some market research carried out by Condor with regard to their customers in Jersey and, in fact, the preference of Jersey residents who were surveyed, the majority - 68 per cent - preferred Poole as a destination, interestingly. I also found it of note that Portsmouth came second and Weymouth was third. But for absolute clarity, if Weymouth Borough Council can invest in their port, then the Islands I am sure - and I include Guernsey in this, and particularly Guernsey in this from their day trip market perspective - would be keen to see Weymouth still forming part of the service that the Islands have historically enjoyed.

3.9.3 Deputy S. Power of St. Brelade:

It was useful to hear the Minister refer to independent survey work done on Channel Islands preferences for port usage. Has the Minister done any market research with regard to fast ferries? So the question is a two-stage question. Number one: is he absolutely convinced that this Austal 102, which is a prototype, is appropriate for the Channel Islands? Number 2: has he done any market research to confirm whether fast ferries *per se* are ultimately suitable for the northern route and the southern route given the sea conditions that we face? Are they not more suitable to areas such as the Greek Islands or the Canaries or other archipelagos?

Deputy A.J.H. Maclean:

The Deputy may be aware, and I am sure Members are, that there has for many months been negotiations ongoing with Condor about the future of our sea routes, which includes the desire of Condor to invest in a new vessel, the Austal 102, a significant investment of around £60 million. It is part of the negotiations that the team have been looking at this particular vessel and, indeed, its suitability and the value that it would add to the Channel Islands market. Those negotiations are progressing. In fact, they are, I believe, nearing completion and I hope to have a recommendation within a matter of weeks from the negotiating team. I believe that that will likely point out, among other things, that this vessel would be in the interests of the Channel Islands market. With regard to fast ferries and suitability, interestingly one of the benefits of the Austal 102 is the fact that it can operate in far higher seas than the current 2 vessels that Condor have on the northern route and so there are going to be, if indeed it goes ahead, less cancellations as a result of poor weather in winter periods and, as such, I think it is very suitable for the route. Indeed, I am led to believe that it is also highly efficient being a new vessel. It is only 3 years old; it still has the wrapper on because I do not think it has been used in anger commercially. As such, I think the answer to his question is yes, indeed, it would be suitable from what I am told to date.

3.9.4 The Connétable of St. John:

Given that surveys can be designed in such a way to give any answer, as we have seen many a time, is the Minister in talks with the council of Weymouth and Portland as to the needs of both areas, both the Channel Isles and Weymouth?

Senator A.J.H. Maclean:

I am not entirely sure of the drift of the question from the Connétable. I have not spoken directly myself with the borough council. I see the Connétable throwing his arms up. However, Condor have had lengthy negotiations and discussions with the borough, who they have the relationship with, and indeed members from the Ports of Jersey have had discussions with the authorities in Weymouth to establish the art of the possible and, indeed, the sort of investment that would be required to ensure that the port can handle a new larger vessel if indeed one comes on to the route in the future.

3.9.5 The Connétable of St. John:

Is the Minister not aware that historically the Harbours and Airport Committee and the Jersey Transport Authority, the Ministers themselves or the Presidents of the committee or Members, would go out themselves and meet their counterparts from Portland and Weymouth and other places? He is telling us he has not got involved whatsoever on one of our lifeline routes, is that correct?

Senator A.J.H. Maclean:

No, not at all. I did not say I did not get involved; of course I get involved in matters. Ministers respond to and act upon advice from a variety of different sources. I appreciate that the Connétable has acted before on the Harbours and Airport Committee and I know he has been on many nice trips to different places to talk to different people. **[Laughter]** The success of his Harbours and Airport Committee is in the annals of history. We are looking to the future now and, as I have said, as a Minister I look very carefully at the advice that I am provided from a raft of professional sources and will make a decision accordingly when I have that advice.

The Connétable of St. John:

Is that why we get less than 400,000 visitors to our Island a year because of the attitude of the Minister?

3.9.6 Deputy G.C.L. Baudains:

There are 2 parts to this question. First of all, will the Minister agree with me that Weymouth is the gateway to the west of England and the north and is more convenient than Poole in that regard? Could he explain how many vessels this potential new purchase is going to replace? Because it does seem to me if it is going to replace more than one of the existing ferries, and presumably it will, then when it breaks down, which at some time it will, would he agree with me that the inconvenience to passengers will be even greater than we have seen in the past?

Senator A.J.H. Maclean:

Weymouth, as to whether it is a gateway to the west or the north as the Deputy points out, is a gateway. It is not the only gateway. Poole is clearly a very important gateway and certainly Jersey residents who have been surveyed, 68 per cent say they prefer Poole. So it is not for me to second-guess; the statistics speak for themselves. Clearly, there has been a good relationship with Weymouth. I hope it can continue but it is going to require a significant, multimillion pound investment and, I might add, time, which I have not mentioned, because on top of the £10 million investment there is also environmental studies and suchlike which have been priced at over £1 million, I believe, and could take a number of years. So there are a lot of issues that need to be resolved. I hope they can be resolved and that we do maintain Weymouth. With regard to the vessel, the 102, if again it comes on to the route, it would be intended to replace the 2 current Condor fast ferries, one of which - and this is all subject to the negotiations - would be retained as a backup in the short term and there are other longer term provisions to ensure backup and security of

service, which is clearly important for the Island and quite naturally the Deputy would understand forms part of the negotiations that have been ongoing and detailed for many, many months.

The Bailiff:

Very well, question 10 falls away in the absence of the Deputy of St. Martin, so we will come to question 11, which Deputy Le Fondré will ask of the Minister for Treasury and Resources.

3.10 Deputy J.A.N. Le Fondré of St. Lawrence of the Minister for Treasury and Resources regarding the police relocation budget:

Further to the recent presentation of the States accounts, which included a reference to the effect that the police relocation budget is £19.2 million, could the Minister confirm that the full cost spend will be £20.492 million as per his response on 23rd October 2012 to a written question submitted by Deputy Martin?

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

The 2013 accounts showed that the remaining unspent budget for the police relocation project was £19.182 million from an allocated budget of £20.789 million as of 31st December 2013. A further budget of £1 million was added in the 2014 capital programme to bring the total allocated budget to £21.789 million. To say that the budget in the question is £19.2 million is, therefore, inaccurate. Expenditure on previous schemes of £718,000 has reduced the available budget to £21.071 million for the current scheme as has been set out to answer question 7159, which has been recirculated to Members. In that response, it clearly stated that the forecast for the project is now £22.142 million comprising the £20.492 million plus a sum of £1.65 million in respect of inflation and other contingency allowances. The most recent cost estimate, including inflation allowances and contingencies, is now £22.938 million which reflects, among other things, the inflationary cost impact since October 2012.

[10:45]

It is my intention that the difference should be met through a contribution, upon the advice of the Attorney General, from the Criminal Offences Confiscation Fund to meet the cost of various identified items within the construction project. This is an entirely appropriate use of the Criminal Offences Confiscation Fund. So the scheme has planning permission. It is fully designed and local shortlisted contractors will shortly be asked to tender for the works. It is vital that we achieve this as soon as possible to meet all the requirements of the police.

3.10.1 Deputy J.A.N. Le Fondré:

If I have understood that correctly, then the police headquarters project is, therefore, presently over budget compared to what was previously projected. Could he confirm that the transfer from the police confiscation fund was done by way of exempt decision? I was wondering why he felt it necessary to make an exempt decision.

Senator P.F.C. Ozouf:

It is an estimate of cost. Of course, the actual cost will be dependent upon tenders, *et cetera*. Having consulted with the Minister for Home Affairs to ensure that the site and the whole of the budget meets all of the police requirements, it was decided, and it was a request, which I take to the Council of Ministers under my normal practice and my revised practice of seeking withdrawals from the Criminal Offences Confiscation Fund. I cannot recall exactly what the status of that request is but I will, of course, revert to the Assembly when those decisions have been formally made.

Deputy J.A.N. Le Fondré:

Is the Minister saying he has not made a decision as of today?

Senator P.F.C. Ozouf:

The decisions have been, as I understand ... I have been to the Council of Ministers and I am awaiting advice, but I need to check that. I do not have all the facts of the modalities of the exact arrangements. I am often in the position of answering questions on a wide remit. Ministers are expected to be in charge of their briefs, but it is not a memory test, so I will answer any questions that are needed to be answered because Deputy Le Fondré I know is very particular that I give accurate information. I do try to but if I do not have it in my head I am not going to answer it.

3.10.2 Deputy S. Power:

In the process to finalise costs for the police relocation project, could the Minister answer: (a) whether he expects projected costs to increase to a figure in the region of £25 million over the next 18 months and whether he has made any exempted decisions based on that; and (b) whether he could confirm that the States accounts at the moment give an accurate reflection of the costs to date of the project to relocate the police headquarters building?

Senator P.F.C. Ozouf:

Yes, I am sure I do not need to give the Assembly a lesson on what accounts are in respect of money spent. Of course, any money spent in relation to the police budget will be completely accurate because the audit has been completed and we have, of course, one of the highest levels of compliance with any States accounts at all. There is a difference - and I know the Assembly does not need a tutorial on this - between budgets allocated and then amounts finally spent. At the moment, we are speculating on an up-to-date number which, of course, will change because Members would expect us to hold substantial contingencies for numbers and not also reveal exactly what we expect tenders to be. To send out a statement of what we expect a tender will be will give market information and will not get best value.

3.10.3 Deputy G.C.L. Baudains:

I wonder if the Minister would share my concern. As I understand it, he is saying that not all the tenders are in yet. I hope I am correct in understanding that, in which case I would ask does he share my concern that discussing budgets before the tenders are in encourages contractors to work up to a figure rather than work to the lowest possible cost? **[Approbation]** In fact, I would say that contractors themselves have told me that is what they do.

Senator P.F.C. Ozouf:

I could not agree more and, if I may say so, condemning a Minister for apparently an overspend on something that we do not know about is also wrong, which is the attempt, I think, being made here. The States Treasury with Property Services delivers best value for taxpayers. If I may just say one point about that to absolutely hammer home the point that Deputy Baudains made, last week I understand that we got a tender in a housing scheme which was 20 per cent below what we expected. We deliver best value, we will deliver best value, and the police station will achieve best value, certainly while myself and my Assistant Minister are at the Treasury.

3.10.4 Deputy J.H. Young:

Would the Minister confirm that the estimates that he has given the Assembly do include offsite works, for example, any works necessary on Snow Hill, to the road system and the additional floor at Green Street?

Senator P.F.C. Ozouf:

Deputy Le Fondré asked that I answer these questions. These matters are dealt with ably by my Assistant Minister who deals with all the granular information. I believe those other matters have been held with other departments and I am not in a position to answer all the road issues, which are not relevant to this particular question. They may be related issues and we certainly agree with improvements in Green Street where we have been making also sensible decisions about allocating more public car parking spaces for the public.

3.10.5 Deputy J.H. Young:

Just to clarify, does that mean that they are extra, that we will get that information later?

Senator P.F.C. Ozouf:

They are not extra costs about the police relocation. That is the point. They are related costs that could be regarded as improvements and are certainly helping the facilitation of Green Street that would be developed in any event for some point, of course. But I will deliver whatever detailed matters as I am sure the Deputy would want.

3.10.6 Senator S.C. Ferguson:

I do not think the Minister for Treasury and Resources and I will ever agree over the police station. Will the Minister report back to the Assembly if the Ministerial decision that we have been discussing is included in the 42 per cent of Ministerial decisions which have been taken as exempt in the States of Jersey website? This is not conducive to good, transparent Government. Will the Minister report back?

Senator P.F.C. Ozouf:

I do not think Senator Ferguson and I will agree on a lot of things and I do not think we will ever agree that building a police station on a dual site and having policemen moving across town is ever going to be the right thing.

The Bailiff:

Minister, the question was not about the merits of the ...

Senator P.F.C. Ozouf:

Well, that was the question originally.

The Bailiff:

The question was about exposing information.

Senator P.F.C. Ozouf:

Okay, we will never agree that this is the best value for taxpayers in the longer term. In relation to exempt decisions, as the previous question by Deputy Baudains made clear, there is guidance on what can be effectively an exempt decision. Exempt decisions are when we should not put information into the public domain which is commercially confidential. When information can be made public it is, of course, always done. It would be completely wrong for Senator Ferguson to make a statement that somehow there is a lack of transparency in relation to Ministerial decisions. That simply is not the case when we have some of the most transparent accounts, detailed disclosure, of any jurisdiction in the world.

3.10.7 Senator S.C. Ferguson:

A supplementary: I have been under the impression that there has been a certain amount of disagreement about some of the Ministerial decisions being taken as exempt. Would the Minister like to confirm or deny this?

Senator P.F.C. Ozouf:

I am not aware that there has been any disagreement about exempt decisions and exempt decisions as a code of conduct, a code which is set out. If the Senator wants to say which one there has been a disagreement on, I am certainly not over all my department. If she can say which one, please say.

The Bailiff:

No, she has had her 2 questions. Now the final question, Deputy Le Fondré.

3.10.8 Deputy J.A.N. Le Fondré:

It is all around the whole principle of transparency. I am glad the Minister and I do agree about achieving best value for the taxpayer, which is why I would appreciate if the Minister could clarify why he considers his actions on the whole police station project to have been in the public interest. Because having severely delayed the conclusion of the Lime Grove House transaction to theoretically save half a million pounds, the present solution is starting to look like it is costing at least £8 million to £10 million more than the Lime Grove House option, which was basically the cost of the entire building. That is made up from the extra £2 million we have added in the M.T.F.P. (Medium-Term Financial Plan) ...

The Bailiff:

Deputy, I am sorry, as a supplementary question this is way out of order. Bring it back to the ...

Deputy J.A.N. Le Fondré:

The Minister stated in answering that he is acting in the public interest in achieving best value for the taxpayer. I am saying that as a supplementary question could he explain that given those 2 comparable figures.

Senator P.F.C. Ozouf:

What I do wish is that the former Assistant Minister for Treasury and Resources would move on from what has been a never-ending set of issues about criticising my decisions in respect of Lime Grove House and casting aspersions ...

The Bailiff:

I am sorry, I am going to have to stop you. We cannot go back to a debate about Lime Grove House and the police station in relation to this question so I am going to call a halt to it. Thank you.

Senator P.F.C. Ozouf:

Thank you, I am grateful.

3.11 Deputy J.H. Young of the Minister for Planning and Environment regarding a review of the Masterplan for the Esplanade Quarter:

I was trying not to get caught in the crossfire there. Does the Minister intend to review the Masterplan for the Esplanade Quarter following the changes made by the States of Jersey Development Company to their implementation plan, the loss of their anchor tenant and the changed economic circumstances to ensure the Masterplan is relevant, up to date and applicable to the needs and aspirations of the community?

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

The Deputy will be aware that master planning as an exercise is generally for a longer timeframe than individual planning applications. The permits that are generally given run to 5 years. This particular Masterplan has been running since 2006. Admittedly, there have been some changes and there have been some questions asked as to the long-term deliverability of the public realm improvements that were a conditional part of the master planning exercise in the first place. So I think he is right generally. There will come a point in time, as with any accounting type analysis, where you reach a breakeven point, at which perhaps if the long-term deliverability of those public realm improvements is unable to be offered and proposed by the developing company, then perhaps that will trigger a review of the whole Masterplan for that area. The Deputy will also know that we are 5 months from a new Government and I think, to answer his question more succinctly, in those intervening 5 months I do not think we will have reached that particular breakpoint at which a review might well be encouraged or undertaken.

3.11.1 Deputy J.H. Young:

I am grateful for the Minister's answer. Can I ask him to confirm the answer he gave to the same question 2 years ago that he was open to review the Masterplan? Could he confirm that his mind is still open and would he also highlight when he thinks or at least what circumstance will bring about this breakeven point that he referred to when circumstances are so changed that we really need to look at the whole Masterplan?

Deputy R.C. Duhamel:

Yes, my mind is still open to a potential review but, as I mentioned, there has to be a point at which the expectation of the deliverability of the public realm improvements becomes evident as being unobtainable. I am advised by the applicant company that we have not reached that point as yet, although inevitably some of the public realm improvements have been moved to the future somewhat. I would expect that a 10-year period - which means that 2016 is the date - might well be the point at which a reconsideration might well be undertaken, albeit sooner if, indeed, the applicant company is unable to assure me that the deliverables are undeliverable.

3.11.2 Deputy J.H. Young:

The Minister there referred to the key point being that the promised and expected improvements to the public realm will be unobtainable, either from the company coming to that conclusion itself or otherwise. Would he confirm that not having sufficient demand for offices resulting in piecemeal development and/or the existence of a major litigation claim which could wipe out that public realm benefit would bring about this review?

Deputy R.C. Duhamel:

I think the Deputy is aware that what he is referring to are speculative kinds of conditions which may or may not occur. If these things do occur, then this Minister, if I am still on the block, will take steps to review the Masterplan.

[11:00]

If indeed these things do not occur, then I think we can all expect at least a reasonable semblance of the outcomes that the Masterplan is designed to procure.

3.12 Deputy G.C.L. Baudains of the Minister for Treasury and Resources regarding Jersey Telecom's proposed 28 per cent increase in broadband charges:

May I just preface the question by saying it was intended originally to go to the Minister for Economic Development and it was redirected to the Minister for Treasury and Resources, hence the

rather curious wording and perhaps the second part of it is not relevant. Is the Minister, as the shareholder representative, aware of Jersey Telecom's proposed 28 per cent increase in broadband charges due to come into effect shortly and, if so, what action, if any, is he taking *vis-à-vis* the regulator?

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

J.T. is responsible for making its own pricing decisions and these are regulated by the J.C.R.A. (Jersey Competition Regulatory Authority). As the Deputy will be aware, there is an important separation that was put in place upon incorporation between the shareholder and the regulator. I am advised that the 28 per cent referred to by the Deputy is not a like-for-like comparison - this is information provided by J.T. - as the 2 megabits per second product he uses for his calculation has been taken out of service and being replaced up to a 28 megabits per second product. I am advised subscribers on products other than 2 megabits per second will see price drops of 62 per cent. Subscribers on the 2, 4, 8, 16 and 20 products are being provided with maximum speeds possible to all of the current ... which is effectively a 4-megabit price. To reduce the impact on the lowest speed service, J.T. has committed to hold the current price for 18 months while providing a significantly improved service during that period. For subscribers that wish to continue using a 2 megabit service thereafter, J.T. will be providing this over its mobile network at a rate of £17.99 per month. The action I have taken and will continue to is to hold the board to account and ensure that whatever recommendations C.I.C.R.A. are doing into this matter, as the Minister for Economic Development was speaking about earlier, are implemented by J.T.

3.12.1 Deputy G.C.L. Baudains:

By forcing customers off the lower product on to a higher one, would the Minister agree with me that this is really a covert way by Jersey Telecom of forcing its customers to take up bandwidth they do not need and making them move on to a higher band that they have not willingly chosen to do because Jersey Telecom requires that income to pay for its fibre roll-out?

Senator P.F.C. Ozouf:

I think that is probably quite unfair and I am happy to go and perhaps have a cup of tea with Deputy Baudains in St. Clement to see what speed he needs on his devices. Certainly, I do not know about him but I think that ...

Deputy G.C.L. Baudains:

Two megabits is adequate for me.

Senator P.F.C. Ozouf:

The Deputy made a point that apparently 2 megabits per second is enough for him. Well, I do not know how many emails he is receiving from States departments with 10 downloads, *et cetera*. I guess he is saying not many. The fact is that 2 megabits per second is really very slow and is upgraded. It is not only the 2 megabits per second, it is the actual quality and the contention ratio of that that is delivered, and that is as I understand it. I am acting in the shareholder issue here. I am interested in technology. It is really the regulator and E.D. (Economic Development) that need to deal with this. I will make sure that J.T. complies with whatever rulings the regulator gives.

3.12.2 Deputy T.A. Vallois:

Could the Minister advise what the social good definition is under our Articles of Association or Memorandum of Understanding with J.T. and whether it involves pricing as a part of it?

Senator P.F.C. Ozouf:

Again, I do not have a copy of the M.O.U. (Memorandum of Understanding). I keep them on my iPad and I will look them up because I have a pretty fast speed here [Laughter] to get them. The M.O.U. is effectively the guiding principles that set out the relationship as the shareholder between J.T. That really is not a legal document. There is the law. There is the Jersey Telecommunications law which sets out the duty of the J.C.R.A., the Minister for Economic Development and the Minister for Treasury and Resources. Now, the Minister for Treasury and Resources has to effectively deal with the shareholding operating side, and I know that there is sometimes confusion on this but the Minister for Treasury and Resources is not doing the proxy regulator job. That is the job of the J.C.R.A. and the Minister for Economic Development. J.T. and the Treasury will comply with those rulings. I hope that is helpful to answer the Deputy's question.

3.12.3 Deputy T.A. Vallois:

A follow-up: I only asked whether there was a definition for social good in the Memorandum of Understanding and if there is not then why is it that the public own Jersey Telecom?

Senator P.F.C. Ozouf:

Well, I think the public good statement ... and I am just in the process with the Minister for Housing to confirm, and will be circulating later today the new M.O.U. which will be signed by Andium. Public good is effectively a standard clause which is in all of the Memoranda of Understanding for Jersey Post, Jersey Telecom, Andium and I think S.o.J.D.C. (States of Jersey Development Company) as well. I have been clear that I believe that the States Assembly in discharging those duties via the Treasury should be an activist shareholder. Now, public good, for example, would be ensuring the company invests in the longer term, doing fibre, thinking about the long-term interests of Jersey and the Jersey economy and the people of Jersey in the longer term, but we are not a proxy regulator and I think there is obviously some colour to that.

3.12.4 Deputy S. Power:

Is the Minister for Treasury and Resources aware that Jersey Telecom appear to be another States utility that is coming across as aggressive and that the public who are getting these letters of offer on so much per month on such a capacity of speed on their broadband are then irritated and annoyed - and it is becoming an issue for colleagues - when usage charges and service charges are added to their phone bill as almost a penalty charge over and above the rate that Jersey Telecom has set? So, for instance, if somebody is set with a 2Mb speed and their grandchildren or their in-laws or their siblings or whoever downloads something, they are then charged a usage charge, which is almost a penalty. Can the Minister for Treasury and Resources discuss this as the shareholder interest because it is sad ...

The Bailiff:

I think you have asked the question now, Deputy. It is quite a long question.

Deputy S. Power:

All right, Sir.

Senator P.F.C. Ozouf:

I have been clear before and what we are doing with J.T., working with the Minister for Economic Development ... and I have reported on this a number of times, and to also perhaps build on the answer to Deputy Vallois which is at the heart of this, is what is the State's purpose in owning J.T.? In my view, that policy was set a number of years ago and we are reviewing that purpose. It must be a multiple of reasons and we are busy confirming and we are having a dialogue about that interest. I think what is not right, if I may say, is to describe J.T. as being aggressive. They are in a competitive marketplace and they have to compete with other operators. There are 2 other

operators in mobile and there are going to be other operators in fixed. Now, J.T. has to be aggressive in that marketplace, but aggressive should not be bad. Aggressive should be good, winning customers, delivering what customers want, and investing for Jersey's future. I see no particular conflict in it, but we are looking as to the purposes and confirming what the purposes of national ownership should be.

3.12.5 Deputy G.C.L. Baudains:

I would inform the Minister I used to be on 50 megabits and there was no improvement over the 2 megabits. I do not know if he is aware that greater bandwidth in a property is only of use where there are multiple users, father, son and whatever, all doing different things, or where films are downloaded. How does he justify this imposition on those who do not need it? Is he not concerned that at the present customers do not have the option of going elsewhere because of a lack of competition? Eventually, this will affect the value of Jersey Telecom when those customers decide to go elsewhere.

Senator P.F.C. Ozouf:

A number of points there. The first thing is that having spoken to many people experiencing J.T.'s service and having then dealt with and followed up individual cases so that I can become comfortable with my Assistant Minister that J.T. is doing what is expected, oftentimes when the new fibre has been connected there have been problems within individuals' own homes, the Wi-Fi has not been correctly configured and there have been issues with everybody's implementation of new technology, but those have been quickly resolved. So I think it would be wrong to say that when an installation has been made then there is a permanent problem. As far as the value of J.T. is concerned, I would just tell the Deputy that Manx Telecom - another national operator that has the same market share as J.T., not owned by the Government, which was owned by O2, then sold to Telefonica, then taken to private equity and how publicly quoted - has a value on the basis of J.T.'s returns which would be north of £300 million. So on the contrary of eroding taxpayers' value, J.T. is cutting costs and adding dividends and investing, so it is quite the opposite picture of what the Deputy has portrayed, if I may say.

3.13 Deputy M.R. Higgins of the Chief Minister regarding compliance with the Data Protection (Jersey) Law 2005:

Will the Chief Minister advise Members what steps, if any, he is taking to ensure that States departments, the States of Jersey Police and various child protection agencies fully comply with the Data Protection (Jersey) Law 2005 with regard to answering subject access data requests and correcting factually inaccurate data held by them or updating and reassessing decisions made by them that have been based on inaccurate information?

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

Under the Data Protection Law, an individual has a general right of access to their personal data, to have any inaccuracies corrected, and if unsatisfied to complain to the independent Data Protection Commissioner. I consider this to be a correct, appropriate and functioning structure and I am not aware of any information which may suggest that further steps or changes are necessary.

3.13.1 Deputy M.R. Higgins:

My question was what the Minister is doing to ensure it happens. It should not take the regulator to deal with situations, for example, with the police, who are supposed to respond within 40 days, are replying 365 days or more or not even replying at all to complaints, and both the police and child protection people are not correcting data that they have that they know is inaccurate because it

shows negligence on the part of both bodies. What is the Minister doing to ensure that departments comply with the requirements and give the people the service they are supposed to be getting?

Senator I.J. Gorst:

As the Deputy knows, departments of government are expected and are bound to comply with the law that is passed in this Assembly, as I said. If the Deputy is aware of instances where that is not the case, he can take it up with the Data Protection Commissioner. I am not aware of those cases. He has just mentioned what sounded like a number of them and I assume he has taken them up with the appropriate channels. But departments are required to comply with their obligations under the Data Protection Law.

3.13.2 Deputy M.R. Higgins:

Is the Minister prepared to take those officers who are obstructing attempts to get information corrected or because it shows their own negligence before the States Employment Board and discipline for their failure to act according to the law?

Senator I.J. Gorst:

Once again, the Deputy is making allegations across the floor of the Assembly and he should be taking those concerns through the appropriate channels. If those appropriate channels find that there are failings and new structures need to be considered or changes need to be considered, then I will act upon them having had them delivered to me through the appropriate channel.

3.14 Deputy J.A.N. Le Fondré of the Minister for Treasury and Resources regarding the principles and policies laid down in P.73/2010 - “Property and Infrastructure Regeneration: the States of Jersey Development Company Limited”:

Does the Minister continue to support the principles and policies laid down in P.73/2010, which is “Property and Infrastructure Regeneration: the States of Jersey Development Company Limited”?

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

Yes. It is quite difficult to know where this particular question is going, but the answer is, of course, yes.

3.14.1 Deputy J.A.N. Le Fondré:

That is exactly the answer I wanted to hear. Basically, from a brief analysis of P.73/2010 and the recent accounts of S.o.J.D.C., it is clear that despite the commitment of P.73/2010 as approved by this Assembly the S.o.J.D Company continues to retain certain properties which should have been transferred to the States nearly 4 years ago and that as a result the coffers of the public purse are down by some £300,000 a year as a result, i.e. in the order of nearly £1 million. When is the Minister going to rectify that? That would pay for something like 30-odd nurses for a year.

[11:15]

Senator P.F.C. Ozouf:

Most of that was completely garbled and I have no idea what the former Assistant Minister is talking about. Could he just restate it because I have no idea what he was referring to? I think he might be in the micro detail.

3.14.2 Deputy J.A.N. Le Fondré:

Sorry, I am losing my voice is the problem. Part of the proposition clearly states that there are 4 sites that should be transferred to the States. They are the bus station, the Radisson Hotel, the

J.E.C. (Jersey Electricity Company) substation and the Weighbridge Square. Those generate over £300,000 a year rental income to the company. The proposition clearly states that these recommendations will be progressed by the company, in other words to transfer them to the States. The Minister for Treasury and Resources as the shareholder responsible is the Member responsible for that company. What actions has he taken to ensure that those actions have been carried out because they have not been done yet?

Senator P.F.C. Ozouf:

When an entity is owned either directly by Property Holdings or a wholly-owned subsidiary of this Assembly and the people of Jersey, then ultimately any value - short-term or long-term value - is identical. I think Deputy Le Fondré has never got that view accepted and we will have to agree to disagree on that. Whatever happens, I am interested in medium and long-term value added to the economy and to shareholders, and on these issues I will ask exactly what the updated position has been, but if they have been held by S.o.J.D.C. for the short term and there is a commitment to move them in the longer term, then that will happen. But effectively taxpayers are in an identical position because they own both ways and everything is owned by taxpayers all the time, so it makes no difference.

3.14.3 Deputy J.H. Young:

While the Minister for Treasury and Resources was replying, I was looking up appendix 5 and appendix 7 to this proposition, which does set down some principles about what property remains within S.o.J.D.C. and what goes to Property Holdings. Does the Minister still regard the principles of that policy statement as important or is he saying that it does not matter because it is all a kind of slush fund or pot and it does not matter? I would like him to clarify that.

Senator P.F.C. Ozouf:

The Deputy used the words “slush fund” or “pot”. Neither words are relevant words in my discussions with anybody concerned. It is important that Ministers do come prepared so fortunately I have appendix 5, and this is the DTZ review which has a number of properties. Now, of course, there are a number of properties cited in there and, of course, I am sure that there will be commitments made. Nothing changes to those commitments but, of course, the world does change and S.o.J.D.C. has been focusing on securing competition in the office market, making sure that they have been getting on with J.C.G. (Jersey College for Girls) and other important sites. These are, no doubt, important issues but I remain of the view that ultimately S.o.J.D.C. is owned 100 per cent by taxpayers. It would be transferred to Property Holdings and ultimately taxpayers’ interests are no different in the longer term.

Deputy J.H. Young:

Can I withdraw the words “slush fund” with apologies to the Minister? I meant the pot.

3.14.4 Senator S.C. Ferguson:

The Minister for Treasury and Resources has stated that ownership of a property through S.o.J.D.C. and direct ownership are the same; it makes no difference to the owner. Now, if I held shares in a company which receives income but has to pay its running expenses, that is not the same as my holding the property in my own name and receiving the income directly into my bank account. There will be a difference. Does the Minister not agree with me?

Senator P.F.C. Ozouf:

Not really in the longer term because effectively if S.o.J.D.C. are holding assets that have a return and we agree with S.o.J.D.C. that they are going to use those returns in order to invest in their activities which are in the public interest, to, for example, progress Esplanade Square, improve

public realm, invest in social housing, progress J.C.G., then that is right. Companies' funds are ultimately shareholders' funds and there is another question about the issue of shareholder funds for sales of receipts from buildings from another States-owned entity. Ultimately, it is shareholder funds. We have a business plan with S.o.J.D.C. That is approved on an annual basis and we hold the company to account in it, but 100 per cent is 100 per cent either way.

3.14.5 Senator S.C. Ferguson:

A supplementary: it is not 100 per cent because a proportion of the income going to S.o.J.D.C. pays S.o.J.D.C.'s expenditure so that S.o.J.D.C. may invest for the good of the population as a whole. I can invest the income in my hypothetical example for my benefit but I do not lose the costs of running a company because they do not exist. I do not quite see how the Minister does not see that. There is always a proportion ...

The Bailiff:

I think you must pose your question. Is there a question?

Senator S.C. Ferguson:

Does the Minister not understand that?

Senator P.F.C. Ozouf:

I think the Minister understands that extremely well. Where the Senator asked the question is that somehow the investment of those returns disappear. They do not disappear. They are invested and S.o.J.D.C. is investing in effectively public realm, the economy, social housing and preparing and securing our economic future. That is in full agreement in accordance with the business plan that is signed-off by the Treasury, so I am afraid I do not agree and I do not agree with the theoretical example.

3.14.6 The Connétable of St. John:

Can the Minister answer the question? The question was when will S.o.J.D.C. transfer the 4 sites mentioned, which started off with the Radisson, I believe it was. When will this happen?

Senator P.F.C. Ozouf:

I am more than happy to update myself from S.o.J.D.C. and answer that question when I have the information from S.o.J.D.C. If a commitment was made, it will happen. It is the timing of it that we are just saying and I am saying really in the short term is not material to taxpayers' interests.

3.14.7 Deputy J.A.N. Le Fondré:

It is all about sticking with what was agreed by this Assembly and also about perceptions that if revenue is in a company when it should not be there, are we absolutely subsidising that company over and above what was being proposed when we made the approval to establish it? Again, equally, how do you judge, therefore, the performance of the company ...

The Bailiff:

Are you coming to your question?

Deputy J.A.N. Le Fondré:

I am, because it is hiding income over expenditure. The proposition clearly states that there will be an exit strategy. Where is it? Will the Minister try to undertake as soon as possible but before the summer recess to inform the Assembly of when the assets I have mentioned will be returned to the States, to Property Holdings, and the exit strategy as well that is mentioned in P.73/2010? I would also like him to ...

The Bailiff:

Well, sorry, that is your question, Deputy.

Senator P.F.C. Ozouf:

The background to this is that I am afraid that nothing that I ever will answer I think will convince Deputy Le Fondré about this issue.

The Bailiff:

A concise answer, please, Minister.

Senator P.F.C. Ozouf:

Well, I have had a complex question.

The Bailiff:

No, it was a concise question which was: will you come back before the summer recess?

Senator P.F.C. Ozouf:

I have just said that but there were a number of other questions and aspersions being made.

The Bailiff:

No, that was his question. Will you come back before the summer recess?

Senator P.F.C. Ozouf:

I have already said yes, and he also asked me whether or not I am effectively not agreeing with what was agreed by this Assembly and the emphatic answer ... that was the first part of the question and the answer is, of course, no, nothing has changed. Nothing will change. S.o.J.D.C. will do what the Assembly wishes and what they agreed with the Treasury.

Deputy G.P. Southern:

A point of order. Is it appropriate or is it in order to address the Deputy of St. Lawrence, Deputy Le Fondré, by referring to him as “former Assistant Minister to the Treasury”? Surely he should be called Deputy.

The Bailiff:

Yes, that is correct.

3.15 Deputy J.A. Martin of the Minister for Treasury and Resources regarding the possibility of building Grade ‘A’ office space on the Waterfront for the States of Jersey Police:

I am wearing my bulletproof vest for the information of the Minister for Treasury and Resources who has the right hump today. **[Laughter]** It is another one about the police station. Would the Minister advise whether he has held discussions with the States of Jersey Development Company to explore the possibility of building Grade ‘A’ office space on the Waterfront for the States of Jersey Police using the budget already allocated and then refurbishing the operational side at Rouge Bouillon and, if not, why not?

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

If I am appearing to have got the hump, then I am sorry but on one of the best days I think in Jersey I certainly should not have the hump. I am just perhaps a little tired after a very exhausting week securing funding, *et cetera*. As the Deputy will no doubt be aware, the detailed planning for the

development of the purpose-built police headquarters on La Route du Fort is virtually complete and I expect work to begin on this site within the next 3 months. S.o.J.D.C. was engaged as part of the site option analysis work undertaken in 2011. Specific discussions about providing office space for the police have not been necessary as the Green Street site provides an excellent location for the combined police station and headquarters in a way that a dual site would never have done. The solution meets the current and future requirements of the States of Jersey Police, including specialist facilities, within the one purpose-built building. The police, therefore, do not need Grade 'A' office space, if I may describe it as such, with such a prime office district in St. Helier on our premium Waterfront. The site to be vacated at Rouge Bouillon is earmarked for the relocation of fire and ambulance services, which in turn will enable the development of 95 units of affordable accommodation on the Summerland site and in the longer term 75 units on the current ambulance site.

3.15.1 Deputy J.A. Martin:

A supplementary: the Minister is saying no discussions after losing, as it has been portrayed in another question, their anchor tenant? There has been absolutely no discussion that there should be Grade 'A' office building space on the Waterfront with the capital allocation of around £23 million and the revenue budget supplied? He has had no discussions at all now this site has become available?

Senator P.F.C. Ozouf:

There is approximately 400,000 square feet potentially of sites of Grade 'A' accommodation on the Waterfront available for growth and financial services. There has been no discussion whatsoever, and neither ought there to be, to put S.O.J.D.C. there. Effectively, that would then go back and have the requirements of the police as twofold. There is an operational police station and an office space, and the whole argument of this is whether or not that should be on one site or 2. We have one single site on Green Street delivering everything the Minister and his department want. They are delighted and that is appropriate. Why undo a plan that is now working, going to deliver fiscal stimulus and what the police want at last?

3.15.2 Senator S.C. Ferguson:

Why is it appropriate for the police to be all on one site and for the hospital to be on 2 sites?
[Laughter]

Senator P.F.C. Ozouf:

Oh dear, oh dear.

The Bailiff:

I think we are straying rather from the question.

Senator P.F.C. Ozouf:

I will have a go, Sir. [Laughter]

The Bailiff:

Well, very concisely.

Senator P.F.C. Ozouf:

The hospital is a multimillion - £300 million - plan with multi uses which requires day patient, overnight, accident and emergency, acute, specialist services, and the rest of it. Putting them on a dual site on Overdale and the town centre as opposed to 3 or 4 sites seems to be much better. It

would be great if we had a single site but we do not, but it will work on 2 sites very well and everybody is delighted.

3.15.3 Deputy J.A.N. Le Fondré:

I was not going to join in with this one but the Minister has on a number of occasions, both now and previously, referred to his preference for a single site for the police station. Could he just confirm that the previous acting chief of police was fully supportive of the dual site proposals at the time, which was their preferred option because it gave them better future proofing?

[11:30]

Senator P.F.C. Ozouf:

I do not know everything of what previous police chiefs say. All I know is what our current and very valued and highly respected police chief says, with his deputy, together with the Minister, who says thank goodness we are going to have a single site on a site that is going to work and deliver what our police want instead of an uncertain dual site operation which would have taken years. I think the police chief and the Minister for Home Affairs also share in my delight of the fact that sites at Summerland are going to be released from other uses to delivering affordable housing. That is a win, win, win; win for the police, win for taxpayers in terms of value, and win in terms of affordable housing and not using valuable other sites for States. I do not see why Members, including Deputy Le Fondré, just cannot see it.

The Bailiff:

Very well, you have answered that then, Senator.

3.15.4 Deputy J.H. Young:

The Minister has told us that as the shareholder of S.o.J.D.C. there have not been discussions about possible alternative public uses in the light of market weakness for Grade 'A' offices at the moment. He would have heard the Minister for Planning and Environment tell us that he will do the review maybe in 2016. Has S.o.J.D.C. not had discussions with the Regeneration Steering Group, which was the body set up by this House in order to provide a forum for discussions and agreement on these plans?

The Bailiff:

That is your question: have there been such discussions.

Senator P.F.C. Ozouf:

On what plan?

Deputy J.H. Young:

The Regeneration Steering Group task was to liaise with S.o.J.D.C. about the development of public sites. Has there not been discussions about this?

Senator P.F.C. Ozouf:

You are really allowing quite a wide deviation. This is about a question to do with S.o.J.D.C. and sites for the police. So the answer to that was no.

The Bailiff:

I am assuming the question is related to whether you have had discussions about the police with this point.

Senator P.F.C. Ozouf:

Yes, well, I have previously said no because a site has been identified and it is well underway.

The Connétable of St. John:

No, I will not. I am sure we will not get an answer so I will not ask the question.

3.15.5 Deputy J.A. Martin:

It is good to see the Minister for Treasury and Resources so open-minded as the Minister for Planning and Environment, where he can see there is always room for review, especially when dealing with public money. Will he not go away, will he not give us an assurance today that he would even have a discussion with Jersey Development Company about Grade 'A' office space, that then in years down the line will still be there and they could re-put the police somewhere? Just a comment.

The Bailiff:

No, no comment, just a question, please.

Deputy J.A. Martin:

Well, not all the police are happy. He seemed to get a lot of comments. Thank you.

Senator P.F.C. Ozouf:

I am asked some quite wide questions so I have to comment. The answer is no. I think one of the problems in politics is that you have to make a decision at some point and then move on. As far as I am concerned the police have needed a solution; they have got one and to now, even at this late stage, give uncertainty to the police that somehow we are now going to revisit the whole thing when we have got a plan ready to go, that the Minister for Planning and Environment has approved, would be wrong. I am always looking at ways of improving, constantly learning from better decisions being made. But no, we should not go back and now discuss re-relocating the planned police on the Waterfront. It is going to go ahead at Green Street, that is it.

3.16 Deputy G.P. Southern of the Minister for Social Security regarding a review of the length of maternity leave taken by employees in Jersey:

What data does the Minister have, if any, on the length of maternity leave taken by employees in Jersey, and, if none, will he agree to commission some research to support his maternity leave proposals?

Senator F. du H. Le Gresley (The Minister for Social Security):

I am lodging today an amendment to the Employment Law which includes provision for a statutory minimum period of maternity leave. **[Approbation]** Thank you. I do not have specific data on the length of maternity leave taken by all employees in Jersey but I can provide data relating to maternity allowance claims. The allowance can be paid for a maximum of 18 weeks while a woman is not working. Members will see from the report that accompanies my proposition that the allowance was paid in respect of more than three-quarters of the births in Jersey in 2013 and that on average 15.6 weeks maternity allowance was paid to each woman. I am sure that Members would agree with me that to extend the proposed period of maternity leave beyond the 18 weeks that the Employment Forum recommended would require further research and public consultation through the forum, which is the accepted route for changes to employment law. Members will see when they get my report accompanying the proposition that family friendly rights will be reviewed one year after they come into force.

3.16.1 Deputy G.P. Southern:

Does the Minister have any comparative figures with other countries, for example with the U.K. (United Kingdom) as to how long people stay off work after they have given birth?

Senator F. du H. Le Gresley:

I think the Deputy needs to wait for my proposition which has an appendix which sets out some of the information he is seeking.

Deputy G.P. Southern:

That is sufficient, thank you.

3.17 Deputy R.G. Le Hérissier of the Chief Minister regarding the bringing of proposals for the reform of the judicial appointments process to the Assembly:

Would the Chief Minister advise whether and when he will be bringing proposals for the reform of the judicial appointments process to the Assembly and would he provide Members with a brief summary in the interim?

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

I hope to be in a position to bring forward, during the coming months, a Green Paper on the possible establishment of a judicial and legal services commission as indicated in my written answer on 19th November last year. Given the intention to publish the Green Paper in the coming months I believe it is better to wait for that Green Paper rather than divert resource on to an interim report which could be quickly superseded.

3.17.1 Deputy R.G. Le Hérissier:

Quick question. Could the Minister give us a date for the publication?

Senator I.J. Gorst:

That is a good question. Officers are working now on drafting the Green Paper and I hope that it will be ready for publication at the end of the summer.

3.18 The Connétable of St. John of the Minister for Economic Development regarding a review of the agricultural grants system:

Will the Minister undertake to review the grant system which provides funding to the agriculture and horticulture industry, and if not, why not?

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

I am going to make the Connétable's day. Yes. In fact, my department has already begun reviewing the current Rural Economy Strategy including the level and extent of agricultural grants and subsidies with a view to preparing a Green Paper for public consultation. By way of background the provision of grants or direct aid and rural development support for the farming industry are policies within the Rural Economy Strategy 2011-2015. This strategy honours the States commitment made when the U.K. joined the Common Market in 1973 to ensure that Jersey farmers should remain on a level playing field with their European competitors. Thank you.

The Bailiff:

Connétable, do you wish to ask a supplementary?

The Connétable of St. John:

That is what I was hoping would happen and I would like to thank the Minister for his reply.

The Bailiff:

You are overcome with shock, Connétable.

The Connétable of St. John:

Very much so.

Senator A.J.H. Maclean:

If I may say so, the Minister is shocked as well, there is no supplementary.

3.18.1 Deputy R.G. Le Hérissier:

Could the Minister confirm which agricultural activities are supported by the European Union and is that replicated in Jersey? In other words, does the European Union support both dairy and potato growing? Secondly ...

The Bailiff:

Well, I think that is probably enough for now.

Senator A.J.H. Maclean:

Yes, there are a wide range of grants available in the E.U. (European Union), and indeed, for that matter, the U.K., which is an important market. Quite frankly the subsidies that we have, or grants that we have in place at the moment, which are fed through as a single farm payment in the U.K., is crossing-over various sectors. It basically utilises land and that is where our single area payment comes into play. It is not the crop, it is the land that receives a subsidy to ensure that we remain competitive in those markets, particularly the U.K.

3.18.2 Deputy R.G. Le Hérissier:

Just on clarification. Can the Minister confirm that the payments are parity payments and they fully reflect what C.A.P. (Common Agricultural Policy) assistance is given in the E.U.?

Senator A.J.H. Maclean:

I would not describe it as parity but they are broadly similar when assessed, I am reliably informed.

3.18.3 Deputy T.A. Vallois:

Can the Minister confirm, when he mentioned the Common Markets - the European Union - can he confirm that the current grants system that has been in place has created a level playing field and whether there are 2 particular areas within the agricultural industry under the current grants system that he believes absolutely needs to be addressed as soon as possible?

Senator A.J.H. Maclean:

I would not go so far as to say absolutely. I think the idea is to meet as closely as possible a competitive environment for local farmers, and that was the purpose following the 1973 Common Market decision where the U.K. joined to ensure that we did remain competitive. There has been a move and it is seen, Members will have noted, in the Rural Economy Strategy of 2011/2015 which is now being consulted upon for the next version, that grants and subsidies within the Island have been reducing, particularly in the single area of payment area which currently is at £31.50 per vergée. In 2009 that was £36. It is on a trajectory. The whole idea is to ensure to the best extent possible that farmers become more productive and can compete in their own right without the need of subsidy in the future, and I think that is a move that is gaining some weight in the E.U. and elsewhere.

The Bailiff:

Another question, Connétable, or do you wish one?

The Connétable of St. John:

I am still flabbergasted in the original reply.

3.19 The Connétable of St. Peter of the Minister for Transport and Technical Services regarding amendments to the driving licence applications process:

Further to the States approval on 3rd November 2011 of P.155/2011 – “Driving Licences: Theory Test” which agreed that a person must have passed a theory test before being granted permission to drive on the road. Could the Minister advise when he expects to lodge the amendments for debate as requested by the Assembly at that date?

Deputy K.C. Lewis of St. Saviour (The Minister for Transport and Technical Services):

Subject to availability of law drafting time I would expect to launch the amendments in the first quarter of 2015.

The Connétable of St. Peter:

I share the Constable of St. John’s view, I am flabbergasted and delighted to hear that. Thank you, no further questions.

3.19.1 Deputy T.A. Vallois:

Could the Minister explain why it was not put in as a law drafting requirement at the beginning of his term of office?

Deputy K.C. Lewis:

No. Changes are required to the driving licence system and the test booking system to accommodate the introduction of the theory test before granting a provisional licence. This will need to be funded and done when the legislation is changed. These changes will take time and the costs and extent of the work are currently being ascertained. These costs will be for the Comité to fund as it is the Parishes that collect and retain all money from driving licences. T.T.S. (Transport and Technical Services) have contacted the 2 organisations that develop and maintain the system ...

The Bailiff:

This does not answer the question about why was it not done at the beginning of your term?

Deputy K.C. Lewis:

Because it was complex. [Laughter] But it is proving more complicated than envisaged but both organisations have been reminded that the information is awaited and are currently finalising proposals and costs.

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

The Bailiff:

Very well, thank you. So that brings questions on notice to an end, so we now come to questions for Ministers without notice and the first period is to the Minister for Education, Sport and Culture. Deputy Southern.

4.1 Deputy G.P. Southern:

Will the Minister engage with the Chairman of P.P.C. to devise mechanisms to give 16-plus students in schools good access to a cross-section of candidates in school to encourage participation in the coming October elections? Yes or no.

The Deputy of St. John (The Minister for Education, Sport and Culture):

Yes.

4.2 Deputy J.A. Hilton:

In answer to a written question today on the issue of asbestos in schools, the Minister informed Members that Jersey Property Holdings has rated the removal of asbestos containing materials from schools as a high priority and whenever the opportunity of property vacation due to school holidays, *et cetera*, and where budget has permitted the instruction to undertake removal, they have done so. Can the Minister confirm he will lobby his fellow Ministers on the Council of Ministers to receive the monies his department requires to remove asbestos from all Island schools in a more timely fashion?

The Deputy of St. John:

I thank the Deputy for her question and I am just as concerned about this issue as she is. The question, though, of lobbying other States Ministers in the Council of Ministers for the monies is not quite right because that budget, if it were to be that it should be lobbied for, would be lobbied by Property Holdings rather than Education. I think it should be pointed out, and it is in the written question, that the prime responsibility for asbestos management, monitoring and removal rests with Jersey Property Holdings.

[11:45]

4.3 Deputy J.A. Hilton:

Will the Minister confirm that, when discussing budgets with his fellow Ministers, he will bring to their attention the issue of existing asbestos in schools and its removal?

The Deputy of St. John:

I know that the Jersey Property Holdings Department is very aware of the situation with asbestos, certainly that is my belief, and I have had discussions with the Assistant Minister for Treasury and Resources around this and I am sure that we will continue to do so.

4.4 Connétable J. Gallichan of St. Mary:

There has been a lot of talk today of engagement of young people and I was very interested to learn last week, from a member of the Scottish Youth Parliament, of the existence of the Young Scot Card designed for people aged 11 to 25. It can be used for an information tool, it can give discounts on government and private services. Most interestingly it is a reward scheme where community involvement and assistance in volunteering is rewarded, and, of prime importance for youngsters, provides a valid hologrammed I.D. (identification) card so they do not have to carry their passports around. Will the Minister look into the introduction of a similar compatible scheme for Jersey as a matter of some priority?

The Deputy of St. John:

That is an interesting idea. I do not want to make any commitments, I would need to look into it in much more detail in rather the same way as the Connétable obviously has. I do not have any information on it so it is really difficult for me to say whether I could progress it without research.

The Bailiff:

Yes. I am sorry, we have just gone inquorate so I shall ask the Usher to bring back Members, please.

The Deputy of St. John:

Is the clock still running, Sir? **[Laughter]**

The Bailiff:

You can be ever hopeful, I suppose, Minister. **[Laughter]** Very well, Greffier, could you call the roll? At least we will call the electronic roll. Have all Members had an opportunity to vote? The Greffier will close the voting. We have just become quorate by the skin of our teeth. **[Laughter]**

The Connétable of St. Mary:

May I have a supplementary on that?

The Bailiff:

A supplementary, yes, of course.

4.4.1 The Connétable of St. Mary:

I realise it is impossible for the Minister to make a commitment to introduce such a card. Will he make a commitment to at least investigate it in short order?

The Deputy of St. John:

The department is already very busy, as the Constable knows, but I can say that we would certainly welcome any information that she has on it and we will look into it. Of course, it sounds like this is something that an initial reaction would be that for a country the size of Scotland I could see advantages in it but lines of communication in this Island are much shorter, one would hope, but I have an open mind. If that is what the Constable wants me to say, so I do have an open mind, yes.

4.5 The Connétable of St. John:

Will the Minister inform the Members where his department is on Field 525, St. John to purchase or lease the land in favour of the Education Department which was identified in the Island Plan in 2011?

The Deputy of St. John:

This is a little difficult for me to answer because in fact, as the Deputy of St. John, I am conflicted between my responsibilities as the Minister for Education, Sport and Culture and the Deputy for St. John. I will try to reply however. I have asked the department to continue to build the case for educational use on the particular field that the Constable is referring to. Half of the field is currently designated for education use and I have asked the department to see what kind of plans we could draw up for half of the field, or indeed whether we would ideally like to extend that to be a larger proportion of the field. So work is continuing and that is really as far as I can go at the moment. Obviously it has to be with our partner agency which is the Property Holdings Department.

4.6 Deputy J.M. Maçon of St. Saviour:

How does the Minister and department measure success in the citizenship programme whereby in the last Jersey Annual Social Survey 32 per cent of respondents in the 16 to 34 year-old bracket responded by saying that they do not understand the Jersey political system? Does the Minister think that the citizenship curriculum is robust enough, and, if not, what is the Minister going to do about it?

The Deputy of St. John:

I would ask the Privileges and Procedures Committee Chairman to assist me with answering that question and that is what I would do. **[Laughter]**

4.6.1 Deputy J.M. Maçon:

Supplementary. Does the Minister not feel that the curriculum itself is at a shortfall, not being taught properly and not being monitored and that is something the Education Department needs to address, not P.P.C.?

The Deputy of St. John:

No, I do not agree with that.

4.6.2 Deputy J.M. Maçon:

Can the Minister explain why?

The Deputy of St. John:

I just simply do not agree with it, full stop. I think the teachers are doing their best. If there is a lack of interest among young people in the political system that is the fault of the political system itself rather than what is being taught about it. It is a complicated system, as we all know. This is much more to do with P.P.C.'s remit than it is Education's. We do our best.

4.7 Deputy M. Tadier:

Will the Minister explain whether he is working closely with Property Holdings given the fact that they are reviewing rents for many of the sporting clubs in the Island?

The Deputy of St. John:

We do work with Property Holdings and we are brought into the loop with regard to the terms and conditions of leases for various sporting clubs. There is one particular club that I think the Deputy may be referring to where there are some problems, and I am involved and I am looking at it, as are my officers, but I do not have the final conclusion to those particular difficulties.

4.7.1 Deputy M. Tadier:

There is more than one club in my mind but to keep the question general, does the Minister share my concerns that any increases in terms and conditions and prices of rents, if they are increased too dramatically, may have an impact on the viability of those clubs which also serve a cultural and social purpose, not simply a sporting one?

The Deputy of St. John:

Yes, I do share the Deputy's concern, as you would expect because we have a sport strategy 'Fit for the Future' which is aimed at increasing sporting activity of all kind. So, yes, I do share the Deputy's concern and I know that my Assistant Minister who has responsibility for sport is on this case and if there are other cases I am sure that he would be very pleased to hear of them.

4.8 Deputy N.B. Le Cornu of St. Helier:

A 2-part question. What plans are there to celebrate Jersey Reform Day on 28th September in line with the decision of the States taken a couple of years ago? The second part is: has it been put on the educational curriculum, i.e. about the history of the events of 28th September 1769, because that was part of Deputy Trevor Pitman's proposition and he withdrew it because it was agreed by the Education Department that that would be done?

The Deputy of St. John:

To answer the second part of the question first. Yes, the events of that particular date, now known as Reform Day annually, are on the P.S.H.E. curriculum and students will be taught about it. To answer the first question, what do we have in mind for celebrating the day? This is not the Education Department's prime responsibility. It falls, again, into other departments including possibly Chief Minister or Bailiff's Consultative Committee and others.

4.9 Deputy S.Y. Mézec:

In answer to an earlier question, the Minister for Education, Sport and Culture talked about educating young people on politics in an apolitical way. So I would like to ask him if he can imagine anything more dull than talking about politics in an apolitical way, and if he cannot, would he agree with me that the way that will excite young people about politics is by encouraging them to take part in partisan political debate and it is possible for schools to do that in a way that does not require teachers to be biased in the way they are teaching? **[Approbation]**

The Deputy of St. John:

I thank the Deputy. This is an interesting question and it is something that the whole of the Assembly needs to consider. Certainly there is a difference between a political election period of time where I do not believe that that kind of debate is appropriate. Outside of the election period it is a slightly different matter and I know that Members of the States can attend schools outside of an election period and in fact do, and I would encourage that. So I do not see anything particularly wrong in what the Deputy is suggesting but there has to be a balance struck. You cannot have a situation where you have captive audiences and no other section of Jersey society is subjected to being a captured audience for political debate. So, outside of school hours, yes. Outside of political election times, yes. Within those 2 constraints, no.

4.10 Deputy J.A. Hilton:

The Minister's Department have confirmed today that head teachers, teachers and support staff in schools are not aware where asbestos is located. Does the Minister not agree with me that when one takes into account the increasing number of former teachers in the U.K. who have died from asbestos-related disease, it is imperative that head teachers and teachers and support staff in our schools do know where asbestos is located within the teaching environment?

The Deputy of St. John:

I do not think that the Deputy is factually correct because all schools that do have asbestos containing materials have an asbestos management plan and all staff and relevant staff, and that would include the head teachers, I am sure, who are involved in the management and operation of the premises are trained so that they have awareness of the issue. Generally, the substance only poses a risk if disturbed. Details of the location of asbestos are kept in the site logbooks so that staff and approved contractors can refer to them if any work at all is carried out in that vicinity.

4.10.1 Deputy J.A. Hilton:

Supplementary question. I am aware of what the Minister has just said. I am just responding to the answer to my question when I asked whether all head teachers, teachers and support staff were aware. The answer was, from his department: "Those Education, Sport and Culture staff who have operational responsibility for the management of E.S.C. premises have been informed of the presence of asbestos where this exists." I would like the Minister to go back to his department and confirm that the head teachers, teachers and support staff do know where asbestos exists in their school because I do not believe they do.

The Deputy of St. John:

Well, I would be concerned if they do not just in the same way as the Deputy is so I am quite happy to ensure that we do carry out the necessary action that the Deputy is suggesting.

4.11 Deputy M.R. Higgins:

I would like to follow up on the asbestos question. It may interest Members to know that when I was a lecturer at Highlands College many years ago I refused to teach in one of the teaching blocks because of the asbestos that not only was affecting staff but also students. One of my former colleagues died of a disease that was attributed, or partly attributed, to asbestosis. What I would say is: will the Minister confirm that all records of premises that had asbestos are retained by the department and are available for examination so if other people suffer health issues those records will be available for them to bring a claim against the department?

The Deputy of St. John:

I think that would be part, naturally, of the Freedom of Information Law in any case. So whatever records there are will be kept but bear in mind that this is not necessarily within the department, it may well be within Jersey Property Holdings that these kinds of records will be kept in the past.

4.11.1 Deputy M.R. Higgins:

Supplementary. Will the Minister ensure then, no matter who keeps the records, that the records will be retained and not destroyed? Thank you.

The Deputy of St. John:

I think that I would be beholden under law in any case to do that. So the answer is yes.

4.12 Connétable S.W. Pallett of St. Brelade:

Could the Minister inform the Assembly what he is currently doing to facilitate and improve necessary travel arrangements for sportsmen and women travelling to and from the Island to represent both their clubs and their Island, and what he can do to ensure that travel costs remain affordable to those young sportsmen and women who quite often are stretched financially?

The Deputy of St. John:

This has recently become an issue and I know that, again, my Assistant Minister with the responsibility for sport has been involved in discussions with the various transport companies to see what can be done. I do not think it is an easily resolved situation and I think it is work that is ongoing in the background. I will ask my Deputy Minister to bring the Constable up to date with his latest discussions to see where we are.

4.13 The Deputy of Grouville:

The Minister suggested this morning that the citizenship programme is active in our schools. Apart from one secondary school I am unaware of it being taught on a regular basis. Could the issue be that the trainers and teachers do not understand our political system, and if this is the case what is he doing to address this?

[12:00]

The Deputy of St. John:

Well, anything could be the case. I do not necessarily think it is the case because it is part of the curriculum and the teachers are required therefore, in order to teach the curriculum, to be able to understand it themselves. It is a good point. It is something that we can look at to make sure that it is the case that teachers are properly trained, if you like, in teaching their curriculum. But if not, then it is something, I am sure, that the head teachers would be concerned about and put in place the necessary training where that is found to be true.

The Bailiff:

Very well, that brings questions to the Minister for Education, Sport and Culture to an end. Before we come to the next question I can just inform Members of certain lodgings: Draft Air Navigation (Jersey) Law: amendment, lodged by the Minister for External Relations, P.63; Draft Taxation (Implementation) (International Tax Compliance) (United Kingdom) (Jersey) Regulations Amendment, P.67, amendment lodged by Senator Bailhache; and P.108 - Draft Charities (Jersey) Law - lodged by the Chief Minister. Now we come to the second period of questions which is to the Chief Minister. Deputy Hilton.

5. Questions to Ministers without notice - The Chief Minister

5.1 Deputy J.A. Hilton:

There has been worldwide media attention focused on incidents in countries such as India, Pakistan, Africa, *et cetera*, where the treatment of women and girls has been barbaric in the extreme. Does the Chief Minister believe, through the auspices of the Commonwealth Parliamentary Association, pressure can be brought on these countries involved to address some of these issues?

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

The Deputy raises a very important issue and she raises part of the solution to this issue, I think that that is an excellent body for carrying out such activity. In my time, certainly at Parliamentary Commonwealth conferences, those issues have been a topic of heated debate and it is important that they are aired and spoken about to change minds and to allow equality in those communities. The issues are difficult but they are important and in all our engagement with such international bodies we should continue to push for that non-discriminatory action.

5.2 Deputy G.P. Southern:

Will the Chief Minister inform Members what has happened to the report from the J.F.S.C. (Jersey Financial Services Commission) on HSB Middle East which he last referred to and said he would seek out on 5th November last year?

Senator I.J. Gorst:

These matters are complex. That particular work has proved to be extremely complex, demanding and extensive, and so I can say no more about it at this stage under the laws governing the Commission. But it is still ongoing.

5.2.1 Deputy G.P. Southern:

Is the Chief Minister saying that after what is more than 18 months there is still no report to be seen and there is still no publication? Will he agree, at least, that when it does arrive he agrees to publish it in some form or other?

Senator I.J. Gorst:

There are laws relating to the Commission; what can and cannot be said in the public domain and I have not committed to publishing that review. However, I have committed to consulting with the Commission in due course about what might be able to be put into the public domain arising from that particular review.

5.3 Deputy J.M. Maçon:

Will the Chief Minister facilitate the meeting between the Minister for Treasury and Resources and the Minister for Education, Sport and Culture to fund a 3G pitch, and just a 3G pitch, at Springfield Stadium?

Senator I.J. Gorst:

I do not know if the questioner was involved in the planning decision, and if so, I am not sure it is quite appropriate for him to now be asking a question about what would appear to be an amended planning application. I have not been directly involved. I support the creation of the new pitch at Springfield. It is for the Department of Education, Sport and Culture and Property Holdings to liaise with the Planning Department to come up with a solution that is going to get approved because it needs to be approved prior to the Island Games.

5.4 Senator S.C. Ferguson:

Following up Deputy Hilton's question. Does the Chief Minister not consider that western democracies in the C.P.A. (Commonwealth Parliamentary Association) should be less politically correct and speak out on women's matters? As the C.P.A. women's representative, will the Council of Ministers meet with me to discuss our Island policy in this area that I can take to women's meetings of the C.P.A.?

Senator I.J. Gorst:

I do not think it can ever be said that the questioner can be seen as being politically correct nor being shy in giving her opinion on important matters with regard to discrimination. Of course I would be delighted to meet with the Senator so that we can consider the policy that she may be able to talk about in those international forums.

5.5 Deputy M. Tadier:

Will the Chief Minister be supporting a yes vote in the referendum if and when the referendum proposals are passed through this Assembly?

Senator I.J. Gorst:

I assume the questioner is asking about the referendum with regard to the implementation of Clothier that this Assembly agreed, I am not sure when it was but previously agreed. We are waiting for P.P.C. to come forward with the referendum question. I have seen a draft of that question, I think there are some difficulties. If this Assembly wants to put forward a one type of Member it needs to think about the constituencies that those Members are going to represent. I have got to tell the questioner I did not vote for the bringing forward of a referendum when it was approved by this Assembly so I am going to have to consider the detail of that question in due course.

5.5.1 Deputy M. Tadier:

Can I ask a supplementary? What is the Chief Minister's preferred vision for reform in Jersey in terms of the composition of this Assembly?

Senator I.J. Gorst:

That is a difficult question.

The Bailiff:

To give a concise answer to.

Senator I.J. Gorst:

It is impossible to give a concise answer to so perhaps you are going to let me off the hook later with the Minister for Treasury and Resources. It is very difficult. I think it is something that all Members of this Assembly are going to be thinking about what their vision is, going into the election and trying to engage with the public about what is the solution. Are we satisfied with the current system? I think the answer to that question is no. Is there a democratic deficit in the current system? The answer to that question is yes. What is the solution to dealing with those 2 questions is extremely difficult and has evaded Members of this Assembly, but I think that we need to start making the case that change is necessary.

5.6 Deputy M.R. Higgins:

The Chief Minister has been acquiring lots of new powers and wants more. I would not say it is megalomania or anything but he does have the power to deal with the courts or justice. Now, I would like it if he would explain what his powers are and whether they extend to dealing with the grey areas such as the Viscount that we had this morning and how Members get redress on officers or actions by people who are not elected to this Chamber but where States Members have questions for. So, first of all, what area is he covering, what his powers are and whether he is going to deal with these grey areas?

Senator I.J. Gorst:

I do not think there are grey areas. It is extremely important that there is political representation and accountability for the judicial services in our community but it is also extremely important that there is a divide between those services and between what needs to have the political accountability. I can only assume with regard to the question that the Deputy was complaining about earlier that the view was taken that that was an operational matter which sat firmly within the jurisdiction of the Royal Court and should not come anywhere near a politician or this Assembly for discussion. I think that the learned Attorney very eloquently explained the remedies to those who were dissatisfied with anything happening within the remit of the Royal Court and I have nothing further to add to his answer.

5.6.1 Deputy M.R. Higgins:

Supplementary. Does the Minister accept that there are grey areas; that there are areas where no one is held accountable to this Chamber? So areas of government and public service, and therefore we have got to find solutions to those whether they be in this Chamber or not but there has to be an effective redress process to give people the justice they desire. I am not talking about individual cases, I am talking about these grey areas and making sure that everyone is held accountable. Yes or no.

Senator I.J. Gorst:

With respect, I know you are sitting in the Chair, Sir, but you, Sir, and the Royal Court should not be accountable in the way that the Deputy seems to be suggesting to this Assembly. There should be processes and remedies in place, which I believe there are, for dealing with individuals' concerns with regard to what might have happened to them. We must move away from this belief that there should not be a separation between the Government, the Legislature and the Judiciary. I argued very strongly that we need some changes to modernise our system to make sure that we can be completely satisfied that that separation is in place. I support that separation, it is a fundamental tenet of a democratic society and we should not be seeking to involve ourselves in trying to muddy the waters at the margins of that separation.

5.7 Deputy S. Power:

I thought I was timed out. Can the Chief Minister confirm whether the Council of Ministers have received a report from the Channel Islands Competition Regulatory Authority about the structure of

freight pricing in and out of the Channel Islands and indeed concerns about predatory freight pricing?

Senator I.J. Gorst:

I am not sure that the Council of Ministers have. I am aware that that work is being undertaken and I would expect that if it is provided then to the regulator, the regulator would raise those issues with the responsible Minister which would be the Minister for Economic Development.

5.8 Deputy T.A. Vallois:

Can the Chief Minister confirm that with the forthcoming Standing Order changes he will be looking to restructure and amend Ministerial positions, and one in particular that I am thinking of is the Economic Development Department?

Senator I.J. Gorst:

How do I answer that question without offending 10 people? Or just one. I will try. No, one of the reasons that I supported the recommended changes of the Machinery of Government Sub-Group and brought forward those recommendations to this Assembly for approval - unfortunately they did not approve this particular one because it was also tied-in with the election of Ministers - was that I believe that there should rightly be a consideration about particular functions and responsibilities and where they might best lie in any given government. Therefore, if I am still able to do that within the Standing Orders and bring it back to this Assembly for approval, I will be considering that because as a structure that might have been set up, now the better part of 9 years ago. We live in a rapidly changing world and that structure must be able to be flexible and change over time in the best interests of this community.

5.9 Deputy S.Y. Mézec:

Following the poll that was conducted by the *Jersey Evening Post* a week and a half ago, does the Chief Minister agree with the 81 per cent of Islanders that responded that said that they believe that gay and lesbian couples should have the right to get married?

Senator I.J. Gorst:

Unfortunately I was out of the Island when those poll results were published so I do not know whether they were all Islanders or not. I understand that it was an internet poll and I have no idea about the detail of whether they were Islanders or not. The Deputy has lodged a proposition which will call upon me to undertake particular pieces of work. I will try and do some of that work in advance of his proposition because I think it is an important issue. One of those pieces of work is that I have asked officers to consider what legal changes might be required and whether most of the discriminatory elements which were there in our laws were removed with the introduction of civil partnerships and I suspect that might be the case. Therefore, it might be somewhat of a renaming exercise and I think that would be useful for Members to understand the implications prior to that debate. My concerns are not about whether we should ensure that there is no discrimination; that, for me, is a given. My concerns about those sectors of our society and community who might be opposed to it, particularly in the church, and how we would make sure that they are not adversely affected by legislation that we bring in this place.

[12:15]

5.9.1 Deputy S.Y. Mézec:

I do not think he adequately answered my question. It was very simply, does the Chief Minister personally - disregard everybody else's views... his personal views. Does he believe that gay and lesbian couples should be allowed to get married in Jersey?

Senator I.J. Gorst:

As I tried to indicate I do not think it is quite that straightforward. I have got to look at all the evidence, I have got to particularly look at those issues that I have concerns about before I will be in a position to cast my vote during the debate. The Deputy, I think, has done the right thing, he is bringing it to the Assembly. The Deputy would like me to decide prior to the debate; that is not always the way things are.

The Bailiff:

Very well, that brings questions to the Chief Minister to an end. There are no matters under J or K so we come to Public Business and the first matter is P.39: Waste Water Strategy, lodged by the Council of Ministers. This is a very lengthy proposition, are Members content to take it as read?

Connétable J.E. Le Maistre of Grouville:

Before we go on to that, could I just delay my proposition on school parking one more time? The planning application has not yet been determined and is unlikely to be determined before 14th July, so if I could ask my proposition be delayed until then.

The Bailiff:

Very well, so you are going to defer P.24 until 14th July.

The Connétable of Grouville:

Yes, please.

PUBLIC BUSINESS

6. Waste Water Strategy (P.39/2014)

The Bailiff:

Yes, so do Members agree to take the proposition of the Council of Ministers as read? Then I invite the Minister for Transport and Technical Services to propose it.

6.1 Deputy K.C. Lewis (The Minister for Transport and Technical Services):

For some time now we have been flagging-up the need for a new sewage treatment works so I am sure it will come as no surprise to Members that this is the key feature of the Waste Water Strategy. Our current works date back to the 1950s. Those Members who have been able to take advantage of our invitation to visit Bellozanne will have seen that it is certainly showing its age. Although it has generally done a good job and has been refurbished and upgraded over the years, more recently keeping it operational and effective has been a tough challenge. It is increasingly requiring more costly repairs. It is inefficient, it is struggling to meet the required discharge consents. Its design is outdated and inadequate leading to poor performance of the main treatment technology installed, particularly when there is heavy rainfall leading to increased flows to the works. The Waste Water Strategy has been developed over several years. During this time we have been able to look thoroughly at different technology options and get expert advice before eventually deciding that it is the best sewage treatment solution for Jersey. We have also been able to assess which is the most appropriate location for the new works and Members will see from our report that Bellozanne is definitely the best option as it can take advantage of the existing sewerage infrastructure, and its proximity to the existing plant means that it can be a phased transfer from one to the other. It is worth mentioning at this point that waste water flows cannot be stored so it is essential that there is an operational treatment works 24/7. We have worked with the Environment Department to decide what standards the new plant needs to reach. The objective for both T.T.S and the Environment

Department is to minimise any effect there would be on the waters in St. Aubin's Bay from the discharge of treated waste water. The Environment Department consulted with stakeholders to build up a picture of expectations. Research was also undertaken on the water quality of the bay over an extended period and in different locations. All this gave us a better understanding of what was required and an understanding that the water framework directive was the appropriate regulatory regime to work under and forms one of the elements of the proposition which I would like Members to agree to. However, what is appropriate now may not be in the future, but rather than forecasting what we think may happen or allowing for the worst scenario, we have opted for a flexible approach that will allow us to respond to change. This means no unnecessary expenditure at this time. We are hoping to start work on the new sewage treatment works as soon as possible to minimise the risk of failure of the current plant and to stop the high level of maintenance expenditure. To that end, we need Members to agree the funding element of the proposition requesting the Minister for Treasury and Resources to bring forward the funding arrangements for the required £75 million. This will enable us to start this year and work to a phased construction programme that will eventually lead to the project completion in 2020. The other main area of the strategy is the sewage network collection and transportation systems; the drains and sewer pipes that form 570 kilometres or 356 miles of network across the Island together with their associated pumping stations. From condition survey work we know that about 15 per cent of our network is in need of attention and needs refurbishment as soon as possible to minimise the risk of leaks and collapse. We have been concentrating on these high risk areas in recent years and we have now developed a 20-year programme of works to address the issue. 34 per cent of our pumping stations are also in poor condition and therefore the focus of the 20-year plan. It is proposed that this work is funded from the routine annual allocation of highways, coastal defence and drainage infrastructure that T.T.S. have been receiving, and the expected level of funding for the drainage element going forward will be in the region of £5.5 to £6 million per annum. It is both logical and prudent for us to prioritise looking after these assets that we have before we look to increasing the number of assets. It is for this reason that we have only considered foul sewer extensions in the later part of the programme. However, we recognise that there are some people who can afford to fund a sewer connection privately but are being frustrated by the owners of land through which the connection can be laid. This may be because they are asking an unrealistic fee for access. What can be done to resolve this? There are also instances where people just cannot afford private connections. Is there anything we can do to help these people? 80 per cent of homes are currently connected to the main sewers. Our strategy sets out plans to extend the network to another 3 per cent of homes within the next 20-year period. We would like to improve on that and we can see providing the appropriate mechanisms to assist those who cannot reach reasonable access agreements with landowners and providing some kind of grant for those who cannot afford to fund the extensions fully themselves as a positive way forward. The proposition calls for a strategy to be developed to provide assistance for those householders. So in summary, this strategy has been developed over several years. A lot of work has been done to ensure that the strategy meets the needs of the Island, covering the next 20-year period in particular. I hope Members will see from the next 7 specific reports informing the strategy that we have done our homework. Where appropriate we have worked with officers from the Environment Department to develop policy and we have been aided by the consultation and research they have undertaken. More recently, since last September, the strategy has benefited from political input from a Ministerial Oversight Group, which has included the Chief Minister, the Minister for Treasury and Resources, the Minister for Planning and Environment, the Constable of St. Brelade and officers from both my department and the Environment Department. This is why this joint working has led to the proposition coming from the Council of Ministers rather than just the Minister for Transport and Technical Services. May I take this opportunity to thank my colleagues for their support on this group. I would also like to take the opportunity to thank the Environment Scrutiny Panel for their interest in the strategy

over the last 2½ years and their constructive input in the formal review of the strategy carried out over the last few months, namely Deputy Young, the Deputy of St. Martin, the Constable of St. John and the Deputy of St. Mary. This strategy will provide Jersey with the right infrastructure for the collection, treatment and disposal of waste water going into the future. It will ensure collection, treatment and disposal of waste water complies with legal obligations, States policies and European Directives. It will help to prevent pollution and maintain public health by dealing safely and efficiently with waste water. It will allow us to plan essential investment while continuing to deliver the highest levels of customer service in a sustainable manner, and finally, all this will be delivered using an affordable funding solution. The management of waste water is a service which goes principally unseen by the public. It is something we all use on a daily basis without a second thought. It seldom attracts compliments or thanks, and, I am pleased to say, also seldom attracts complaints. It is however a service we can be proud of. It is crucial to the wellbeing of the Island. It may be unseen but it should not be ignored and when investment is needed we must make it. I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Yes, the Connétable of St. Lawrence.

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

As no other Member seems keen to stand up and question the Minister. He has just told us that it will be financed by an affordable funding solution, and in his response I would like him to expand on that and explain exactly what that affordable funding solution is and how it will be managed. I know it is approximately £75 million but I think it is key to us being able to support this, we need to know that the funding is there and has been accurately calculated and exactly where it is coming from. Thank you.

6.1.2 Senator S.C. Ferguson:

Yes, I must say my hackles were raised a little by the phrase “compliance with E.U. Directives” and you think: “How many gold-plated Directives are we dealing with?” What percentage of the strategy relies on these and whether the Directives are helpful or over the top. I am curious as to how the Currency Fund is to be repaid, like the Connétable of St. Lawrence, perhaps the Minister will expand on this and perhaps the Minister for Treasury and Resources will also contribute to the discussion. I am also interested in what risks have been identified with regard to this project and what mitigation is planned to deal with those risks. Thank you.

6.1.3 Deputy R.G. Le Hérissier:

I think a lot of us obviously struggle, we are not exactly technical experts in the area but there are general questions that have to be asked and I think I would very much support Constable Mezbourian who I think has raised a valid issue. This has, in a sense, come out of the blue after all the negotiations and so forth about the Medium-Term Financial Plan, and while I do not doubt the Minister’s sincerity, it would be good if we had much more concrete reassurances about the sources of finance because we know that there is pressure building-up around Plémont and other issues and this comes out of the blue. The next point I would like is partly addressed in the strategy in a paper which I think is very well written. But in a way a lot of these papers do lead to, not necessarily preordained conclusions, but they certainly do lead inevitably to one certain conclusion. But I would like the Minister, and I think he will be maybe provoked, in a sense, in the nicest way by his colleague the Minister for Planning and Environment. I would like him to say what were the options that were looked at, the serious options that were looked at and why they were dispensed with. He will no doubt say: “Well, we have got a certain physical infrastructure, essentially we have got to play around, in the best sense, with that infrastructure.” But I would like him to talk

more about the options, they were not really addressed in the introductory remarks that he made, and I have no doubt, as I said, the Minister for Planning and Environment will draw him out on that because I think it is important we do know. Thank you.

[12:30]

6.1.4 Deputy J.A. Hilton:

I would just like the Minister to elaborate a little bit more on this strategy with regard to taking drainage across privately-owned land. The Minister will be aware that I have been helping constituents during the past year who are facing a significant problem in connecting to the main sewer because they are abutting private land. That has caused them tremendous problems in that, with young families, the cost of emptying tight tanks is rising all of the time. I have had a look in the report and barring saying that the question of crossing third party land could potentially be more problematic in that the only powers available to allow sewers to be laid in private land are those available to the Minister for Transport and Technical Services... and it would be helpful if he could just outline exactly what those powers are in order that my constituents would have a better understanding of what is available to them and exactly how long they are going to have to wait before they are connected to a main sewer. Thank you.

6.1.5 Deputy G.P. Southern:

Before I vote for a proposition which appears to be non-contentious but talks about spending £34 million in the next 5 years and £135 million overall, I think I want some assurance that the comments made by the Environment Scrutiny Panel have been addressed. I would like the Minister, as part of his further comments, to address the quite extensive recommendations that are made: (a) by the panel's adviser; and secondly by the panel, each in turn because I want to ensure that he has addressed these recommendations from the Environment Scrutiny Panel before they get my vote.

6.1.6 Deputy G.C.L. Baudains:

I would refer to 7.4 on page 50. I do have concerns. I notice the rising main capital maintenance and the sewers capital maintenance appear to have a bit of overlap there so I am not quite sure of the relationship between the £10 million and the £55.9 million over the 20-year plan. My concern really revolves around the sewers, of which obviously there are the normal sewer and the rising main, along the east coast because there is only one pipe from between Mont Orgueil Castle and the Dyke Pumping Station and that takes an awful lot of the St. Clement's inner road area as well, it is about a 6-inch diameter pipe and it takes in a lot of properties. So what I am really asking the Minister is how accurate are the calculations? What surveys have been done? Has it taken into account additional housing because, as my Constable and myself are often saying, the amount of new housing built in St. Clement - and, let us face it, in Grouville and along that route as well - all adds to the volume. How much longer will it be before that entire system will need to be replaced? It is old, it is in sand so it subsides in places, and it leaks and it has been prone to failure. I think that main is about 40 or 50 years old now. It does seem to me the whole thing is going to need replacing at some time in the future - and the not too distant future - and I am just wondering how accurate those calculations of £10 million and £55.9 million are or are they just a best guess?

6.1.7 Connétable M.J. Paddock of St. Ouen:

Could the Minister just tell us, the Assembly, how this work would be contracted? Would it be local contractors or would it be contracted out of the Island? Thank you.

LUNCHEON ADJOURNMENT PROPOSED

Deputy R.C. Duhamel:

I would like to speak and I have a fairly lengthy, unfortunately, contribution to make. There is only some 8 minutes left of the session. Could I propose an early adjournment?

The Bailiff:

Is that for Members or ...? Yes. You could either shorten your contribution or you could do it in 2 parts.

Deputy R.C. Duhamel:

I think it would not help Members to have it done in 2 parts with lunch in the middle.

Senator L.J. Farnham:

Perhaps the Deputy would like to stay here and deliver it during the lunch break.

The Bailiff:

The adjournment is proposed. Sorry, Deputy Young.

Deputy J.H. Young:

I was going to speak in favour of the adjournment. This is a £200 million project and if Members are thinking we can deal with this in 5 minutes they should forget it.

The Bailiff:

I do not think anyone is suggesting that they could be completed in 5 minutes.

Deputy G.C.L. Baudains:

Alternatively I wonder if speakers could be taken in different order. Perhaps there are other Members who would wish to speak that could do so before the Minister for Planning and Environment.

The Bailiff:

Is there any other Member who wishes to speak at the moment?

The Connétable of St. John:

I wish to speak but not until I have heard what the Minister for Planning and Environment has got to say. [Laughter]

The Bailiff:

Very well. The adjournment is proposed. Do Members agree to adjourn early and reconvene at 2.15 p.m.? Very well then we are adjourned.

[12:36]

LUNCHEON ADJOURNMENT

[14:16]

6.1.8 Deputy R.C. Duhamel:

It is good to see that we have such a full House. I always knew I could pack them in. Where to start? I think people have to accept that some of the remarks I am making today have to be made because it goes with the job remit. I am the Minister for Planning and Environment. When I was nominated for the job by the Chief Minister he did suggest that it was the Minister for Planning and Environment who would be acting in a capacity as the environmental conscience for the whole Island, so it must go without saying that some of those comments have to be made notwithstanding how people take them. I know, because I have been here quite a while, that not everybody shares

the enthusiasm for all things environmental or indeed supports the notions of sustainability or climate change that act as drivers for our governmental changes. It was with those things firmly in mind when I took up the post a number of years ago that I was very pleased that the Council of Ministers at my insistence and encouragement decided within their Strategic Plan to put in an extra stream to develop sustainable long-term planning. You can imagine the arguments or discussions that took place in order to try to make sure that it was not just long-term planning that we were talking about, or the development part of the long-term planning, that was important. It was all 3 things together: development, sustainable development and the long-term planning. In order to do that we have to recognise that there are new ways of doing things, and those ways inevitably will require collective changes in our lifestyle habits. Indeed, a number of our lifestyle habits have been changing over the last 10, 20, 30 years in terms of housing provision, and we all accept it as something that is inevitable, that if, having been lucky enough to secure a big enough place to live in and have your family, the moment your family has flown from the nest then perhaps we should all be considering downsizing and moving into smaller and smaller units. That in itself as an environmental precedent is probably okay, providing greater attention is given to the amenities of the living spaces that are on offer. It is all very well, and a number of us will have seen the wonderful internet videos of Japanese crazies, if you like, building themselves into smaller and smaller apartments. Some of the apartments I have seen are absolutely fantastic where you have moving walls, sliding walls, so that you can at the drop of a hat convert your single space into a bathroom, a kitchen, a living room or something else, whatever you fancy. That does not necessarily imply that we all want to live in these particular ways and it does not necessarily imply that the actions of those individuals who are as green-minded as the rest of us should only be the actions that deliver on the environmental prerogatives that I think we have all signed-up to as a Government and Assembly Members. So the philosophy of what we do has got to be challenged and it has to be challenged, as I said earlier, predominantly by the Minister for Planning and Environment because the environment does touch across a whole host of other environments. So that means that changes are going to have to be considered. This is where I fall foul of the proposals that are with us today. We are talking about huge sums of money and although we have had the sterling work of the Minister for Treasury and Resources to take us into uncharted waters and to allow the Island to borrow in a structured way, which we have never done before, I feel that for very large-scale projects it is not sufficient for us just to be presented with the bare minimum of details by way of a strategy if there is such a large cost figure. In particular, if the alternatives that could deliver a better, more sustainable, more environmentally friendly, or if you are not interested in that direction, a cheaper set of alternatives for the longer term with a minimum of social unrest or change, all of those alternatives really have to be discussed in a sensible framework, and a time framework as well, and that has not happened. Three years ago I asked for the Strategic Plan to be created and that would have set ourselves up a Ministerial Oversight Group of all the Ministers who had an interest in the liquid waste strategy to come together on a regular basis to discuss whether or not the workings of previous Ministers, who were not perhaps acting in a collegiate fashion, had produced their own strategy and whether or not that strategy was fit for purpose, or better still whether or not it reflected elements in accounting terms of being able to be climate change-proofed, or social-proofed, or whatever. After a lot of raising of the issue at the Council of Ministers I eventually managed to be invited on to a Ministerial working group, very late in the day, and to my dismay found out that it was not really being set up in order to determine what the waste strategy was going to be. It was going to be a procurement group in order to come forward with a proposition to this House to settle the financial aspects of what the policy was going to be. A number of Members might say: "Well, knuckle under, Minister for Planning and Environment, and just go with the flow" but picking up on the points I made originally that really sells not only my office short but also this House, this Assembly, in not being able to get into the nitty-gritty of the issues, and I do appreciate there are some Members who do not really want to get into the nitty-

gritty of certain topics and this might be one of them. If we are just happy to have this Chamber in a tick-box acting capacity and not to get our hands dirty, so to speak, and to properly tease out the issues to shore ourselves before we endorse the policies that are being brought forward in the names of the individual Ministers or the Council of Ministers as being the best that we can do in all of the measures that we measure the arguments in, then I think we do not really need a States Assembly. We had some of those arguments the other day when we were talking about how we were going to reform this Chamber. It did surprise me that before lunch we had some preliminary contributions and it really looked as if the whole argument was going to fizzle out inside 10 minutes with a very short speech from the Minister for Transport and Technical Services to explain the details, which he admitted do contain some technical details and we are not all experts. But we are political experts and we are sufficiently savvy to be here as representatives of the public who are asking us to do the job in our best capacity to ensure that if you are going to have large sums of money, their taxpayer money, expended on fancy schemes or even mundane schemes continued, that that expenditure represents the best that we can do under the circumstances. So having attended I think 3 Ministerial Oversight Group meetings - that is all we have had - I was then able to attend the Scrutiny Panel hearing meetings to discuss the subject, but to my concern it looked as if the Scrutiny process itself was trying to be rushed as well and we were trying to encourage our Scrutiny Members in order to produce a report as quickly as possible in order to get this project on the road. It is a long-term programme. It is a 20-year programme and just as my slightly longer programme for the Energy Plan has taken years to come to this House, along the way, the big difference between the 2 projects is the huge number of meetings that I have had with the public, with interested Members and everybody else, in order to ensure that everybody is happy to support what is going ahead. This I feel has not really happened with what is being proposed here today. It is not to say, as I was painted as being when we were discussing the incinerator, anti-incineration. I never have been: it was just the size of the plant and the scale of the solution that was being put forward at the time. I think over the time some of the comments that I made and the opinions that I have held have been upheld. In the same way, I am not *per se* against using water as a cheap transport fluid in order to take out our excrement and to wash it down old-fashioned drains which have been added to over the period of years in a way that is suboptimal. That is why we need a sizeable sum of money to improve the network, because it does not work. It leaks, it allows sea water and other water inundation, it has been presented in some places where you have got the correct falls, in other places you need rising mains in order to bring back a head, in order to allow the flows to get to Bellozanne. So nobody in their right mind should think that as a resident of St. Ouen village, which is probably one of the furthest distances away from our central Bellozanne plant, that when we go and use the toilet facilities that that single flush with a reduced amount of water, because we are doing the green thing and we are all on reduced flows, is sufficient to take your contribution to the sewage system all the way to Bellozanne in order to be processed. It does not work that way. We have got combined systems and we have got Island Plan policies that are trying to, as far as possible, encourage wise use of resources. What does that mean? We have already expended millions of pounds, tens of millions of pounds, on the Cavern project. Nobody has mentioned the figures. Perhaps the Minister for Transport and Technical Services will be able to advise us in his summing-up speech when we get around to it, how much additional funding is being spent to finish the Cavern system to the extent that it was anticipated all those years ago at Ann Court. I hear the work is progressing well, but nobody has looked at the figure and it was not mentioned as part of the Scrutiny review either in coming forward to an assessment as to whether or not the investment that has been wanted to be made by the Department for Transport and Technical Services does represent best value for money. We do not know. It is not there. Why am I concerned? I am very happy that the Cavern project is endorsing the environmental move towards separating out the flows.

[14:30]

A lot of water that lands on Jersey - we get up to a metre a year or just under - falls on to surfaces, roof or roads, or whatever. It is not contaminated, by and large, and it gets into the water system through the drains. At the moment we have built our drain systems on the basis of relying on those extra water flows to add to your single flush of the toilet living out at St. Ouen. Without those flows you are going to have a reduced flow system. Is that good or is that bad? If you read the technical reports that is good in one sense, because part and parcel of the problem that T.T.S. and the sewage boys have been experiencing is large flows of rain water, due to climate change, flushing through the system and being contaminated with the toilet black waste, and therefore having to be designated as black waters, as opposed to grey waters which contain less contamination and less pollution and could be treated in a different way. Part and parcel of the separation work that is being endorsed by the Department for Transport and Technical Services is to split the water system. What has not been shown in the technical report is the extent to which, in splitting those water flows, the reduced flows are going to be sufficient in their own right to travel a couple of miles, thinking back to the St. Ouen toilets, in order to transport those faeces the several miles to the Central Processing Unit. An environmentalist would look at the problem and say to themselves: "Right, okay, how do we assess the environmental merit of where we are with our particular system?" We have to take off large flows, which are causing the problem and will still be caused because of the solutions that are being suggested. There will always be, under the system that is being proposed, minimal treatment of high water flows that are contaminated with small flows of human excrement. So what would an environmentalist come up with? They would say: "Well, how much is being produced at point A? How much water is being used as a transport fluid to take you to point B and does it add up?" Does it add up in environmental terms, social terms, and economic terms? Those are the very questions that I thought would be asked as part of a proper all-cards-on-the-table upfront approach in assessing what the liquid waste strategy might be in the future and taking on board the huge number of technological advances that would enable the Island to move in a different direction, which might tick more environmental boxes, more social boxes or more financial and economic boxes. That has not really been done. So at my Ministerial Oversight Group I was asked to come forward just with a critique of the review documents that have been put forward by those advisers who had already decided that Jersey's best way forward was to continue with the ailing system and technology that we have had for the last 50 or so many years. I have to say that as an environmentalist that misses the point by a mile. As a person who has to have an interest as well in the public purse it also misses it by a mile. Are there any difficulties in considering any other alternatives? Absolutely not. Might they be suitable for the Island? Absolutely yes. Are there social problems in getting culture change in the Island? Yes, there probably are, but the real question before we embark on the direction that we are going in should be to assess whether or not those alternative routes do physically represent a betterment across all of those measurement systems, and we just have not done that. Some Members will say: "Well, it does not really matter because this Island is a rich Island and we are wealthy and out of sight is out of mind" but that is not environmentalism, saving the planet, doing your duty, feeling good about being green, advertising the Island as being an Island that does have a green conscience. All of these things can only happen if we do sit down at day one and discuss the possibilities properly, which has not happened. There are a number of BBC or other media publications that have just corroborated some of the things I have said. I do not live in an attic or a garret and come up with these suggestions because it is whacky or I feel that it is something that I need to do. I am just looking across the whole of the planet at different societies and seeing what is on the horizon and doing what most people do. It is not me, it is somebody ringing up saying I have spoken for too long already. We had one item from the BBC News Science and Environment the other day: "Global warming, whether you believe in it or not, will lead to a significant increase in extreme summer downpours in the U.K. the study suggests." Right? So it is a U.K. study so we can all believe it. It was with reference to Boscastle, North Cornwall - so that will keep Deputy Young

happy - and they were talking about the rain that fell, 8 inches, in 2004 causing a 3-metre wall of water to sweep through the village. Well, of course Cornwall is a long way away and it could not happen in Jersey. But these are the very things as to why the Cavern system was put in place, and the Cavern system will deal with an inch of rain in any 24 hours, and we are talking about specific downpours as being those that give you more than an inch of rain in that period of time and with our own Cavern system, because of the way it was designed, it takes getting on for a week in order to process the flows. The Minister for Transport and Technical Services made reference in his opening speech that we do not store sewage waters. Well, we do. We store them in the Cavern. They are not as black as the waters perhaps are advised to be as part of our own sewage systems at home, but nevertheless they are all classified as black waters, because we mix the 2. So we are going to expect Cavern facilities that were specifically designed to accommodate an inch of rainfall over the town area in a 24-hour period that fills the tanks, potentially, and takes a week to sort out. So what happens if we get more water in that 24-hour period, which from that item in 2004 in Cornwall they had 8 inches, 8 inches of rain in one day? So we all know what is going to happen, the Cavern is going to overflow. What happens now? The Cavern overflows. It was designed for a specific amount of rainfall. It was not built big enough, perhaps. Those are questions that perhaps need to be asked by others, but it does overflow and if you read the technical blurb, which I know a number of you have not, you will see that the number of occurrences during a standard year as measured now, when the Cavern overflows, is up to almost one a week, 50 times a year, which is way over the design that was originally intended. That may be okay. What does it mean? One engineering solution would be let us build another Cavern, and then the money starts to kick-in. Everybody... and most of us were not here at the time when we had the big Cavern discussions and we probably do not have all the figures at our fingertips, but there was a large cost overrun, equipment was lost, boring equipment disappeared down a hole and it was uneconomic to pull it out. In fact some of the equipment may well have been still in place when the work on Ann Court was taking place. Then we spent a huge sum of money to literally dig us out of the hole and we have ended up with a drainage system that does not, because of climate change, tick all the boxes. If we really mean business what we should be doing with all these strategies, particularly as I said earlier, they do carry with it a very large cost ticket, this we are being told is going to be phased. The scaling of it has not been properly assessed as yet although we are told it will be for a population of 100,000, what we have got now, possibly 110,000 if we all carry on and what we voted for, some of us did a number of weeks ago, for the 325 inward migration which will push the population up to 110,000 or 111,000 by 2035 plus the extra 20 per cent as a slack variable to cater for all of the tourists if we carry on having tourists to the Island and all of them use facilities or stay in hotels that are becoming few and far between and mainly centred in the built-up areas. So the system will be larger than is being projected at the moment. There are also some very useful comments that the Scrutiny Panel managed to earth-out with their consultants, in that we have not even assessed the size of the problem. In page 7 of their report they are saying only approximately 39 per cent of the sewers have been inspected by C.C.T.V. (Closed-Circuit Television) so we do not know the condition of the sewage network system at the moment, but do not worry, we have put in a notional figure to cover it being repaired or improved or keeping it as it is. We have also got, if you read some of the technical reports, the suggestion that the sewage plant refurbishment costs, those figures because we have not given the contracts out as yet, must be plus or minus 15 per cent, a sizeable sum on £75 million. You can do the arithmetic yourselves. Then on top of that we are saying we do not know how big the outfall into St. Aubin's Bay is going to be, but we will put in a figure there and add on a bit, and then where are the monies going to come from? Again reading some of the technical reports, which I know Members do not have but perhaps we should have, in debates such as these, it was suggested that the funding proposals could be done in half a dozen different ways. We have had statements from the Minister for Treasury and Resources that we are not going to increase the standard rate of income tax, and on his watch there is going to

be no increase in taxation rates, so how are we going to pay for it? Well, first of all we are going to chop the overall bill up, which may well have upset a whole load of States Members, because large figures do excite people, so we have chopped it up into a phased programme to make the figures more manageable and we are suggesting that the first stage figures might well be acceptable. Now, is that sensible financial planning? I do not think it is, because once we have made a sizeable chunk of the investment what is going to happen in terms of the longer term strategy if it needs to change? We will have the department telling us: "Well, you are wasting your monies. You have already spent 50 or 60 per cent of the total, so we have got to finish the project and oh, yes, it is coming out a little bit more expensive than what we thought but we have to be in that situation because this is a 20-year programme and we did not know what it was going to be in 20 years' time." So that comes back to my original point which was we wanted to move away from this *ad hoc* long-term infrastructure planning mechanism, which was really hit and miss, and to substitute it with a professional governmental approach with everything joined-up, so that we knew what we were going to be spending every year of the 20 years - if it is a 20-year plan - and not just coming in for the first 5 and then saying: "Okay, well, let us see which way the wind is blowing and whether or not some of these other things come to pass and then we will come back and ask for the remainder of the money." Over my lifetime in the States we have done this on a number of occasions when the figures that were originally being proposed were too large and those politicians bringing forward the proposals thought that they did not stand a hope in that lower place of getting the proposition through because the figures were too much. So you split it up, you do a little bit now, a little bit later - jam tomorrow, cream the day after - and you get the thing through and everybody forgets about it and you end up with a not as professional way of dealing with your infrastructure programmes over the longer term. That costs the Island money, but as I say if we are not really interested because we are a wealthy society and it is not for us to pay, it is for our children or our children's children to pay, then maybe that is the justification that we need in order to be happy that we can vote for it, but it does not make for good planning.

[14:45]

It is definitely not long-term strategic planning and I do not think it is really the way that we should be trying to re-educate ourselves into operating longer term. Where does that leave me? I have to mention with my other hat on as part of the Minister for Planning and Environment, and that is the positive actions that my department have introduced in working more closely with the T.T.S. Department than perhaps their Minister has over the years and that is on the regulatory side. The regulatory side: yes, fine, okay, we have done the research work. We are showing that we have got a nitrates problem. Some people would wish to dismiss it and say: "Well, if you are not drinking the sewage effluent that comes out at St. Aubin's Bay what is the issue?" The fishing used to be better when we did not treat the sewage anyway, so maybe we should pull a feather out of other island societies that are fairly close to us and go back to the old way of dealing with things, and happy days for fishing tourism. But we are not doing that, so from the environmental standpoint I am completely happy if we have got a clean end of pipe solution, and I have to use the jargon and explain what it means. A clean end of pipe solution means that whatever you put in at the front-end, and generally it is clean water with faeces, which would be seen to be dirty, and then we do our bit in the middle to try to clean it up, and at the end of the day what is coming out at Bellozanne is not intended to be fully clean. So there is still an argument and a body of work to be undertaken to determine whether or not we fall in line with E.U. (European Union) guidelines for nitrates in water or other pollution opportunities for putting waste waters into semi-enclosed or enclosed waters into the sea. Everybody would agree with the general principle that it is fundamentally wrong to be using the sea as a dustbin, but in effect this is what part of the policy is suggesting. They are saying the jury is still out, we will still assess whether or not by having a wider outfall and perhaps at a later stage, once we have got the bulk of the monies through and we have signed up to

the longer term project, if we come back having done that and somebody at T.T.S. says: "Oh, look, sorry, we cannot deliver what was on the cards. We need a longer outfall." "Why do you need it?" "Well, we need it because we need it, the system is not going to work otherwise. There have been changes in E.U. legislation we cannot meet" blah blah, so we come back, we have an outfall that is extended into deeper water and that is fine. It is fine from the environment point of view, because we cannot see it. You are not going to send down divers into deep water for your outfall and you are trying to bury the issues underneath the water or to do the slovenly housewife bit, sweeping all your dust under the carpet. It is fundamentally wrong, and as an environmentalist I do not support that. What I do not support even more is that we are not starting off by saying: "Look, if you are going to endorse as being the best technology this water-based system and accept that in the next 20 or 30 years there is not going to be a move towards dry composting systems and other ways of dealing with your own excreta in a more environmentally friendly fashion, in a way that makes economic and social sense, then fine, go with your water transport system but at the end of the pipe have a clean solution." But we are not even being suggested that. The jury is out, we are told, and T.T.S. is still putting forward an argument, perhaps, to kick this issue into the longer grass to suggest that a de-nitrification plant or further tertiary treatment of those still soiled waters should be undertaken at all. It is going to be another £30 million. We have already been told that we are spending too much already. It does not make sense. Then if we look at the fishing interests, I have had representation from a number of fishing interests with the growing of shellfish on the eastern coast, and they have been trying to unsuccessfully make a link between what comes out of the outfall when we are just discharging lightly soiled waters into the bay from the Cavern and those dirty slicks are being swept around the bay and we have got filter feeding from the shellfish deriving the nutrients from the liquids. In a way that is kind of marketable, I suppose, in France with telling everybody we have got the best, flavoursome shellfish. It is daft. There is a case in point and the case in point is that we may be able to lightly treat those waters with U.V. (Ultraviolet) treatment and we were among the first societies to do that. Absolutely great, take our hats off to the people who supported that system, but what we are not doing is doing anything to take out any viral components. We cannot have viral add-on treatments to the type of water flows that we are talking about, so that component of the pollution is not going to be looked at. Equally, and it may be a much lesser effect but an effect nevertheless, in societies where you have river flows and the river flows are being relied upon from downstream by contributors upstream who are putting contents from sewage farms back into the river so that the biota can clean up the waters to make them more potable for persons downstream, and this is what happens in the U.K., one of the things that the natural environment does not do very well is take out certain chemicals. You have got a lot of women on oestrogen pills and there is a whole load of subtle hormone-type treatments and pills that we involve ourselves in. We go and excrete our urine into the sewage system and those waters get untreated and passed out the other end. Is it anything we should be worried about? In the U.K. and other places it has become a problem in some places, to the extent that the fish were changing sex. Again, some people may lightly say: "Well it does not matter as long as they are all male, not having children, we have solved the population problem at the same time fish-wise" but this is not the issue. If these chemicals have subtle interactions with the environment and we are running sewage systems that could quite easily tag on at the end of the pipe chemical treatments to take these chemicals out of the water so that what you put in being clean is what you put out being clean in the widest environmental sense then I would have no leg to stand on in supporting this wholeheartedly. But we are not suggesting this. We are saying that my department, through its regulatory roles, will have to assess whether or not there are pollutants that are still in the water sewage system that could have an effect, limited or whatever, in the wider environment and then using the regulatory powers that I have come back and regulate the operator. I do not think that puts us up there on the planet with all the biggest greenies to say that this Island is really putting its money where its mouth is and supports the environment to the extent that perhaps I do. I think we

are missing a trick. We have heard with all the work that has been undertaken, and supportable work at that, with our finance people, speaking to Arab countries and nation states to try to encourage them to invest in this Island. We are also being told that they particularly espouse, because this is what they are spending their money on, environmentally friendly places. So if you look at the Masdar projects and other projects in the Arab states absolutely fantastic. So people are working with the environment, with nature and they are reinvesting their money into green businesses, the type of business that we are trying to attract from these other persons worldwide. Are they going to want to come to the Island if in speaking to our water engineers our water engineers are not in the position to say that this ticks all of the boxes and in fact is ahead of the curve rather than being 10, 20 years behind the curve in what we are doing in green terms? That really is where I come from. I am not anti putting my business into a bucket of water but what I am against is the general principles whereby the environmental message is not really getting through and we are not really performing in a way that I think we could and should be performing, to be telling the world how green we are and how much new green business and green thinking can come out of these things. One last point before I close. There will no doubt be some Members, and maybe the Minister for Transport and Technical Services himself who will be suggesting that no, we cannot stop the clocks, we cannot go backwards, we have got to go forwards. We have got to make this investment now. But this is a 20-year programme that you are buying into and what we could be doing... and it is something that I suggested to the Minister for Treasury and Resources and the Council of Ministers last year before we were in a position of tying ourselves down to what was going to be in the Medium-Term Financial Plan or not. I managed for a short period to get a stay of execution somewhat to ensure that this project was properly vetted, proper cost benefit analysis, proper environmental assessment, to ensure that we get the most for each pound of investment. That has not been done and I think if it were to be done there is an opportunity over the next year or whatever, and we may be able to do it a little bit faster than that because a body of work has already been undertaken up to a point to do that work, and I do not think by putting this off today that, providing monies are allowed for the continuation of the maintenance of the existing plant for the next year or so, we would be in any worse position. In fact I think we would be in a stronger position in that when it did come back as properly consulted upon, proper environmentally assessed, properly aspirational in terms of what we can do to parade our green credentials, I think we would probably be in a much stronger position to trade in all those other knock-on benefits in other quarters. So I think the time that might be taken in dotting the 'i's and crossing the 't's would be well undertaken without capsizing the whole of the Minister for Transport and Technical Service's boat in not being able to run his ailing system for a short period further. In some ways - and it may be for other Members to decide - there is probably a case even for reference back in terms of the issues, that even down to the consultants that have been employed by the Scrutiny Panel have indicated that there are areas, for example the effects of climate change, that should be more fully considered. That is one thing. There is another one there, the penultimate bullet point: "It should be established whether sustainable options such as suds and water minimisation should be considered within the strategy or whether these should be considered separately." Well, environmentalism is about linking-up all the separate issues and presenting holistic programmes and here we have the consultant suggesting that that has not been done. So maybe some other Member - and it is not for me to do it - might suggest that that is sufficient to ask for a reference back that would bring about the betterment in the bringing of this long-term strategy in a form that I think would get the Minister for Planning and Environment's support and all those who do have the same green credentials.

The Connétable of St. Lawrence:

May I ask for clarification from the previous speaker, because I have listened to him for 45 minutes and it has been unclear to me during those 45 minutes whether this major strategy is endorsed by

his department? My understanding when the Minister for Transport and Technical Services made his presentation was that it has been endorsed by the Department for Planning and Environment and now after 45 minutes of speaking the Minister for Planning and Environment has suggested that perhaps another Member proposes a reference back. I am totally perplexed. I want to know from the Minister is this endorsed by his department or is it not?

[15:00]

Deputy R.C. Duhamel:

I am happy to answer that, and I thought I had partially mentioned it. There are 2 issues. The first issue is the generalities of the environmental argument that need to be applied in any strategy and from my perspective I do not think those have adequately been addressed; but from the regulatory point of view of my officers, they are quite happy with the work that has been undertaken by the department, that sufficient work has been undertaken to the level that we are at in order to minimise whatever problems might occur should we go along with this. I have 2 responsibilities. One for the overall environmental conscience and I do not think I support; but from the regulatory point of view, which is there to minimise the pollution problems, I think that sufficient work has been undertaken by the department and they are happy in a professional capacity that the water framework directive and the pollution laws can adequately be met by these suggestions, although they do leave question marks to suggest that perhaps further investment for tertiary treatment systems might well be the order of the day when we get to that point.

The Connétable of St. Lawrence:

The answer is yes, then, Sir?

Deputy R.C. Duhamel:

The answer is the department officers are happy from a regulatory capacity, but the Minister for Planning and Environment, who is there to come forward with the generality of the environmental argument, is not as happy. But I am obviously happy with the officer work because that is a different kettle of fish.

The Connétable of St. Lawrence:

I thank the Minister.

6.1.9 Deputy A.K.F. Green:

I am pleased to follow my colleague and Members will be pleased to know I have no intention of speaking for 45 minutes. But I do intend to speak with 2 hats on. Initially as a Minister of this Island and then, secondly, as a constituent Deputy where the sewage works is, and also as the Minister for Housing. I have to say after the 45 minutes I listened to from my fellow Minister I was utterly confused on some of it. But it did seem to me that if we are going to go for things like composting loos ... did the Romans not have something similar where they all sat in a row and had a chat while they discharged whatever it was they wanted to discharge. That technology might exist in the outbacks of Australia, and did exist in parts of St. Martin and St. Ouen years ago. **[Laughter]** I can remember feeling slightly aggrieved that I had to walk down the lane to the flush toilet but I can remember members of my family having a wooden hut with handles on and a hole in the ground and they lifted the hut and moved it to a new hole when it was full. It seems to me we are going backwards. Moving sewage by water technology is proven. We might want to do it with less water. In fact I would suggest we do need to do it with less water, but the technology is proven. The Victorians were doing it and we have developed it and improved it. Now, I would like to talk about some of the benefits. The sewage works in the main goes down now to Bellozanne. As a District Deputy, would I like to see it somewhere else? Of course I would. I

would love to see it in another Parish or another District but it comes down now to Bellozanne. If we are going to do it in one fell swoop, which is I think the ... foul, yes. **[Laughter]** If we are going to do it in one ;foul' swoop - and that is a really good word - then we have to find a new site because the phasing of this project is not just about the money, the phasing of this project is what can be done within the existing site. So that is important. The construction of a new, more efficient sewage treatment plant and the work to reduce the amount of surface water that gets into foul sewers, both from broken and leaking pipes that I have heard about and direct rain water connections, will significantly reduce the expenditure, will significantly reduce the amount of treatment that needs to be done and unnecessary pumping and treatment of clean, clear water. I am pleased to hear the Minister ... some people might criticise him, that he is only going to improve, repair or update the existing sewers that go to 87 per cent of the Island and that he intends to bring new to only 3 per cent of the Island. But he is being honest. There is little point in saying: "I am going to take the system to 100 per cent of the Island" when the rest of the infrastructure that is quite old is crumbling. He has to put that right first and this strategy does that. The Minister also has come up with a strategy, although like Deputy Hilton I would like to hear perhaps a little bit more about how people may connect to the sewers if they are adjacent to it, but there is a problem with them getting the pipe through. I would like to see that. All this has been done within the existing tax take. We are not going down the road of a tax on sewage. Those people on tight tanks and cesspits that have no choice other than to be wise could well argue that we should be, they are paying twice but we are doing this within the existing budget. I would like now, just for a few brief minutes, to talk about the benefits to the district that I represent and also the benefits to the people that live in Pomme d'Or Farm. The tenants that live in Pomme d'Or Farm that have put up for years - and the surrounding area - with unacceptable, noxious smells, put up for years with the old incinerator, that problem has been solved and I could open up a whole new incinerator debate. Okay, it was put in the wrong place but that problem has been solved. The construction of a new treatment works at Bellozanne would allow for odour controls and facilities to be incorporated into the design. Much more effective than trying to retrofit. The management and the team at T.T.S. have been attempting to retrofit and have improved to some extent the environment in which my tenants and my constituents live. But they can do a better job, they want to do a better job and they are asking to do a better job and they are asking for the money to do this. As a small part or a side part of this improvement, of course the green waste... for those of us that went to the presentation that the Minister for Transport and Technical Services put on a few weeks back to make room for the sewage works, the green waste moves. That has to be a benefit to at least my constituents in the reduction of traffic when the household recycling and green waste moves down to La Collette. The scrapyards will also be moving and, again, that is a benefit to these people who have, for years, put up with smells, noise, heavy traffic and high volumes of traffic at the weekend when the rest of us aspire to relax and enjoy the environment of our home. My constituents and my tenants have to put up with higher volumes of traffic. So that is going to improve. That is another positive as far as I am concerned. The proposal is to increase the flows that will receive full treatment at the new works and to construct storage tanks on site will significantly reduce storm spills, I am advised, of partially treated sewage into St. Aubin's Bay. That is a benefit to the Island as a whole, as well as my constituents. As well as achieving ... I think the Minister for Planning and Environment has told us that this will achieve the requirements of his department, will achieve the legislation and the directives that control the quality of water in St. Aubin's Bay. So what are we going to do? Are we going to throw this out with all those benefits, are we going to throw this out and are we going to reference it back and look for new technology - or old technology in some cases - some of which is not proven, or are we going to get on and do the job and have a greener environment for our community and benefit the people in First Tower and Bellozanne particularly that have put up for years with an unacceptable environment. Thank you. **[Approbation]**

6.1.10 Deputy J.H. Young:

As Chairman of the Environmental Panel I think it is my job to try and give some guidance today as to what conclusions we reached on this important report. I am grateful to the Minister for Planning and Environment because I think he reminded us that when we are dealing with environmental matters we have a duty to look at the very long-term issues and to look, as it were, some might say into what Utopia might look like. But, of course, this is the view we have facing all the decisions in life and in doing that, and I think it is really valuable that the Minister for Planning and Environment has helped us with that and pointed out the need to look to the long term and the things that are not going to be dealt or eliminated, the pollutants that are not going to be eliminated within this strategy; he has highlighted those, so I am grateful for that. There is no question that there are some major gains here. An old Cockney saying was: "It is better to have half a loaf rather than none." So for me the Minister for Planning and Environment may say what this is not, is a strategy. He may be disappointed that the project that the group he joined, he expected to be a strategic group but it did not look at strategy. I think my interpretation of this is it is a project plan. It is a project plan for an important project which we need to do because very early on when the Environment Scrutiny Panel were elected we soon realised that the T.T.S. Department were having very severe operational problems in maintaining the current sewage works and ensuring that its standards were upheld. In fact we know that there was history of effluent going in which did not meet those standards and, indeed, we had some representations from industry groups that were experiencing economic effects and they were worried about that. So a lot of practical problems existed which we shared, having gone and looked at the plant and seen those things but, of course, we did not, as a panel, get alerted to the fact that this report was coming to the States until early February this year. We were only given 2 months to do it. So what we have offered you today is comments. We are not able to offer you an in-depth report which the Minister for Planning and Environment has said, but I think we have done our best. We went out and appointed experts. There is a separate document which Members will have seen from an outfit called AECOM, who are international experts; and they are the experts. We appointed them because they are the experts in the sort of technologies that the Minister for the Environment had said have not been looked at. So that report is there and what we tried to do in our comments is to draw the threads from their report and from the meeting we had with the 2 Ministers and with the input of the departments on the conclusions to what we now should do about the study. So I see this here as a project to upgrade and replace our existing water-based sewage treatment system. It is an incremental pragmatic approach. It is not, I believe, a £75 million project, it is a £200 million project, which is quite clear when you read through the documents because the sewage treatment plant may be £75 million but there is another £135 million worth of infrastructure throughout the Island to get the water and the faeces and so on - contaminated material and surface water - to the plant. So there is no point in having a lovely sewage plant if the infrastructure does not work to get it there and all it does is just overflow and pollute the place, and cause local issues. So the Minister for Environment is right to flag that up. Now, what it will do, as our comments show, is it will meet the effluent standard of biological options and demand in suspended solids, because there are clearly points where this does not happen at the moment because there is a problem of excess fluids, excess water in the system and at times of peak overflow material does not get subject to secondary treatment and it goes out into the bay without that secondary treatment, which then places our environment at risk. But the new plant will do that. Well, it will not eliminate that issue but it will manage it better because there will be storage, holding tanks and so on at Bellozanne and that the improved technology there will do better. But the environmental report makes it plain that there are no guarantees here because the flows are unknown. The flows are unknown because, first of all, there is climate change.

[15:15]

The scheme is based on a 7 per cent increase in rainwater and an increase in storm events. It is storm events that cause those issues very substantially. But of course it might not be 7 per cent. Storm events may be more frequent, who knows. So decisions have had to be made within the T.T.S. project, the engineers who looked at it on our behalf said it is uncertain, it is unknown. So there is a risk but nonetheless as we speak the proposals meet that element of the need today. We have also looked at the other end of ... they also identified the other end of the output from the plant, is the solid material, the sludge which is left. At the moment the practice is to put this on to agricultural fields. We know that certain supermarkets will not accept crops grown where that material has gone on the fields, and there are also issues of local pollution risks where people have boreholes and so on from those practices. So, although it is an historic practice, there is no regulation on it at the moment, and that is certainly an issue that came out of our review. The project that the Minister for Transport and Technical Services is proposing here will, we are told - I do not know what this means - pasteurise the sludge. It sounds rather interesting. It will make it better but I do not think it will make it good enough to drink or eat but it means that it is less contaminated. But nonetheless we think that this should be better regulated, independently regulated, but it is not. Also we may consider alternatives to this disposal to land, maybe incineration. That again is an issue that comes out of the review. So then there is the network. What the consultants' report identified, and again the Minister for Planning was right, there is ... I think the Minister himself said that a large proportion of the pumping stations in the sewer network, these are the pumps that go 24/7, are in poor condition. They have also said that only 39 per cent of these pumps have been checked out. We were also told in our Scrutiny hearing it is not possible just to take it offline and put another one in. Can you imagine having to replace and rebuild these plants while existing ones are working? There is a major, major, major task there. The problem is that nowhere can we see in the document is there funding for that. We were told on funding of the 2 chunks, that £75 million is for the sewage treatment work, which as planned will come from existing capital monies that T.T.S. already have, what is in their pot as it were, plus monies that they can expect in the next 3 years' budgets until 2020, and the work will be completed by 2020. Now, I think that is a fair assumption that unless something drastically goes wrong with all the promises that the Minister for Treasury and Resources has been making us, one has to put that risk there because capital monies are not voted now, they are voted in the budget annually. Not in the Medium-Term Financial Plan: the Medium-Term Financial Plan sets out there will be this money but until those budget debates happen each year there cannot be certainty that £75 million will be available. I think it is a reasonable belief that it is but that is only part of the story. There is the £135 million which is required on the pumping stations, on the rising mains and on the connections to the sewage network for those people that do not have those connections. Deputy Hilton made that point. There is ... I forget the percentage, I am sure the Constable of St. John, in his speech, will highlight to us the number. There are people there that are not connected who want to get connected. Now, the costs are there at the moment, there is a chunk of £42 million in that budget. We ask: "Where is that money coming from?" We were told there is enough ... in fact the strategy says it, there are a number of options. One of those options is a sewage charge. I asked the Minister for Treasury and Resources a question that I think we have asked in the States before: my recollection is clear, he said: "I cannot rule it out or I cannot rule it in." So T.T.S.'s position is: "Yes, we are going to get this money from our asset money. Every year in our budget we get 1 per cent of our assets that we can spend to maintain it." But when you do the calculation that is not enough. Of course a lot of this work in the sewage station, the pumping stations, is needed earlier in the period. So I think there is an issue of uncertainty about funding here. So when I look at the plan, the T.T.S. project proposition it deals with the £75 million, so I think in that case one supports that to bring forward approvals for the monies, for the £75 million. But it does not deal with the rest of the network infrastructure, it says: "The Minister to deliver a 20-year sewage infrastructure programme in line with the priorities and timings ..." It is very nice: lovely words but there is

nothing specific there. So I do not think Members should convince themselves that by approving this you put this whole subject to bed, all the problems solved for another day. It is not. Part of the infrastructure is the sewage treatment plant which is absolutely important to put right and it certainly cannot carry on performing as it is. There is also the issue of population. Obviously that plant, I think we were told, is at least 50 years old - maybe 60, parts of it - the tanks may be even older than that. So it has done well. It has been held together by string, by the diligent efforts ... and we have to praise the T.T.S. engineers and staff who have ensured that that plant kept going with the most incredible problems. **[Approbation]** But it has come to the point where it cannot go on and so there does need to be some programme of replacement. **[Interruption]** Well it is only 20 minutes, Deputy, is it not up to 45 yet. So population increase. We are told that the plant will cope with the population increase to 325 plus 20 per cent. You will have to take a view, is that enough for the next 50 years? I do not know, our advisers have pointed it out. Then there is this issue of the technologies. I am not going to go through all this, except to say there were different views on the technologies. You have heard the Minister for Planning and Environment's view about the technologies that should be used - radical technologies - our advisers suggested also other technologies should be there in reserve. T.T.S. have told us that when they go to tender on the sewage treatment works they will consider that if the tenderer recommends the other technology. But, of course, there was no case for the deep shaft technology. None of the evidence that the panel saw, nor our consultant saw, did support the suggestion that was made for the alternative of deep shaft technology. So there is this issue, I think an important issue, of the sewage outfall. Again, it is another issue of the uncertainty. It is a ridiculous situation we have got now under our environment legislation that Jersey Water can supply water with 4 or 5 times the level of nitrates that the Minister for Transport and Technical Services is allowed to pump into the sea. How ridiculous. Now, we are driven by ... the only part of the proposition is the water framework directive and so on. No question we have to sign-up to those but the key thing is about the status of the bay. The status of the bay under that framework at the moment is not known. There were 2 different sets of test, one which said it was, one which said it was not. T.T.S. have agreed to perform those retests, they are doing them now, the results will not be known until 2015. If it confirms the bay is a eutrophic bay that means it will need to have nitrate removal in place. That will carry with it another bill of £31 million. The Scrutiny Panel's view was what a nonsense. If that situation occurs there should be some discussion or joining-up discussion with Jersey Water because how ridiculous to spend £31 million taking stuff out of the water we should not be putting in in the first place. One would hope that there is some joining-up, and that is an example where it is not a strategy. If we had time we would have had Jersey Water in and said: "What are you doing about denitrification? What are your thoughts?" I have to say we do not know. But there is not any question if the E.U. rules require us to deal with denitrification then that will be extra money and it is not in the strategy. Now, on this question of the outfall there was some talk: "Well, if we put the outfall, that is the outfall from Bellozanne, into the sea and we make it further into deep water that will solve the problem." The panel's view was we really thought that was not right. It is far better to get the effluent better, as our Minister for Planning and Environment says, than pumping it out further into the bay. Much better. Also there is the aesthetic issue about increasing the outfall. So although there is money in this project, we believe it is not for the extending of the outfall but it is for upgrading and maintaining it. So I think, having spoken at length, and I am sure Deputy Le Hérissier will remind me, I have summed-up the issues which are in the report but I do counsel Members to have a read through these comments. There are only a few pages and it really points you in the right direction. If you want to take a technical view of this whole project, have a read of what the panel's advisers - the engineers - saw as a risk. Some of which I have mentioned, some I have not. Have a read of what the advisers' recommendations were, they are on the last page, and I think personally my overall comment - my biggest worry - is the funding issue. I really personally am troubled about the amount of large projects that we are kicking-off without having

assurances of long-term funding. That really scares me. Really scares me because Jersey is built ... Jersey's Government - the Island - we are built on a rock of financial stability but we seem to have got ourselves in a situation where we have allowed our important assets to waste away, it is crucial there needs to be repairs and we have probably got no choice but to go along with that. But I think... I hate to but it must be addressed and it cannot be right that people who are not connected to the sewage system and do not get the benefits of all this infrastructure have to pay. Those that do not should not pay, that cannot be right as a principle. In terms of environmental policy, clearly polluter pays issues is an essential thing. The environment does not come for free. So I will leave you those thoughts.

6.1.11 The Connétable of St. Brelade:

I listened very intently to the comments that were made in the very proficient speech from the Minister for Planning and Environment. He was proficient, he was eloquent, in many regards he was very persuasive, but does that make him right in what he was saying? I certainly do not want to undermine what he said because I know that he is extremely passionate about what he says. I was fortunate - and I think fortunate is the right word - to spend an afternoon with the Minister for Planning and Environment walking around the plant, and I certainly got a feeling for what he felt about his ideas and some of the technologies that he has mentioned today. But that is the good bit, it will probably go downhill from here. But he was very passionate. I do want to comment a little bit about my involvement in terms of the waste water strategy. I was invited on to the Waste Water Strategy Ministerial Oversight Group in September last year. I think the reason behind that is it was felt that I would be an independent member and I hope I have been. I have tried to listen to all sides of the argument and certainly came on it without any previous knowledge of the subject or any in-depth knowledge. Obviously I knew where the works were and I knew that a solution for ongoing problems was at some stage going to be needed. It was clear to me from early on that the subject of waste water was a complex one and I think we have heard that certainly from the Minister for Planning and Environment's speech and from Deputy Young's speech as well. I spent a significant amount of time trying to get up to speed by reading the reams of background information, some of which put me to sleep several nights. But most importantly I think the best knowledge I got was from being on site, going around the site and talking to the officers and the staff that worked on the site who explained to me where the current problems within the current works are and a new plant was not only necessary but was overdue. As a member of the oversight group I, along with all the others that were on the group obviously, was tasked with overseeing the recent developments in that strategy. I really just want to say a little bit about how that developed, leading to the report and proposition that has been put forward.

[15:30]

The role of the Ministerial Oversight Group - I know we have had different views already put - was to provide political direction, support and ... although, again, I do not think it is probably something the Minister for Planning and Environment agrees with, but was to challenge the waste water strategy. This included but was not limited to endorsing and agreeing the direction of travel. One thing I cannot agree with that he said before was that this was purely a procurement process. It certainly was not just a procurement process, it was a process that was argued out, in every meeting I went to different arguments were put and I know at every meeting the Minister for Planning and Environment had an opportunity and did often speak at length about what he felt was the right way forward. It also included checking the strategy from a political and public perspective, supporting the relevant Ministers, agreeing what decisions needed to be presented or debated by the States and further down the line a communications strategy and agreeing the next steps and future programmes of work which has led to where we are now. Those groups were held on a regular basis leading up to the lodging of the report and proposition. This has led to timely input and

comment on important decisions from all people within the group, such as the Chief Minister, the Minister for Treasury and Resources, the Minister for Planning and Environment and the Minister for Transport and Technical Services. As a result members of the group have been engaged at an early stage in the drafting of the report and proposition and I think it is important that all have had an opportunity to express their opinions and explore challenges. Going on to a bit more of a personal perspective, like Senator Ferguson, every time I hear E.U. my hackles rise somewhat but I think in terms of some of the Directives in that regard, bathing water and water Directives within Jersey, they are important. We measure certain parameters in Jersey and I think it is important that we do. For someone who spends a great deal of his time immersed in our local sea waters, of which I enjoy greatly, and also swimming in St. Aubin's Bay, I along with others who use the bay need to be assured of the quality of the seawater that we use, and we swallow in great amounts at times. If we want to be proud of our local waters and use our coastal areas as a way to promote local tourism, which is vital, that quality does need to be maintained and we, I think, without delay need to implement this proposition. I think we should think ourselves fortunate, as has already been mentioned, that our situation compared with our sister Island in terms of their water quality is something we should be particularly proud of and something that we need to protect greatly. We have 16 bathing water sites in Jersey, in 2012 all passed that European imperative standard and 12 passed the stringent standard. The new directive even further tightens those standards. It will measure such things as E.coli and an allowance for these new requirements will be made in the design for the new works. What is important to remember, and I think we are lucky that we have not been prosecuted to date, is that standard is currently being failed in the current works. One of the key objectives that came out of a workshop back in 2013 ... the 3 key objectives were: good quality water that is monitored, standards and are safe for bathing and recreation; improved water quality due to better quality effluent from waste water sewage treatment; and understand the cause of sea lettuce and ensuring its minimal nuisance. The proposed new works will conform with the latest legislation and European Directives and the new proposed treatment process to be installed will result in an overall improvement in quality. That is to be applauded. We cannot carry on in the way that we currently have been. It will also significantly reduce the number of storm overflows, which again affect the current quality of water within the bay. Much has been mentioned of flows, I am not going to go into that because I think it has already been covered, but certainly we need to prevent the amount of overflows we have had and some of these include bigger storm storage tanks and larger secondary treatment capacities within the new plant. Again, I think that is something that was desperately needed, and something that has been discussed. In terms of the actual treatment process, there are some important words. Will it be flexible? I think it will be flexible in dealing with increases and decreases in population, as much as people have argued against that. It is sustainable; it will have an effect on the wider environment in terms of improvement. Is the actual technology proven? I think the sort of technology we are using on the new plant has been proven in the old and it is something we know well and it is something that has worked for the last 50 years. Is it Victorian? Yes, it is but if works - and it does work - why do we need to change it now? Alternatives have been mentioned in terms of deep shaft. Again, not only do I think the technology is not suitable at the present time on that site, it is even more expensive than the sort of current pricing on the proposed works. An interesting idea was composting toilets. I am certainly not going to facetious anyway to the Minister for Planning and Environment, I think there is opportunity in the future to use composting toilets but is it something that the public at the current time will accept? I do not think so. It reminds me of something I am going through at the moment as Constable, and that is the renewal of my refuse contract which will in future, hopefully, include recycling. It does make me wonder whether we will have red bins for glass, blue bins for plastic and if we have composting toilets I am not sure what the colour of the bin would be but I certainly would not want any of my staff collecting it on a regular basis. I think budget has been covered by other people. The one thing I do want to comment, just quickly, is the actual Scrutiny

report itself. The Scrutiny report I think was an excellent report and I think they need to be praised for the time and effort they put into that. There are just a few comments they make in it that I think is important. The conventional act of sludge technology, under the technology section, it is tried and tested in Jersey and the U.K. and is the most widely used sewage treatment system and we have got an awful lot of experience using it. The panel's consultants also agreed that the proposed system is entirely appropriate. I am not going to mention deep shaft because I do not think it is relevant. In terms of cost, the only thing with the deep shaft, it would be more expensive. I think some of the panel's comments in regards to being surprised about some of the alternatives that were being put forward by the Minister really shows that probably it is not the right time, but I think we do need to take account of that in future and there are opportunities, I think, to take some of the Minister's ideas on board. Their view, as it says in the report itself, considers that the Minister's views on alternative waste disposal systems would be completely unacceptable to our modern society. That is something I think I tend to agree with. I do not think it is the right time for those alternative treatments but at some stage in the future - hopefully not too far away - there may be an opportunity to do that. Just to finish, for a new sewage treatment works to last for the next 50 years we must provide a solution that can be adapted and modified to cope with future needs. I believe that the solution being put forward by this strategy provides that. The end result has been a Ministerial collaborative approach to the report and proposition, it has been thorough researched, is sensible, is pragmatic and that is something that I hope I have been over my time in the States and as Constable and I like pragmatic approaches and I think this is a pragmatic approach which, I think, has the broad agreement of the group. Not everybody is going to agree when you deal with a strategy of this depth and complex nature, but I think we have come up with a result that is the right way forward. I do not know what the alternative would be. If we are not going to go down this route and wait for some new technology to come along, it could be a long wait and in that period of time I can see our coastal waters being further and further damaged. So I cannot support that but what I can support is this report and proposition and I urge every Member to so do as well.

Senator S.C. Ferguson:

Could I have a point of clarification, Sir? As a member of the working group would the Connétable tell me how the drinking water level of nitrates is apparently 5 times that of the sewage effluent into the sea?

The Connétable of St. Brelade:

No. [Laughter]

6.1.12 The Connétable of St. John:

Let me take Members back to 1998. Some of you had this sent around last week, I think. There is a young Constable Crowcroft, a younger Pierre Horsfall, a younger Mr. Quérée, and a younger Senator Walker. Three Senators and a now Connétable. One remains in the House apart from myself, the third one is the little fat plumber from St. John. [Laughter] What is he holding up? There is a sign in the background, this is 1998: "Roads will be improved in 2004." Ten years ago and they still have not ... in fact they are worse than ever. Why not list better roads, main drains for all, 16 years down the road. Stop the sewage spills on to the beach. Still happening. We must move forward. We need this plan to move forward and put things in place. It is 20 years, maybe 30 years it is going to take and we need regular funding on an annual basis for the department to get the work done. When I came into the house the Cavern was just being completed. At that time we should have completed the shaft in Phillips Street but there was not sufficient funding. So we had to cut it off at the £19 million. Now, a few years later, hopefully soon to be ticking-off the Phillips Street shaft, it is all ongoing work. All ongoing works which are essential to this plan. That has taken, the Cavern to the Phillips Street Shaft, nearly 25 years work in progress. We have got as

much work again over the next 25 years. We have our pumping stations. We heard the Minister say although they are all working they are at the end of their life. A lot of the material in there is at the end of its serviceable life and it has to be replaced. We see in the winter in many Parishes, in the last several winters with the heavy rainfall, the pumping stations cannot cope. We have overland temporary sewage mains for 2 or 3 months a year. I have had 2 or 3 in my Parish over the last couple of winters. Now that, in the long term, is not acceptable but it is the way we are getting over the problem at the moment in the short term and we are looking for the support of this House to make things happen. Yes, we have still got about 10 per cent or thereabouts of the population without main drains. In real terms the Island has not put any money in that area, main drain extensions, for 10 years. We need to get some satellite stations built out there, therefore not putting pressure on the works we have at the moment. We put a satellite station in Bonne Nuit, approximately 12 years ago or thereabouts which is working well. We have other isolated areas in the Island, La Barcelone, St. Mary, St. John area for one that I am aware of with 40 to 60 properties in that areas where you could have a satellite station similar to the one we have got at Bonne Nuit. There are other areas around the Island. Let us get these in place. We should aim to put these in place in the next 10 to 15 years, not 20 years, to have it all completed. We should try and bring those numbers down. With modern technology these things can happen. The cost might come down because technology - because of computerisation and everything else - can happen that much quicker. I have properties all around the Island.. not me personally.

[15:45]

The Island has properties all around the Island which still need to be connected to main drains. Some of them are only 100 or 200 yards from a service. They cannot get to the main drains because there is a ransom-strip of land between them and the service. I am aware of fields in my Parish that the landowners are asking anything between £10,000 and £20,000 to put in an inch diameter pipe through that field to the main service. Some of these landowners have got a ... well I know one that has had approximately 15 or 18 pipes put through it and if you put them all at £10,000 that is £150,000 but the charges now is about £20,000 that this landowner is asking to cross the land. But I am told in other parts of the Island there is as much as £30,000. At lunchtime I was told by a former Deputy of this Chamber that he heard figures of up to £30,000 to cross this ransom-strip of land. It is a cash cow for some landowner and I think that is an absolute disgrace. I had another former Deputy at lunchtime, the Deputy of St. Mary, who allows people to cross his land for £1,000, which is not unreasonable. I think, Minister, you have to deal with this issue and the Council of Ministers need to deal with this issue of these ransom-strips and bring something to the Chamber. I am sorry the Chief Minister is not here to shake the whip on his Ministers to make it happen, that these ransom-strips cannot be a cash cow any longer. We have to be fair to everybody. The Minister for Planning and Environment... I am usually very supportive of where he is coming from. Very supportive. But on this occasion and in one or 2 other areas, composting toilets. Being brought up after the Occupation we did not have rainwater, we had the long drop, which was **[Laughter]** ... for those of you who know what I am referring to, it was a wooden seat with a hole in and a bucket underneath or there was a hole that went through the wall and they had a pedal and every few days you'd push out the excrement into this pond, and that is what a long drop is or was. In fact, we did not have running water until 1964 in my case, so I was a young man - more than a young man - by the time I went to sea. That is the only sanitation that I had ever been used to. So if it was in a bucket that would be buried in a compost heap and where did that finish up? Usually on the vegetable patch or somewhere similar. Not very hygienic in real terms. Not very hygienic. Others, when I was learning my trade as a plumber, when you started putting bathrooms and running water into these places you go and you say: "Oh, there is a long drop. Ooh, there is a double long drop there." They had one with 2 holes in, so it was a family unit. I have seen - you may not believe it - one with as many as 4 seating holes, so you could have the whole

family in there at once. **[Aside]** Yes, bonding, I suppose. But this had a paddle which would push it out and there was a big fig tree outside, beautiful figs, which was feeding the fig tree. But this is how it was, so composting toilets, Minister, is nothing new. They have been around for generations. It is really only since the 1960s that country areas of Jersey, in general, have had mod cons, which we all take for granted. I had to put that bit in because I am just reminding some Members who are somewhat younger than I am, my little cousin over there who would not remember these things, what it was like. I will move on from that. So Utopia is nothing new, Minister. But you will see in the reports from Scrutiny our various recommendations and I know you may not agree with some of them. We looked at all the areas that you raised with us and there were good reasons why we have come out in the way we have in our report because, yes, some of them are practical but there is a cost implication and they are not necessary ... deep shaft, for instance, can be used but it is more so for commercial, i.e. industrial waste and therefore it is not necessary for what we need in Jersey. What we have here is tried and tested and is probably the right - I always stand to be corrected - thing in 2014 for the next 30 years or thereabouts until some other technology comes along. Always open to technology but at the same time we have got something that is tried and tested, let us stick with what we have. But then I look at the residue from some of our sludge, which is of concern and does need to be looked at in more detail, that is the sludge cake that goes on the land. That is of concern because there are fine elements of heavy metals and the like that do get in there. I know it is only small quantities but that can get washed down into our water courses and on our land. The last thing we need is when you are putting any of the stuff on the land is to have heavy metals in it. All our food... we do not need chrome, cadmium and the like – mercury - to be on the land. Some of these are naturally occurring but others, we do not need to add to it. So that really needs to be looked at and probably licenced in a different way so that if that is going to happen and if you are going to do it, it has got to be incinerated, then you need all the cleaners and scrubbers in the flues to pick all of this up. That is very, very important. There are 2 other points I must raise. I was disappointed that in our report, when we have been mentioned a few minutes ago and there was a stamping of feet, the stamping of feet for the Scrutiny Panel came from that side of the Chamber. I did not hear a single stamping coming from the Ministers' benches. We get all this lip service - I am not going to give way - from the Ministers and why do we not get a little bit of praise sometimes? We worked as a team with Planning and Environment and with the T.T.S. Department to get this pulled together within the best interests of Jersey today and for the next 30 to 40 years. Please give praise where praise is due, Ministers, to the boys and girls from the other side of the Chamber when they pull the good reports together, and this is an excellent report. Not because I am involved with it, it is an excellent report. **[Approbation]** The Minister for Treasury and Resources may now be stamping his feet but this is an appeal to him and his successors in the future. He is not there either. **[Laughter]** **[Aside]** And his successor in the future, whoever he may be or she may be, can you please make sure that sufficient funding is put in place year on year. Not pay lip service to the infrastructure. The infrastructure of this Island is Jersey because without it everything starts to fall apart. We see what happens when we have a power cut, when the cable gets damaged and breaks down between us and France. It is exactly the same if we have a problem within our sewage works. Please, Minister, will you put something in black and white somewhere within your department and over your desk, look after the infrastructure. That is the appeal I am making, through the Chair, to the current Minister, but leave something behind. If it is not this time, the next time, leave something behind for your successor to know the infrastructure, i.e. T.T.S. is very important to this Island. Can we please have more funding? Thank you.

6.1.13 Deputy R.G. Bryans of St. Helier:

I will be brief. Rather like the Constable of St. Brelade, I was a little bit confused by the material that was presented to us on this particularly strategy, mainly because of the depth of knowledge one

would need to wade through it. But just to take this in a slightly different direction. For me politics comes down largely to an element of trust, our electorate voting us in trust us to honour the decision-making and make decisions on their behalf. Yesterday on a matter related to the public sector reform I visited the waste plant and the people that work there. I was deeply impressed by the pride they displayed in their roles and respect for their colleagues, and not just the roles but the depth of knowledge in extremely technical areas. I found it quite profound. I trust these people. I trust their technical knowledge. I trust their honourable devotion to providing this Island with the most effective solution to a problem most people just do not want to talk about. This is the service that deals with the nastiest of situations at the worst of times. I think the Constable of St. John is right in saying that we should give praise not just to Scrutiny who have done an excellent job - I agree with that as well - but these people at T.T.S. It is their collective intellect with people who have worked in the industry for years that I trust. I totally believe in the Minister for Planning and Environment and his desire to reach a more environmentally friendly solution. But faced with a need to reach a clear decision that advances our desire to resolve the ageing plant currently used, I trust T.T.S. to get this right. Thank you.

6.1.14 Senator P.F.C. Ozouf:

I am delighted to be following the Connétable of St. John and somewhat disappointed that he is not here to make some remarks because effectively I was just checking with the Treasury to see whether or not I could reel off a list to give some confidence because a number of questions have been raised about the funding issue and I want to just say a few things. It is always great to look at him directly. **[Laughter]** Sometimes I get a crick in my neck. But sometimes we do and are very, very good at looking at the glass half empty. I look straight ahead of me to my friend the Minister for Housing, and Members will now be aware that we were last week presenting across the United Kingdom to investors in Jersey. One of the things that you have to do with investors is have a prospectus which will explain what your Island is about. One of the questions is whether or not you can afford effectively the repayments and what is the nature of your infrastructure and whether or not there are any other issues in terms of your infrastructure that needs funding. It is fair to say... and this is absolutely relevant to this debate, because I have been asked on a number of occasions how we are going to fund this. We were able last week... and it is sometimes difficult to remind this Assembly of just what we have already achieved and what we are going to achieve today and what this Assembly is achieving in terms of investment in infrastructure because I agree. I was not in that picture in 1998, but the Connétable of St. John, who we give some stick to sometimes... and sometimes he is humorous and sometimes he is critical, and sometimes he is a bit grumpy, and sometimes he gets the hump, but sometimes ... and I think this is a red letter day, it is a red letter day for the Connétable of St. John for everything that he stands for in terms of investing in infrastructure, everything that he has been asking for and finding solutions. This Assembly should be voting in favour of this proposition enthusiastically and confidently because we have already fixed our infrastructure to a great extent. This Assembly has done more to fix its infrastructure and the last one together, in the last 5 years, than I think any Assembly has done in decades. Even then we started in a good position. We have invested in an Energy from Waste plant.

[16:00]

We have delivered already millions of pounds in liquid waste infrastructure to fiscal stimulus. T.T.S. were fast and efficient and timely and temporary and targeted in delivering millions already in infrastructure and in terms of pumping stations, which has got us to this position today. We are delivering Phillips Street Shaft, the Cavern much maligned at the time. As always good politics is not necessarily good long-term decision making. Good economics is not good term politics. Good planning is sometimes not good term politics. It was unpopular 10 years ago to say that the Cavern

would be absolutely required but the Cavern was the right thing for Jersey. It was not finished because of bad capital planning at the time but frankly, even if we had have known then what we knew it was going to cost we would be building it and we would have done it and our Island is safer and all the Deputies that represent St. Helier and all of the Senators that represent the whole Island and the Constable of St. Helier and the Constable of St. Saviour, would be busy worrying about homes getting flooded because of it. While I am on the subject of flooding, T.T.S. this year; sea defences - we have seen on the south coast of England and in near islands now scrambling to invest in sea defences - I think £10 million of investment underpinning all of the sea defences in St. Ouen, in St. Clement, in St. Saviour and in St. Helier, and not one sea defence or wall taken away. Yes, some damage but, my goodness me, it was bad weather. So is the track record of what T.T.S. is proposing today proven? Yes, it is. They have a track record of delivering, and I have lived with T.T.S., I am disappointed, we are always interested to hear what the Minister for Planning and Environment says, but we have been across the Assembly before on infrastructure. We have heard about infrastructure that is coming in 5 or 10 years' time, and it may well be that the Minister for Planning and Environment is right about composting toilets and some sort of environmental solution. I see some Members shaking their heads. I do not know because I have evidence of the past, but I have no evidence of the future. I have no evidence today that this alternative world is possible today. So what we need to do, and the failure of political decision making is not to make a decision until you have 100 per cent perfect knowledge of the future, and I am afraid that does not exist. What we have a responsibility to do is to make decisions based upon the best information and to make those decisions so that you do not make matters worse and that is what this proposition is about. I will not go on and say the list but we really do ourselves down. I think a damaging headline, if I may say, in the *Jersey Evening Post*, to say that our infrastructure is crumbling. Yes, there are some roads that need to be sorted. But the fundamental of our infrastructure in Jersey is in a very good position, and this proposition is going to make it better. Harbour, Airport, T.T.S., all the things they are doing. St. Catherine's breakwater; where is there another breakwater that was solved before the problem happened? I can think of breakwaters that are falling into the sea. We have done it. We are delivering millions of pounds of infrastructure investment and the near States is delivering millions of pounds of infrastructure in electricity cables in terms of water supplies and in terms of fibre. That is the reality, is that we should not do ourselves down. Our infrastructure is not crumbling. It is in a very good position. It is better than virtually anywhere else and this is about keeping it that way and improving it. I was brought up, like most Members here, with a memory of Jersey's liquid waste system being ahead of most other places. I can remember the days when we used to advertise our beaches because we used to pump clean water out to sea on a very high standard and we were ahead of the rest of the world. I think there is no doubt about that. I think Members will recall the ultraviolet there. So we have been ahead of the game, prudently and properly, and we are going to keep it there. There are a few comments that I wish to make, and if I just make one final response to the Connétable of St. John because I know that we do joust but I hope that he does recognise the massive investment in infrastructure and one other change that has changed for ever the way that this Assembly will decide on capital projects in the future. It is not often said but we now have 3-year fixed planning, and the reason why this Assembly has been able to think about the medium and long term is instead of most other places of just thinking one year ahead we are thinking 5, 10, 25 years ahead. We are no longer doing that short-termism. That is what we have hard coded and we have changed the way that financial decision making is done for ever, and that is why we should support this proposition. And I genuinely, from the bottom of my heart, hope that the Connétable agrees because have changed the world for ever and it is going to be a better place and a safer and an even better place than we have had before. Now in relation to the funding, I do need to say to Members, yes, there has been a very challenging series of issues that we have had to deal with on capital and I can remind Members of the 3 big capital projects that must be tackled. Not because there is an immediate crisis but because it is a planned investment in

our infrastructure that needs to be fixed and there are 3 areas. One is housing, one is hospital and one is liquid waste. Housing, as Members will know, is fixed and now fixed - as we will learn finally on Monday - to a very clear extent, is because it has a return we are borrowing, and we are borrowing and we have done so and we will confirm that on Monday. Approved by the Assembly, done, and a massive move forward which I am very pleased about. Secondly, we are delivering a hospital because I knew that this proposition, and this is a Council of Ministers proposition, this is not just a Chief Minister or Minister for Transport and Technical Services, this is a joint Council of Ministers proposition supported ably by other Connétables. I think the Connétable of St. Brelade has been on the working party, but there has been cross-Assembly participation. We knew that we could not get this proposition through or the Housing one or the Health one, if we did not set out all and how we were going to pay for every single one of those projects. Just to remind Members, very briefly: the hospital is dealt with £300 million from our investment returns. I do not know if there is another jurisdiction that has ended the financial crisis with a bigger balance sheet of 150 per cent of G.V.A. (gross value added) as opposed to 100 per cent of debt to G.V.A. at the end of the crisis. We are in a better position than when we started and we are paying for the hospital out of the investment returns, and we paid for a third of it out of our investment returns last year. That is a good start and that is prudent planning and it is good. That is why we can have confidence. Yes, how they spend it needs to be fixed but the funding is available. That means the residual - and it is no way a residual issue, perhaps that is a mixed metaphor - is of course the liquid waste plan. So given the commitment that this Assembly made, that it would not implement new charges, we had to effectively fund and work out how we were going to fund that liquid waste system, whether or not we could do it with existing resources. I am slightly surprised that Members say that ... and if there is any doubt then I would just say to Members that this is set out in detail on page 21 of the report. We are setting out in granular detail each one of how that £75 million will be set out. Of course, that includes the annual allocation for infrastructure. The Connétable of St. John, if he does not like the capital programme this year in the budget he can amend it, but there is already an annual plan. In relation to how that £75 million is going to be funded, Members have asked, I will respond, £12 million to be provided from the existing annual capital budget for infrastructure, which is already there. The Minister has explained rightly that some of his budget allocation is already designed for liquid waste and is there for this, and it should be. New technology will also lower costs in the longer term as other infrastructure and investment does. £4 million from each of the proposed allocations for 2014, 2016, and 2017, I think there is a 2015 missed there. It should be 2014, 2015, 2016, 2017. So £31 million to be provided by the normal capital programme that is approved. £3 million from the Consolidated Fund and £29 million to be provided from an investment of the Currency Fund in 2015 and 2016. I will probably at this stage duck from Senator Ferguson because I know that Senator Ferguson has a problem with the investment of the Currency Fund. The Currency Fund is the pounds sterling that is held in this Treasury's bank account for every pound that is invested, every note that is issued. I think every Member would understand why we do not believe that every pound that is in issue is going to be called on to be returned by people in terms, so in fact in keeping the Currency Fund effectively in cash is not a sensible use of money. I believe the Treasury's track record of getting better investment returns in the overall management of the Currency Fund is better. We are going to invest £29 million from the Currency Fund. That is going to be repaid by T.T.S. at an agreed interest rate using the funds, and this is an important bit, which are generated from savings running a more efficient plant; another efficiency improvement that T.T.S. deliver on year in year. This means that the whole proposal can be agreed and that we can meet the 2020 completion date. The Assembly has already sanctioned £10.1 million of the monies required in the last year's budget debate in this year's capital programme. In turn, the Minister for Transport and Technical Services has detailed the funding programme. £10.1 million this year, £25 million next year, £38 million in 2016 and £1.4 million for 2017, 2018 and 2019. All of this is set out. I am happy to answer ... I have gone at this stage of

the debate because I think it is important that there is clarity and certainty. This is affordable, internally funded and there are some departments that one needs to challenge perhaps more than others, if I may say, in terms of their capital allocations. No disrespect to Health but they are dealing with a completely new project where nobody has built a hospital before and we are having to obviously work with Health in order to ensure that there is certainty. I would say to Members that T.T.S. has a very, very good track record in delivering infrastructure. They are one of those departments that the Treasury has a very high degree of confidence in terms of delivery. We have a very expert team in delivering this in the past and in terms of that ... so Members are raising their eyebrows. It is really a shame because credit where credit is due. T.T.S. is a great department. **[Approbation]** It is not the department that used to have the reputation of what is yellow and sleeps 4? That is where we were 20 years ago. That has gone. T.T.S. are a hardworking, well-regarded, nimble department that as far as the Treasury is concerned, deliver what they say. I have no doubt in supporting this proposition and congratulating the Minister for Transport and Technical Services' tenacity himself in ensuring that this is brought to the Assembly, that we are having a debate on it, and we are fixing liquid waste. My final word is the extension of the sewage programme. This is important and it is challenging because the last few properties connected to the liquid waste network are very expensive, as the Connétable of St. John will understand. That is why in this report by the Minister for Transport and Technical Services is a clear statement of what will be done to help those homeowners in terms of facilitating land connections. A previous Minister for Transport and Technical Services got into quite a lot of difficulty when he tried to invoke something that was an example of it.

[16:15]

But I believe that on balance sometimes that landowners should be required to provide infrastructure in terms of environmental improvements, and they should be. Those should be carefully judged, carefully balanced, but they should be made effectively to operate. That happens everywhere else, infrastructure companies can get private land. Of course subject to compensation, of course subject to consultation, and those powers should be used. That was in the drainage law, it should be used and certainly we should be providing assistance to those landowners. I had a commitment to help that to happen for those landowners and we should work to do it and that is an important part of this proposition. I have no doubt, well done to the Minister for Transport and Technical Services and his team. I have confidence in this. I know it is funded. I know that they will deliver and I hope that every Member of this Assembly will show a ringing endorsement to what is another major step forward of fixing Jersey's infrastructure and making it better.

6.1.15 Deputy J.A.N. Le Fondré:

In essence, the proposition can be summed down to 4 parts, as we know. One is the water framework directives issues; 2, is about the sewage plant; 3 is about the infrastructure programme, and part 4 ...

The Bailiff:

Sorry, Deputy, I think we have just gone inqurate. Please summon Members back, Usher. Very well, we are now quorate.

Deputy J.A.N. Le Fondré:

It was not going to be that long a speech. As I said, there are 4 parts to this proposition, just really to try and bring people back to where we all are. The water framework directive, the changes to the sewage plant, the improvements in the infrastructure programme and, finally, as has been alluded to by quite a number of people here, the strategy for householders to connect mains drains or the sewer network. I am just going to talk briefly on that really, the last 3 items, but try to address a couple of points that have been raised. Obviously one issue generally is the culture of the Island

that we live on to achieve, for example, the major change in the way in what you might call the delivery system of what we are dealing with, would be such a major change in the culture that we have, if we did not think it was basically a practical way at this stage. In terms of capacity, we need to get the existing plant and then the infrastructure sorted out first. That is basically by replacing the plant, repairing the network, separation of the foul sewage from the surface water, which will have a major impact on the capacity of the network. It is only once you have got the capacity sorted out that you can then look at adding even more householders to that network. In summary, really the sewage farm at Bellozanne is old and needs replacing. It is that simple. That is the £75 million. How you do and what you do about what the argument might be about the technology for using that replacement, we have not covered that too much, so I am not going to go there today fortunately. But we have had 3 sets of advisers, one from Scrutiny, and they have all endorsed the proposals. I think that is probably what one needs to say. It has been given a reasonable review, it is replacing and using basic existing technology. Yes, there may be some issues around that but it is a prudent way of going and it is not a system you can turn off at any point while we are changing things. The other element, of course, as we have said, is the infrastructure is the wider sewer network. In essence, that is going to be funded through a provision and the rolling votes going forward for the next 20 years. That is an estimation process. It is very clear. It is a 20-year programme and to that extent I agree with Deputy Young, there is always going to be a degree of uncertainty over that period and you may well have to adjust your planning accordingly. But I think there is a reasonable certainty, assuming one assumes a rational Assembly, which hopefully as politicians we would always do that, that the money will be made available. The other point I make is that at the present, and because it is on a sample basis, there is a suggestion that costs may not be as high as anticipated in the repairs we have to do because the surveys that are coming along are saying we can clean and reline a lot of the pipes rather than digging them up. So that will be a cheaper result. I think also one has to put credit where credit is due, the department is going to be receiving about £5.5 million a year rather than £2 million. That is an improvement in the investment we are going to put into that infrastructure. If at the end of the day, in 15 years' time, we come to a point that there is a problem in terms of the envelope of the funding available, you prioritise. You look at your existing infrastructure spend and you turn round and say: "Okay, maybe the assets are at their best, we may have to look a little bit to reprioritise that money to go to the ones that really urgently need repairing." So I think it is a reasonable approach to where we are going. In terms of people not on mains drains, I think we have got to say that the strategy does provide for an improvement. It is planned that an extra 1,400 households will be connected as a result of those proposals but we will be suggesting proposals to help the remainder of people. Now that strategy is yet to be determined and we have already had some views today about compulsory purchase, cap the amount a landowner can charge for access over his or her land and all that type of stuff. One point I just make, to contribute to whenever that debate does happen, and also without necessarily endorsing any views one way or another, I hasten to add, is that there will be other perspectives out there. In fact, I think the Minister for Treasury and Resources has reminded us of the fate or the experience of, I think it was the first Minister for Transport and Technical Services, Deputy de Faye, on a proposition brought by the then Senator Shenton on an issue in St. Brelade, if I recall correctly. Basically the whole Assembly went against the Ministerial decision of the day. But, for example, if we say we want to help individuals but not help developers, well that might just mean that any developer will find a means of not connecting into the sewer network but leave it to the individual, if he can get away with it, and therefore bypass his responsibilities and, more importantly, take the profits. There is also an argument that households not on mains drains will probably have paid less for their property, it depends. They will likely get an uplift in value when they are connected. So therefore one unforeseen consequence if you do not handle it correctly, is you might be, by imposing something on one landowner, which could be something going across your small back garden, was simply giving the benefit from one landowner to a different

landowner. I am trying to make the point it is going to be very fraught with difficulties. One might want to consider a grant or loan system instead. We do not know. But those are the type of issues we are going to have to address in the strategy. It will be fraught with difficulties and it probably will not be as straightforward as people might think. It is going to be a balance between the rights of one set of individuals and the rights of another. In the past, as I think reference has been made, there has been talk of a sewer charge. I know that outside of the department certain people were keen on it. Certainly, at present the system for T.T.S., I am certainly not supportive of that approach and I just put down a marker there that it is about the fundamental principle of why we pay income tax. It is surely to pay for the provision of certain services and to me the removal and treatment of sewage is one of those most basic services that is provided. You cannot turn it off. You might as well just tax breathing. I say that just to lay down a marker to the States that in any point in the future, I hope a sewer charge would be very much the last choice of any future Assembly. Senator Ferguson asked very briefly about the issue of nitrate levels between drinking water and what comes up from the Bellozanne plant, and it is a dilemma we face. The summary answer is that it is highly technical and one of the issues is that there are 2 different directives which set different limits based on different chemical compounds. They are not directly comparable unfortunately and I think the best answer is to go and have a chat with some of the technical people who are sitting out in the back room. But it is an issue that will have to be addressed before going ahead. I think that is probably all I really wanted to say apart from just to conclude on a couple of points from the proposition. The issue around surrounding nitrates generally, and it is in the report on page 10, is that the vast quantity - and the issue around nitrates is the impact on St. Aubin's Bay ultimately - of nitrates in that bay are there from the tides, and if you like it means it comes from our neighbours. So there is a small impact from the streams and there is a small impact from the sewage works. The vast quantity is from the tides so how much focus you wish to place on the output from Bellozanne versus the output from our neighbours one might want to consider. I think it would help, just as a concluding sentence, to refer Members back to the conclusions from AECOM, which was the advisers that the Scrutiny Panel used, and I endorse the comments from the Minister in highly congratulating the Environment Scrutiny Panel on the work they have done. They basically say in conclusion, in relation to the strategy: "The options provided for delivery and funding of the strategy are considered to be suitable and the sensible approach." I think to be honest that is what one wants. One is replacing an existing asset and particularly focusing on the sewage plant it needs to be done, it does need to be done now and it is a reasonable approach. That is not only the view of the department but it has been scrutinised and that is the view of the panel. On that basis I hope Members will be supporting the proposition.

6.1.16 Deputy T.A. Vallois:

I am going to be fairly brief, but I am just going to ask the Minister to basically clarify some particular areas that we are being asked to agree in the report and proposition before us. I will start with section 7, which is at page 47 of the actual strategy of the report. As a States Member who is required to make these kinds of decisions, especially for a large amount of money to go into infrastructure, I am not saying it is not necessary, but what does concern me - and I come across it quite a lot unfortunately, and it is something that the States is certainly improving at, but the alarming thing that jumps out at me here - is that there is an incompleteness of data in Jersey and the assumptions that are being used to base the agreement of this money from. So I suppose my question really is to the Minister for Transport and Technical Services as to how long will it take to acquire the necessary data to ensure that in future when Members are placed in this position of having to provide large amounts of capital infrastructure money that they have the sufficient data underpinning the reasons behind putting this money forward. There is also a mention of an ongoing programme to replace pipes and can the Minister just clarify that that is under the capital that was voted for his department, as part of the budget, or whether that was the additional money

provided under the £10 million in the budget last year, I believe it was. Sorry, I have just got little bits and pieces if the Minister could clarify for me. Page 71, the actual proposition was asking us to request the Minister for Treasury and Resources to bring forward for approval as required the necessary funding arrangements. It refers to this particular section, page 71, and it says: "The additional funding required for the new plant will either have to be funded by additional borrowing or direct taxation." Could the Minister for Transport and Technical Services explain whether there have been any discussions around what the borrowing might look like or what that direct taxation may look like? I have looked at the budget statement that is also referred to in the proposition, which does not actually refer to that particular question that I am asking. So if the Minister can just give me a brief explanation of what those discussions surrounding, whether it was additional borrowing or direct taxation - I am sorry if this is a bit monotonous but I just need clarification under these areas. The Strategic Plan that is being used is the Strategic Plan for 2009 to 2014, as I understand, which is on page 6 of the strategy. It states that in order for us to achieve maintaining and developing the Island's infrastructure there was developing funding mechanisms to address the backlog of deferred maintenance of sewers.

[16:30]

Can the Minister explain why that was deferred maintenance in the first place and what impact that has had on the reasoning for us being in the position of where we are? The final question I have is with regards to the £135 million funding; I believe it is planned that it was a £6.75 million a year under the capital infrastructure rolling votes for T.T.S. - tell me if I am wrong - but if that is the case then could the Minister explain whether there are any other particular services that T.T.S. are providing in terms of infrastructure that will be affected in order to provide that additional funding over the 20-year period. I believe that is all I need further information on.

6.1.17 Senator I.J. Gorst:

As other Members have said, we set up a Ministerial Oversight Group to oversee the bringing forward of the Waste Water Strategy and I was pleased to be able to chair that group. As you can tell from the contributions today that group was not always perfectly aligned and was robustly challenged throughout the process and discussions among that group, as I believe that Members would expect. We were not able to, unfortunately, reach a unanimous decision from a political point of view although, as Members have heard, the Environment Department were satisfied and are satisfied with the regulatory needs that this strategy will fulfil and comply with and the T.T.S. Department believe that this is the best possible solution for Jersey otherwise they would not be bringing it forward. I hope that Members can take great confidence in that; that at the heart of the development of this strategy was robust conversation and robust challenge about whether this strategy was right for our community. So it is not an area that I am naturally inclined towards. The Connétable of St. John seems to glory in these issues. It was something that I believe is critically important to the future of our community and I have been privileged to visit a number of sites which are under the control of the T.T.S. Department, going down the Cavern, going down into some tunnels under St. Helier, going around the incinerator, going around the sewage treatment works. It sounds as though I have been doing nothing else other than visiting T.T.S. sites but what those experiences show is that there is work undertaken day and night, day in, day out by committed members of our staff at the T.T.S. Department and so this afternoon is an opportunity for me and for this Assembly to thank them. Other departments, perhaps, are more high profile than their department but the work that they give and provide is unseen and often uncommented upon. I, as Chief Minister, am grateful to them because they literally do keep the lights on, keep the toilets operating, all things that we take for granted every day and we do not give it a second thought, but they do not work without all the hard work that is put in by that department. This afternoon we are joined in the anteroom by a number of the experts in that department and I want to

thank them, although it is not face-to-face for all the hard work that they have put in in getting us to this particular point. It is appreciated. I appreciate it. We appreciate it and we do not say that often enough. It is not always good to ask others for praise and I know that the Connétable of St. John led the Assembly in that direction earlier today but, as I said to him when he left the Chamber, I have it in black and white to thank the Scrutiny Panel in the comments that I am making today and I am going to continue to do that even though he has listed that thanks from the Assembly previously. They did a good body of work in a short period of time. They utilised expert advice and they have made some good suggestions but they are supportive of this strategy and I am very grateful for the work that they have put in in helping us to get to the decision today and in, ultimately I hope, helping the Assembly to decide today that this is the right strategy for our future. So there has been collaborative working, not only on the side of Ministers but also working in partnership with the Scrutiny function and I believe that that shows our system at its best and when we work in that way we come up with solutions that I believe that we can support and ultimately that we can be proud of. We could have chosen other technologies, some would have been more radical than others, some would have been more suitable to rural settings than urban settings, some not so well tested and used as the system that we proposed. If we look back into history other speakers have mentioned the Roman system - I believe that someone is going to correct my historical knowledge here - but I believe that it was around those times that water-based systems became more favourable and it has taken us many years to be able to have a fully functioning water-based system. There are still some areas of our community that are not yet attached to the mains water system and they have to deal with it in the way that we know that they do. I believe that it is right for us, for the next 20 or 30 or 40 years, to rely on that water-based system. Some of the ideas that the Minister for Planning and Environment suggested during our Ministerial Oversight Group are rightly ideas which can be promoted by his department when planning applications are submitted and can be experimented with, as members of our community might wish to, or as developers might wish to, but I do not believe that it is right for us to wholesale foist it on our community now. The system we have got has served us well. It is breaking down. We need to renew it. That is exactly what this strategy does but it goes one step further than that as well, and I believe that it ultimately gives hope to those elements of our community that are not yet attached to the mains drain system and the rolling-out of this strategy, the overcoming of the hurdles that the Connétable of St. John spoke about, I believe, will allow the final implementation to those difficult to reach areas for all sorts of reasons. So I think we can be confident that this new system will comply with the relevant Directives. We know that the Environment Department is satisfied with it. They are satisfied that it will comply with those Directives and it will mean that we can continue to have a coastline and an environment that we are not only proud of but that we can enjoy throughout the year as individuals with our families and as a community. Any Member that has not seen the departmental video - it is on YouTube, I think I tweeted it again last night - it is an excellent video and it shows exactly why it is that we should be doing what I hope we are now going to go on and do by accepting this strategy because it is technical, because it is unseen, because it is expensive we do not think about it, but it is strategies like this and the work the department does that creates the environment that we all enjoy and that we take for granted every day of our lives. I am proud to be associated with this strategy. This is a government that has corrected and ensured that there is suitable and appropriate investment into infrastructure into the future. We are not afraid of dealing with difficult decisions. In fact we revel in dealing with difficult decisions. This is tackling one of those difficult decisions. It is something that every Member, when they vote for it today, can be proud of the vote that they are going to make and I recommend it wholeheartedly to the Assembly.

The Bailiff:

Does any other Member wish to speak? Then I invite the Minister to reply.

6.1.18 Deputy K.C. Lewis:

I would like to thank all Members who have spoken. The Constable of St. Lawrence asked, what is an affordable solution and how will this be managed? The £75 million will be funded from the T.T.S. existing infrastructure capital budget, £12 million; States Capital Programme, £31 million; Consolidated Fund, £3 million and borrowing from the Currency Fund 2015/2016, £29 million. The monies borrowed from the Currency Fund will be paid back from the revenue savings made from the new plant. These savings will come from chemical costs, transportation and the co-locating of solid waste operations at La Collette. Senator Ferguson asked, compliance with E.U. Directives, is this helpful or over the top? While Jersey is not a member of the European Union the States of Jersey made a commitment in “*2000 and Beyond*” and in the Environmental Charter of 1996 to ensure that standards are at least equivalent to those given in European Directives. A failure to meet those Directives would result in a reduction in bathing water quality which I feel would not be acceptable to those users of our recreational waters. The risks of the proposed new sewage treatment works have been minimised by using proven, robust, reliable technology. Provision for additional treatment processes are allowed for, should it be proven that it is required. Deputy Le Hérisier: the scheme is out of the blue and worried about funding. T.T.S. has been developing the liquid waste strategy since 2008 and during the last 6 months held a number of presentations to States Members and the public. What other options were looked at for treatments? A comprehensive review of process technologies has been undertaken by a number of specialist consultants who confirm that a conventional activated sludge plant meets our criteria of a flexible, sustainable, proven and affordable solution. The activated sludge process is the most widely used secondary treatment process and can be designed to any of the consent standards that are required now or in the future. Alternative locations for the new sewage treatment works have been considered and Bellozanne is considered the best location due to the cost of reconfiguring the sewage network to connect to a new location other than Bellozanne. Deputy Hilton: elaborate on strategy for drainage connections over private land and timescales. This was touched on by the Constable of St. John and also, I believe, the Minister for Treasury and Resources. The existing drainage law gives me the power to serve notice on private landowners to lay public sewers across private land. Historically there has been a policy of not using these powers for the benefit of private individuals or private developers. However, the Council of Ministers has tasked me to find a mechanism for using these powers to assist private individuals if possible and to produce a further strategy for providing such assistance. Work on this further strategy is yet to commence but I would hope to bring proposals back to the Assembly next year. Deputy Southern needed assurance that the findings of the Scrutiny Panel have been addressed. I can assure the Deputy that the recommendations of the Scrutiny Panel have been considered in detail by my department, many of which are in the process of being implemented. Deputy Baudains worried about capacity on the eastern part of the sewage network. Significant work on resolving infiltration issues in the east of the Island has been carried out and is still ongoing. This will release capacity for the further development into the future.

[16:45]

In addition, relining works are also restoring structural integrity to key sewers in the area. Also inquired about estimates of the cost of strategy in a network, the estimate of £135 million over 20 years is based on T.T.S. knowledge of the current and predicted future state of the network assets making up the drainage infrastructure of the Island and was partly based on the then current cost for sewer rehabilitation work. Advances in rehabilitation methodologies and technologies are continual which will mean the works required for future upgrades, maintenance and repairs will become more cost effective. Works recently completed are already beginning to bear this out. It is therefore anticipated that much of the £20 million shortfall will be found from efficiencies in the sewer rehabilitation and general management work. Provided that T.T.S. continues to receive

appropriate infrastructure funding, currently 1 per cent of net asset worth each year, the sum available within the Infrastructure Maintenance Programme should be sufficient to meet the requirements. The Constable of St. Ouen asked about the contribution of local contractors to the scheme. The main sewage treatment work construction is likely to be designed and built; contract carried out by a specialist U.K. contractor however it is envisaged that the significant primary enabling works will involve the use of the local contractors in line with the standard States of Jersey Procurement Policies; U.K. contractors will be encouraged to work with local partners as much as possible. The Minister for Planning and Environment has been disappointed that he was not consulted earlier but his officers have been working in conjunction with my and Treasury officers for the last 7 years. Confused over combined systems: Transport and Technical Services Department's highest priority is to separate rainwater from the foul sewer system. This will generate the additional capacity which would deal with the additional population needs of the Island over the next 50 years. Suggested different treatment options, *et cetera*; although an interesting concept the treatment of grey water and, as the Minister for Planning and Environment states, black water is the same process therefore it is illogical that the 2 treatment systems are suggested. Cavern not big enough or Cavern overflows once a week: just to reassure Members the Cavern overflows on average once a year only when we have 2 storms in quick succession. The Cavern is utilised on average once a week but all flows are returned to the sewage works for full treatment. Population assumed as 100,000: my department have utilised the States agreed population figures to size the plant for the future. Furthermore, the suggested solution is future-proof and can be modified as we have designed in the necessary flexibility. Inadequate information on the sewer network: we have a fully up-to-date computerised model of the network. The small sewers are not surveyed as they are too small to survey in this way. This is perfectly normal practice within the industry. Cost variability for the capital works: cost estimates are exactly that and need to have a contingency at this stage of the project. Finances not sustainable and adequate: the Minister for Treasury and Resources and his officers have provided a sustainable solution for funding. We will need to save costs within the T.T.S. and the new plant will enable us to do this. I would also like to go on record to give my personal thanks to the Minister for Treasury and Resources, the Assistant Minister for Treasury and Resources and indeed the Treasurer of the States for putting this wonderful package together. Cost benefit, environment benefit have not been done: as Minister for Transport and Technical Services I am very disappointed that a member of the Waste Water Ministerial Oversight Group is criticising the environmental benefits of the strategy which have been challenged and reviewed by external experts and industry specialists. Suggest that delay would be beneficial: delay is the worst possible outcome for T.T.S., for the environment and for the reputation of Jersey. Suds and grey water is essential but does not take any biological load off the sewage treatment works. Deputy Vallois made a comment referring to the funding requirements outlined in the original Waste Water Strategy that was prepared in 2013. Page 21 of the report and proposition sets out the funding that will be used. I think I have covered everything. I would like to thank everyone who has spoken and I ask for the appel.

The Bailiff:

The appel is called for then.

Deputy J.H. Young:

Clarification please.

The Bailiff:

One moment. Deputy Young I saw first.

Deputy J.H. Young:

I think the question was raised about... whether or not, if the need arose for virus treatment, antivirus treatment, the Norovirus, whether or not the strategy would deliver that.

The Bailiff:

One moment. Minister, do you wish to respond to that query?

Deputy K.C. Lewis:

The T.T.S Department has been working closely with the Environment Department and all discharge consents have been agreed. Should any additional equipment be needed for the future this is a bolt-on system and can be remediated in future.

The Bailiff:

Senator Farnham, sorry, did you wish to raise a point?

Senator L.J. Farnham:

Point of clarification. A few minutes ago the Minister was saying he was very disappointed with something. I just missed that. I just wondered who he was disappointed with and why but it is not...

The Bailiff:

I think if a Member is not listening a Member cannot ask a question. **[Laughter]**

Senator L.J. Farnham:

I was listening. I just did not hear I am afraid, sorry.

The Bailiff:

Very well, then the matter before the Assembly is the proposition of the Minister. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 43		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Deputy T.A. Vallois (S)		
Senator P.F.C. Ozouf		Deputy M.R. Higgins (H)		
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				

Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy of St. Mary				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy N.B. Le Cornu (H)				
Deputy S.Y. Mézec (H)				

The Bailiff:

Very well. Before we come to the next matter may I inform Members of 4 lodgings: Projet 109, Draft Employment (Amendment No. 8) (Jersey) Law - lodged by the Minister for Social Security; Projet 110, Draft Health Insurance (Performer List for General Medical Practitioners) (Jersey) Regulations - lodged by the Minister for Health and Social Services; and Projet 111, Draft Residential Tenancy (Deposit Scheme) (Jersey) Regulations - lodged by the Minister for Housing; and hot off the press, Projet 112, Draft Proceeds of Crime and Terrorism (Tipping Off Exceptions) (Jersey) Regulations - lodged by the Chief Minister.

7. Sunstone Holdings Limited and De Lec Limited - *ex gratia* payments to investors (P.90/2013)

The Bailiff:

Now the next matter on the Order Paper is Projet 90, Sunstone Holdings Limited and De Lec Limited - *ex gratia* payments to investors lodged by Senator Breckon. Are you happy to proceed, Senator? I will ask the Greffier to read the proposition.

Senator A. Breckon:

Yes. We probably will not finish tonight but I am ...

The Greffier of the States:

The States are asked to decide whether they are opinion - (a) to request the Minister for Treasury and Resources to make *ex gratia* payments from central reserves to investors who suffered financial losses as a result of investments they had made in Sunstone Holdings Limited and/or De Lec Limited with such payments being limited to a maximum of £48,000 per investor (with this maximum being calculated as 100 per cent compensation for the first £30,000 lost and 90 per cent of the next £20,000); (b) to request the Minister for Treasury and Resources to take the necessary steps to bring forward for approval legislation to require the Jersey Financial Services Commission to make a one-off payment to the States to meet the total cost of the *ex gratia* compensation

payments made under paragraph (a); (c) to request the Chief Minister to bring forward for approval, no later than December 2014 proposals under Article 27 of the Financial Services (Jersey) Law 1998 for the establishment of an Investor Compensation Scheme in Jersey.

Senator P.F. Routier:

May I, just before we start; I am a personal friend of one of the investors so I do not believe it is appropriate that I take part in this debate. So I will declare an interest and leave the Assembly.

The Bailiff:

Well, it is a matter for you, Senator. It is not a matter for which you have to withdraw. It does not come in, but it is a matter for you.

7.1 Senator A. Breckon:

Thank you. I would like to declare as well at the outset that I have no pecuniary interest in this matter or any close family members although I do know people who have lost money. The other thing, on a procedural matter, when we do get to a vote, which will probably be tomorrow, I would like to take (a) and (b) together, and (c) separately. Are there any issues with that? That is okay?

The Bailiff:

Yes.

Senator A. Breckon:

As Members will know we started this debate on 24th September 2013, continued on 25th September and as a result of that Members felt they wanted further information and the Chief Minister gave an undertaking to commission a report. I would like, at this stage, to thank the Chief Minister for that and also to Mr. David Thomas who undertook it and was very thorough indeed. He is a former Chief Ombudsman in the U.K. and his investigation was very thorough, but having said that this was moved from September to early in January and, as Members will know, it has been on future Order Papers and has been moved because of the thoroughness of this report. I say that because there was a considerable amount of paperwork within the Financial Services Commission to which Mr. Thomas had access, which amounted to about 25, 26 document boxes of papers. There was then information which investors gave permission to be released with the Financial Crimes Unit of the States of Jersey Police and Mr. Thomas went through all this paperwork as well as meeting with those individuals who were so requested or having telephone conversations. The other thing, when this debate started - and it is probably unusual - is that there are 3 new Members of the House, as it was constituted at that time, and that is the Constable of Grouville and Deputies Le Cornu and Mézec so I do not propose to repeat the arguments I made then but I think it is important to put some substance to the situation as it were. So what is it really about? What is this really about? Well, it is about people and it is about money and it is about the regulator and it is about regulations, but there is also one key factor in that and that is trust. People had trust and I think that is very important because it is a real issue and they are people that we know but we do not know that we know - if you know what I mean - because some people have not identified themselves. I had a telephone conversation over the weekend with someone who has been affected by this, who I have known for probably 30 years, and I did not know they were affected by this at all until I had that conversation. So what has happened? Obviously we cannot go into details because there was an 8-week trial in the Royal Court as well as the paperwork and basically people have been known; they have been investors with various individuals for 10 years and more in some cases. The financial advisers were known to these individuals. They were known but they were also trusted and they were trusted through a company called Goldridge Stone, which no longer exists. Even before the conversation at the weekend the person told me that they knew one of these individuals as a collector for Pearl Insurance, so that goes back longer than that.

In Mr. Thomas' report he describes the financial advisers as plausible and persuasive. Well, maybe if we just stop for a minute and consider maybe Ministers. Would we say, in this Assembly, that Members are plausible and persuasive? We probably would. So in the same way we all, in our daily lives, have some trust in other people. The same as these investors did with their financial advisers and they had, indeed, no reason to mistrust them. That is really where this was but it was through Goldridge Stone, and I will use a couple of quotes in a minute or 2, to show some of this and again it was based, as I say, on trust but those financial advisers with Goldridge Stone had a knowledge of people's circumstances.

[17:00]

They knew who had some money and I want to touch on some examples of that in a minute or 2. First of all, I want to touch on some of the court papers and what was said in the judgment. I would like to thank the Judicial Greffier for directing me towards some of this. There are a couple of examples and it says this: "The way in which the 3 appellants [I will not name anybody because there is no merit in that] operated Sunstone demonstrated a clear pattern, the same pattern which the appellants, X, Y and Z, used to operate De Lec. One of the appellants - himself, or another - would approach an investor, whom he knew, usually because the investor was a client of a particular company." That was Goldridge Stone, so that is the key point. Now, they were a regulated entity. Also, again in the court papers, these are from 18th April 2013, it says this: "By way of example in count 7, the 3 appellants [and they are named there] were charged in relation to the inducement in May 2005 which led somebody to invest £30,000 and the person was a client of Goldridge Stone." So, again, that connection is there. Also, again in the court papers at paragraph 7 it says: "The appellant [so-and-so] started Sunstone with other appellants to take additional advantage of the client base which these 3 appellants enjoyed from their investment consultancy business" and that is Goldridge Stone. The 3 of them were all directors of Sunstone and that is the link between the regulated and the unregulated. Also at paragraph 11 it says this: "In 2005 the appellant, A, set up Sunstone with the appellants, B and C, the 3 of them had been in business together in Jersey as regulated financial advisers trading under the name of Goldridge Stone. Once Sunstone was established these 3 appellants approached many of their Goldridge Stone clients and successfully persuaded them to switch their investments to property in America through Sunstone." So they are doing the equivalent, in my opinion, of insider trading. They had a knowledge which they used to gain the confidence but also the money of the investors. Furthermore, in the judgment at paragraph 383, it says this: "The Crown asserted in documents prepared in advance of the sentencing hearing on 4th and 5th October 2012 that the Sunstone appellants in utilising their Goldridge Stone clients [and I quote] knew well what funds their clients had and all 3 of them, we say, exploited that knowledge and the trust those clients had in them to persuade them to switch money out of otherwise relatively safe and regulated investments into their entirely unregulated U.S. (United States) property scheme." End of quote. That paragraph goes on to say: "It is difficult to gainsay the force of this comment. In the view of the court that exploitation is a factor which significantly aggravates the gravity of these crimes in relation to the conduct of all the Sunstone appellants." The other thing that was in that judgment - and I said I do not intend to name anybody - it gives a flavour of people's circumstances. At paragraph 402 of the judgment has this to say: "So far as appellant A is concerned the following observations and comments of the investors in the counts in which he was convicted have to be borne in mind. The effect of the fraud on the victims is, and we have pointed out the fourth feature identified by Lord Lane in *Barrick*." A person lost a £25,000 investment and they said in their statement: "The loss of this money has had a devastating effect on me. This was the only money I have ever had and I have lost it all." Another person goes on to say, who was then 63 years of age and who lost £130,000: "Mr. A was aware that this money amounted to the vast amount of our spare funds. We trusted him and now feel that our trust was totally misplaced. The loss has had a profound and long-term effect on our lives." Another person

who lost £77,000 of their £100,000 investment said: “We feel betrayed in that Mr. So-And-So was our financial adviser and we trusted him. The money we have lost has had a significant impact on our lives. My husband has had to continue work beyond the age of 65 when he should have retired.” Another person who lost the entirety of £95,000 investment said this: “I feel totally let down and betrayed by Mr. So-And-So. We trusted him with our money in good faith and he has not told us the truth.” Another person said this: “We were not wealthy and were risk averse. We no longer have any real savings.” Another went on to say: “I feel totally betrayed by Mr. So-And-So whom I trusted as a friend and financial adviser. We are forced to live from day-to-day saving where we can.” Someone else said: “I feel abused. I feel Mr. A abused our friendship and trust. The loss of this money, which was £182,000, has had a catastrophic effect on our finances.” Their current financial situation is revealed in their impact statement and can only be described as pitiful. Another person said, who lost the bulk of the investment as a result of the appellants’ inducements: “I cannot overemphasise the trauma that we have gone through as a result of the loss of our money. It has been devastating.” Another person said: “I feel mistreated and misled by Mr. A. This was the only inheritance I was ever likely to get and I was putting it aside for my future. I am now in a much more precarious position.” Finally, from paragraph 402 is this, and this was the last investor to be taken for money and the loss was £140,000: “This is a significant sum of money to me. The damage to me personally is incalculable. The life plans that I had are no longer achievable. My financial future has now become extremely uncertain.” About that person, that was the last person who lost money and that was at a time when the Financial Services Commission were aware of the situation. It was in early 2008. The commissioner of the court had this to say: “When it came to the final counts your fleecing of Mr. So-And-So was as dishonest as it would have been if you had held up a bank to get the money. The Jurats were satisfied in the trial that all 3 of you were present at the meeting that Mr. So-And-So attended. You had these in your offices and you were all there accompanying each other and that 2 of you were aware of what was going on when he was speaking to him.” So that is what the court described as recklessly misleading. I say that because those things are linked to Goldridge Stone which was supposedly the regulated entity. The individuals - the financial advisers - knew people had settlements and in one case an elderly lady, who was left on her own, her husband died, she sold the family house, she is in sheltered accommodation, and she had £200,000. They knew she had £200,000 and now she does not. It was not money she needed on a daily basis. It was something for the future and she was trusting of them. She went to one of their weddings and she more or less trusted them and took their advice in whatever that may be and now she finds herself in difficult circumstances because that trust, as we know, was betrayed. There are others; people had inheritances or 3 ladies I know of that were in unfortunate circumstances of separation and divorce who had settlements and their funds were used and abused by people that they trusted. Again, the link mainly was through Goldridge Stone. Also some had invested in bonds with known companies like Norwich Union or Zurich and they were persuaded to cash them in at a loss and Mr. Thomas refers to that in his report because that was a regulated financial investment. They were given advice by regulated financial advisers to cash that in and in his opinion in the U.K. that would qualify for compensation. I do not know personally everyone’s circumstances, when they invested, what and how much. I know perhaps a bit more than other Members but I do not know all the exact details but what it is, in my opinion, it is the equivalent of insider trading where their adviser’s knowledge of Goldridge Stone, knew people’s circumstances, they went to them over the years, they were trusted by them and we all know now the consequences of that. Members who did go to a presentation when this first came to this House by the Jersey Financial Services Commission might be aware that they did say that they had Goldridge Stone under surveillance, as it were, or under closer scrutiny, or whatever the term is, in early ... I think it was between 2001 and 2004 but then they decided that there were some issues but they were allowed to continue trading. The Financial Services Commission do have some sanctions, under Article 9 they can revoke a licence, under Article 23 they can issue a direction and

under Article 25 they can issue a public statement, and I want to come back to that in a minute or 2. In the case of Goldridge Stone they did none of those in the early days, they were just left to go on trading and I think that was probably a wrong decision at that time. I did meet twice with Mr. David Thomas who compiled the report through the Chief Minister's Department. The first time was on 19th November and I met with him again on Friday for a couple of hours to discuss not just what was in the report but also what was not because under his appointment he was not able to reveal some of the reasons for some of his findings because to do so would be a criminal act. He could say something but not say why. So I did try and explore some of that with him under Article 37.

[17:15]

I think his report does contain some informative words because on page 14, under paragraph 9, he asks: "Should the Jersey Financial Services Commission have taken earlier action on Goldridge?" and he asks: "Were there regulatory breaches by Goldridge? If there were did the F.S.C. (Financial Services Commission) take timely and sufficient enforcement action in respect of Goldridge? Whether or not the J.F.S.C. took timely and sufficient action in respect of Goldridge is a question of judgment rather than a question of fact. In my opinion, however, J.F.S.C. did not take timely and sufficient enforcement action in respect of Goldridge." It goes on to say: "I note that in the public statement issued by the J.F.S.C. in 2008 [which is annexed to his report] the principals are unfit to be employed by a registered person" and he agrees with that conclusion. He also says: "In my opinion if the J.F.S.C. had taken timely and sufficient action in respect of Goldridge, issues concerning Goldridge would have been likely to have become public before January 2007. These issues would have then been likely to have had a significant impact on the reputations of the 3 people and, allowing time for that news to spread to investors, would have been unlikely to invest or increase any existing investment in Sunstone and De Lec after March 2007. When in discussion with him he did say this: that there were issues before that but they were perhaps, if you are looking at it in a football tournament, yellow-card offences and not red-card offences but they were accumulative. There were issues there but perhaps not enough for a sanction but they were mounting up and perhaps should have been of concern to the regulator before they were. He also goes on to say that he notes that at the material time the F.S.C. were burdened by a large number of difficult and significant cases in which he had to take assertive action. Also, any failure by the J.F.S.C. in the period I examined is not indicative of the capacity of today's J.F.S.C., which has significantly enhanced enforcement resources. He goes on to say: "If the J.F.S.C. had possessed a wider range of graduated powers, such as possessed by the F.C.A. (Financial Control Authority) in the U.K., the relevant issues could have become public at a much earlier date." The reason I say that, as part of the proposition I am suggesting to Members, that some of these monies should come from the Financial Services Commission because I would say there is some blame there, although we are not in a blame culture. The other thing that is attached to his report, and I will not read them all out, but there is on page 31: "Relevant provisions in the investment business code of practice." Although these are not legally enforceable they are taken into account, say, by a court when they judge whether somebody has behaved properly or improperly. There are things in there where obviously in this situation people did not behave as they should have done because it said, for example: "Where the J.F.S.C. has reason to believe that a registered person has failed to follow the codes it may revoke the registration." I think with the other things listed there, there are lots of things there about a person failing to comply and there are things there that should have sent, in my opinion, alarm bells ringing. I think that there is a failure to detect there that somebody has to be accountable and I think the system, if you want to call it that, has failed the investors. As I say, I do not know the individual circumstances of all of those investors but what I do know is some people's homes have been put in jeopardy because of that, others have put off retirement and some face hardship because of that. The people I am talking about I would generally consider as middle-

Jersey, hard-working, law abiding, bringing up their families with family values and they have paid their way. This is a very unfortunate set of circumstances where they find themselves today. It is not just today, they have gone through a torturous process of originally discovering people they trusted betrayed that trust, they have taken that money and it was not easily recoverable, indeed, at all in some instances. But because of that, as they say, we are where we are. Although they entered into this in good faith it has all gone very wrong. They were cheated and the court has described it as being recklessly misled. When they realised that things were going wrong, where did they go? Originally they went back to their advisers, they were told more lies and misled further, deceived. They sought legal advice. Eventually some went to the Financial Services Commission, some had been to Citizens Advice. I was Chairman at the Consumer Council and people came to see me. The only thing I could do, once things were in train, is inquire of the investigators: "Where are you with this because people want to know?" They went through the process of giving evidence to the Financial Services Commission, to the States of Jersey Financial Crimes Unit and some appeared in court, gave evidence and were cross-examined. Some could not do that because of confidence, age, infirmity, just did not want to go there. There was an 8-week trial and it was a traumatic experience. As we know, the outcomes were that 4 men were found guilty, one was sentenced to 15 months and 3 were sentenced to 4½ years. Then the question is, is this a result for the investors, having gone through all this, where do we go now? Because of the circumstances the financial advisers became virtually men of straw, there was nothing to claim, not one. I did go along with Deputy Martin to the last session of the Appeal Court and it was revealed in there that the person appealing, the legal team representing them were asked what their costs were and their costs were in excess of £450,000 but the lawyers were smart enough to put a charge on their house. The Chairman of the panel in the Appeal Court asked the lawyer: "Do you think it is fair that you should get this money instead of this little old lady?" He said: "Well, we are where we are." That is what has happened and, as I say, that is a significant amount of money. There was nothing really for people to claim against. This is where they were, between a rock and a hard place. For me this brings in where there should be a Financial Services Compensation Scheme and that is what I am proposing in paragraph (c) because it is something as a last resort and it is something that I believe should happen. From a previous court decision that has been mentioned, which is the case of Alternate investors, which was in January 2007 and the Commissioner, Mr. Southwell, had this to say: "If it be the case that Alternate is not insured, so that the sums ordered by the court to be paid cannot be recovered from Alternate's insurers, then the question might be asked why the States have not yet exercised the power given to them by Article 27 of the 1998 Law to establish by regulations a suitable compensation scheme or schemes." This is 1998, the law and this is a judgment from 2007 and still some 7 and bit years later we do not have anything in place: "In the absence of any effective system for ensuring that persons under the 1998 Law are firmly insured with adequate cover, the question became the more pertinent. The investors would be entitled to ask the question because in the absence of insurance of Alternate they would be left without redress and the States might consider that the circumstances of the investors, including Mr. X, Y and Z and others, require redress, a point which we will return to below." What they say below is that: "For the future, however, the court recommends that the issue, whether a compensation scheme or schemes should be established, should now be addressed." This is January 2007: "We emphasise that for investors such as those to be left without compensation should not redound to the good reputation of Jersey and its investment community." Following that the Council of Ministers, through the then Minister for Economic Development and the Minister for Treasury and Resources, a compensation scheme was put in place for those investors in Alternate and they did receive some money from that. The Minister for Economic Development did make a statement to this House to that effect on 13th May 2009. He did say that he consulted with the Council of Ministers and, generally speaking, the decision was to do this from some underspends and agreed with Treasury and Resources and that took place. He did tell the House at that time that

the decision follows the Royal Court judgment in the case of *Jersey Financial Services Commission v Alternate Insurance Services Limited*. He also said that perhaps it would happen. I have got a few more minutes, Sir, I would like to finish tonight, I hope that you do not have a problem with that: "Given the uniqueness of this case the Council of Ministers supported my view that there was sufficient grounds to make one-off payments to the affected investors. I hope that these payments will go some way in helping to relieve the consequences, including genuine hardship that many of these people have suffered, as set out in the judgment of the Royal Court. As a result of this case I have asked my department to commence a review of investor protection. In the past it was decided, in common with other jurisdictions, not to have a standing scheme due to the costs of running it. I have always intended to deal with exceptional cases as and when they arose, on a case-by-case basis, as in this instance. We will now look again at the cost benefit analysis of establishing a standing investor compensation scheme and we will report our findings and proposals to Members." That was on 13th May 2009 and I do not remember seeing a report to that effect. The reason I say that is the Council of Ministers in their comments still appear opposed to this. I would ask Members to remember that we did not use to have a Bank Deposit Protection Scheme. We now have and that is because of pressure from outside. Questions were asked, do you have a basic protection scheme and we did not? Now we have and that came from pressure from outside. The other thing with insurance schemes, if Members think of travel holidays, if you go on a package holiday within that is £2 or £3 for A.B.T.A. (Association of British Travel Agents) or A.T.O.L. (Air Travel Organisers' Licensing) or whatever it is but it is the insurance. If somebody gets stuck in Turkey or wherever it is they get sorted out by the scheme, so although everybody pays for insurance there is a benefit.

[17:30]

I think that it is time we came to that and did something about it. I am nearing the conclusion and I think what I have tried to show is that there is a responsibility. We have just had a very interesting debate about the water strategy, I think as it happened, but these are real people whose lives have been changed for the worse by a set of circumstances that perhaps need not have happened if other things had been known. What they did not have is the benefit of knowing what was happening to each other. They were not pool investors so they were not aware of the ramifications of what was happening elsewhere. I know it has been quoted as an example and it is not a regular ... but rather than splitting hairs I believe that we have some moral responsibility here. There is a cost and in my proposition it says that that cost should be borne by the Jersey Financial Services Commission. They have a reserve of £7.2 million. The other thing is they do have the ability to raise other money. At the moment they cannot raise money by fines but most regulators elsewhere can. The J.C.R.A. in Jersey can fine people but the Financial Services Commission cannot. There is the possibility for future income from that, although, of course, we do not want situations where that arises. But it does do and it has happened in the past, there is another case that I looked at, it could be a sanction that is available to them. But I think that this House has a duty of care. I can give Members an assurance, as I say, I am not naming any names but there are some people who will be known to you but they will not approach you because they feel embarrassed by this and also it is an emotional thing. They would like, at some stage, to try and draw some line. What I am proposing does not compensate everybody in full for what they have lost but it is, if you like, similar to Alternate. It looks at a financial compensation scheme in the U.K. that is 100 per cent of the first £30,000 and then 90 per cent of the next £20,000, which is what I am proposing. But I would like Members to really now, overnight, give serious consideration to what I have said because this is real people who have been badly affected by what has happened to them. We can demonstrate some positive action and translate that concern into positive action. With that, I will close and I make the proposition.

The Bailiff:

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

Deputy R.G. Le Hérisier:

The adjournment, Sir.

The Bailiff:

Yes, the adjournment is proposed. The Assembly will reconvene at 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:33]