

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 11th NOVEMBER 2014

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[9:31]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to His Excellency The Lieutenant Governor

The Bailiff:

On behalf of Members may I extend a warm welcome to His Excellency for our deliberations today? [Approbation]

1.2 Remembrance commemoration

The Bailiff:

Before we begin can I also say to Members that, with Members' agreement, I plan at 11.00 a.m. no matter what is happening at that stage, to interrupt the proceedings so that we can stand for 2 minutes to commemorate those who have fallen?

ARRANGEMENT OF PUBLIC BUSINESS

Senator P.F.C. Ozouf:

May I ask, I hope it is a point of order after hearing what Sir Lockwood said to States Members yesterday, can the order be changed on which panels are proposed? Forgive me for not having read the Standing Orders.

The Bailiff:

I think it is in Standing Orders, in the order set out there.

Senator P.F.C. Ozouf:

I understand that there is one potential panel which has no contest at all but I understand that there might be another candidate that may come forward. Therefore, in that eventuality, it might be helpful to deal with those panels who have a contest, and a known contest first, rather than potentially somebody just walking in.

The Bailiff:

Well the order is as set out. What I suggest is that if we do not get any nominations for a particular panel then we will move on to the next one and put it at the end.

Senator P.F.C. Ozouf:

In other words, there can be ...

The Bailiff:

But we must go for it in the order in which it is in the Order Paper at present.

Senator P.F.C. Ozouf:

But then somebody else could be nominated for it later, is that right?

The Bailiff:

No, if there are no nominations then we will put it down.

Senator P.F.C. Ozouf:

Then they just walk in?

The Bailiff:

But at the moment if there are some nominations, if people are not ready to be nominated, then that is too bad. So, in other words, we will do it in the order in which it is in the Order Paper but if, for instance, we get to one Scrutiny Panel and there are no nominations ...

Senator P.F.C. Ozouf:

It is just one Member who is unaware. **[Interruption]** That was my point. There has apparently been a lack of clarity on the fact that there are some panels there may be just simply one Member going into it and therefore no contest then therefore they just walk straight in.

The Bailiff:

Well, everyone has had plenty of opportunity to know. The Order Paper has been clear, if Members have not got themselves together, I think that is the consequence.

Senator P.F.C. Ozouf:

That is fine. You have made your ruling, Sir.

The Bailiff:

Very well.

The Very Reverend R.F. Key, B.A., The Dean of Jersey:

I would crave Members' forbearance, I will not be here at 11.00 a.m. in this Chamber because I will be presiding over the Remembrance Service at Victoria College.

The Bailiff:

Thank you very much, Dean.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Chairman, Public Accounts Committee

The Bailiff:

Very well, so we will now return to the Order Paper and the first matter is the Public Accounts Committee. May I invite nominations for the chairmanship of that committee? Yes, the Deputy of St. John.

Deputy T.A. Vallois of St. John:

May I nominate Deputy Jeremy Maçon?

The Bailiff:

Is that seconded? **[Seconded]** Any other nominations?

Deputy S.M. Bree of St. Clement:

I would like to propose Deputy Andrew Lewis.

The Bailiff:

Is that seconded? **[Seconded]** Any other nominations? Very well, so we have 2 nominations, so I would ask Deputy Andrew Lewis please to withdraw and go with the Assistant Greffier. Very well then, Deputy Maçon, you have up to 10 minutes to address the Assembly.

2.1 Deputy J.M. Maçon of St. Saviour:

Here we are again. The Public Accounts Committee plays an extremely important role in the functioning of both parliament and government. Its ability to hold officers to account with the

assistance of the Comptroller and Auditor General reporting to this Assembly is of significance to the way in which public services are implemented and the wishes of this Assembly to deliver in an efficient and effective manner. We have seen the development of the Jersey Audit Office by the Comptroller and Auditor General over the past year, in addition to the new primary legislation governing this office providing absolute independence and clear roles and responsibilities to this Assembly. The role of the P.A.C. (Public Accounts Committee) is to assist in determining the economies of scale held within departments for delivering wider public services. Issues of value for money are of great importance, especially in a financial climate whereby potential deficits will arise and particularly with a government whose wishes are to deliver more services for less. If I was elected to the chair of P.A.C. I would ensure that all previous reports compiled by both the Comptroller and Auditor General and the previous P.A.C. are followed up to ensure in particular the recommendations that have been accepted by departments are implemented and seek the evidence to find this in fact. The reason why I believe this is an important first priority is that there is a risk that a continuum of reports saying the same thing will not hold those responsible to account for effective change but potentially allow more get-out clauses. Governance is a huge issue within the States of Jersey. Without having appropriate governance arrangements and appropriate control of financial management, the Minister for Treasury and Resources will be facing a requirement to increase taxes much sooner than he believes. Value for money is not just about the number but about the quality of product or service that has been produced. It is about ensuring that the contract and project management is carried out effectively for the benefit of the taxpayer. I see my role not as being a thorn in the side of the Executive but more of an external management tool for the public to see how money is spent and whether it is spent efficiently and effectively and provides constructive solutions to assist the development of better governance and financial prudence. No, I may not have the qualifications in accounting or finance. I do, however, have common sense and political savvy to take this committee forward. I have also chaired, not only the Privileges and Procedures Committee, but also I was a former chair of the Education and Home Affairs Scrutiny Panel which shows that I have the ability to chair a panel, conduct meetings and also hold those to account in public. Therefore, I believe I would be more than able to bring this committee into function very quickly, given my past experience. Thank you. I look forward to Members' questions.

The Bailiff:

Very well, do any Members have questions for up to 20 minutes for Deputy Maçon? Deputy Tadier.

2.1.1 Deputy M. Tadier of St. Brelade:

Thank you. We were reminded yesterday by His Excellency who visited from New Zealand that an imperative and important part of government is to hold the Executive to account, which P.A.C. obviously is one of the bodies which does that. Does the candidate think that while in the past P.A.C. has come up with many interesting findings sometimes very critical of government spending that they perhaps lack the teeth to be able to do anything to hold those Ministers to account in real ways and, if so, what would the candidate propose for the future?

Deputy J.M. Maçon:

Of course the main role of the P.A.C. is to hold the Accounting Officers to account in order to ensure that policy adopted by this Assembly is implemented properly. It is very much a case of having the political will and backbone in order to drive these things forward if perhaps they are not being met. By my track record I am certainly not afraid of the Executive, nor to bring things forward before this Assembly to be debated. I think that is an important role of the chairman of P.A.C. to do that.

2.1.2 Senator P.F.C. Ozouf:

We have 2 candidates which is good for the position of P.A.C. The current candidate will have been in this Assembly over the last 3 years and will have seen effectively the spectre of the P.A.C. and Corporate Services working together.

[9:45]

As the previous questioner rightly said, P.A.C. is focused on the Executive in terms of almost being the Scrutiny Panel for the public sector employees and the Accounting Officers not employed. Sometimes there are grey areas; how would the candidate propose to work with the chairman of Corporate Services in order to deal with their segregation of duties?

Deputy J.M. Maçon:

I would not necessarily call it a spectre of Corporate Services. Certainly I think it should be a partnership between P.A.C. and Corporate Services. I think that the main issues are that P.A.C. is very much looking back over different processes, looking at the implementation, whereas Corporate Services are more so looking forward into quality development and, therefore, I think that is where the dividing line is. But I appreciate that at times there will be a bit of grey area but I have shown myself to be a team player and able to hand things over if appropriate or stand my ground if necessary.

The Bailiff:

Does any other Member wish to ask any questions of Deputy Maçon? Senator Ozouf.

2.1.3 Senator P.F.C. Ozouf:

If nobody else is going to ask questions, it is important I think to elucidate the answers and to try and test out exactly how the candidate, in a constructive way, would approach things, so forgive me for putting my light on. The role of the Comptroller and Auditor General is also another adjunct to the work of P.A.C. Last time we had the incidence of the P.A.C. producing reports themselves as a committee. Would the candidate agree that the committee's primary function is to take reports prepared by the Comptroller and Auditor General and then to effectively examine witnesses and the players that form part of the reports themselves perhaps rather than writing their own reports as a committee? I do not say "unprofessionals" but effectively the professional expertise, the C. and A.G. (Comptroller and Auditor General), the P.A.C. themselves are effectively non-experts, although parliamentarians. Would the candidate agree that he does not think that the P.A.C. themselves should be writing reports rather than concentrating on C. and A.G. reports?

Deputy J.M. Maçon:

I do believe that the focus of the P.A.C. is to receive reports from the Comptroller and Auditor General and therefore formulate work from that, but if I turn Members' attention to Standing Order 132, if you look at clause (c) under which the Terms of Reference of the P.A.C. are set out, it does allow for the P.A.C. to consider things more widely in that it is asked to assess whether public funds have been applied for the purpose intended by the States and whether extravagance and waste have been eradicated and sound financial practices applied throughout the administration of the States, so there is scope within that Standing Order to allow the P.A.C. to look at matters. So while I accept that the majority of the work from P.A.C. will be from the Comptroller and Auditor General that particular Standing Order does allow the committee to produce its own reports and that is the political dimension of that committee and that is why it is there. It is not simply to rubberstamp anything that comes from the Comptroller and Auditor General. I think the terms of the committee are laid out in Standing Orders.

2.1.4 Senator P.F.C. Ozouf:

May I have a supplementary on that? I agree with that but does the candidate not agree that the absolute primary driver of reports should be the C. and A.G.?

Deputy J.M. Maçon:

As I have already said the majority of the work will come from what the C. and A.G. does but I am not going to hamstring the Public Accounts Committee if there is something that comes along which they feel is of worth for them to delve into as laid out by Standing Orders.

2.1.5 Senator P.M. Bailhache:

The Public Accounts Committee has the very difficult task of holding what I might call the “establishment” to account and challenging on occasion very senior officials. Would the candidate care to identify an instance during the last period of time of his Presidency of the Privileges and Procedures Committee where there was a particularly nasty nettle that he gripped and dealt with?

Deputy J.M. Maçon:

One can almost say that everything one has to deal with in this place can be a nasty nettle to deal with. In particular I think there are certain aspects around the Police H.Q. (Headquarters) which my committee on Education and Home Affairs Panel robustly challenged. I also feel in that aspect we robustly challenged the introduction of the Taser Review, so much so that the Minister for Home Affairs did have to go back and look at his proposal to change it in order to resolve matters raised by the panel, which initially the Minister was not happy to do but once we produced the evidence he more or less had to do so. Therefore, I do believe that working as a team one can be effective and create changes in the States.

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

If elected, what would the candidate see as a priority in the first year for P.A.C.?

Deputy J.M. Maçon:

I think there are probably 3 tranches which have to be looked at, as I have already alluded to, following up on the recommendations which were already established by the previous P.A.C. Also carrying on the work from the previous P.A.C., the matters surrounding grants and subsidies which are given out are high on the priority and are something which do need to be looked into. Finally, with the aspect of ongoing public sector reform, the matters around governance by the Comptroller and Auditor General have got to be key and it is something which I believe that the P.A.C. over the next 3 years must factor-in to its work programme.

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

It was almost implied by Senator Ozouf that you should be looking at things discreetly so, in other words, only reports by the Comptroller and Auditor General rather than be looking at reports yourselves and not liaising with the chairman of the Corporate Services Scrutiny Panel. Is not part of the problem that we had in the past a silo mentality with our Ministries and it is important that we have a wider reach and greater co-operation with people, whether it be the Comptroller and Auditor General or the chairmen of the Scrutiny Panels to look at the work of departments and their expenditure?

Deputy J.M. Maçon:

Yes, as the Member will know the chairman of the Public Accounts Committee does sit on the Chairmen’s Committee which is chair of all the Scrutiny Panels and that committee is there in order to collaboratively work together in order to split up the workload among those Scrutiny Panels so that effective management of the function is done and also to ensure that duplication does not work.

Therefore, I would expect naturally that some form of collaboration and prioritisation between those bodies would occur and I would seek to continue that in the future.

2.1.8 The Deputy of St. John:

Could the candidate explain what his position would be if he found himself without the Comptroller and Auditor General and how he would pursue that particular problem?

Deputy J.M. Maçon:

The first answer is: with great difficulty as I know this particular matter did dog the previous chair. However, I believe again from her work that the National Audit Office in the U.K. (United Kingdom) was willing in order to assist in some matters with regards to carrying on the work within Jersey and I would be looking to that body in particular to try and assist us going forward.

2.1.9 Deputy M. Tadier:

The candidate being astute may have noticed the Chief Minister leap to his feet when he thought that his candidate, Deputy Andrew Lewis, was not going to get proposed. Does the candidate believe that it is important that Scrutiny is truly independent and not beholden to the Executive and can he comment on the Machinery of Government Sub-Committee recommendation that we should consider in future that the Executive should not be able to vote for Scrutiny chairmen and that should be left to Scrutiny on their own to appoint who they think best to hold the Executive to account?

Deputy J.M. Maçon:

I did not realise this was a question of an all and sundry. No, I should not say that. No, it is incredibly important that Scrutiny and the chairs of panels are of course independent but able to work collaboratively when they are able to with, not just the Ministers, but any part of the Assembly that should appear. I think in regards to who should vote for whatever panel, I think that is out of the Terms of Reference of this particular seat and I withhold from commenting at this time.

2.1.10 Senator P.F. Routier:

Every job has its good points and its bad points so could the candidate give me an indication of what he thinks is going to be the bits he is really going to enjoy and the bits he is going to dislike?

Deputy J.M. Maçon:

I think that in Scrutiny or P.A.C. the part which one always enjoys are the public hearings, holding Ministers to account, getting the evidence out of particularly tricky officers or Ministers; that is always an enjoyable part of the job. I think perhaps the least enjoyable part, although I accept it is going to be the most considerable part of the job, is all the reading and research that will go with this particular post though I have showed myself more than capable of doing that.

2.1.11 Connétable J. Gallichan of St. Mary:

Does the candidate consider the current sizing of the committee is appropriate or will he be seeking to change the size of the committee?

Deputy J.M. Maçon:

There is always a balance between how many members one should have on the committee versus being able to hold meetings that are quorate in order to progress matters. Just to remind Members that the Public Accounts Committee does also have non-elected members on the body and therefore in order to carry everything forward my intention is to keep the size that it is with 5 members and consider the workload and how we progress. If more work does appear, then I think it might be

appropriate to enlarge the committee but at the moment my vision is to keep it with 5: 3 elected members and 2 non-elected.

2.1.12 Senator P.F.C. Ozouf:

Following on from Deputy Tadier's rather curious question which he previously cited the wise words of our distinguished visitor, the former Speaker of the New Zealand Parliament, where he said that the Executive benefits from tough scrutiny. Would he not agree that what the Executive needs, and I am talking about the Executive in terms of the Civil Service and the public sector, that Ministers need a chair of P.A.C. and a C and A.G. which is not an issue of being the Chief Minister's preferred candidate or not in terms of friendship because it is nothing to do with that. But what the chair of P.A.C. needs to be is professional, tough and searching in relation to the way that they conduct their business. Does he think that he can do that and has he been at all to see any of the hearings of the P.A.C. or has he looked at any of the P.A.C. hearings in London and does he have any comments about the way that Margaret Hodge has run P.A.C. in the U.K.?

Deputy J.M. Maçon:

Shall I take those questions in order? Yes; yes; I believe that Margaret Hodge has done a very good job in regards to the P.A.C. in England. I think that her work has been exemplary. Her reports have not always been as well received and adopted as they should have been because she has come forward with some very good recommendations around different types of government structure with the matters that just come forward. I have also been to see the officer in charge of P.A.C. over here in order to get a briefing with him about the workload of the committee and also, yes, I have seen snippets, perhaps not an entire P.A.C. hearing, of the U.K. branch.

2.1.13 Deputy M. Tadier:

Can the possible chairman give his thoughts on the fact that there are many ways to chair meetings effectively and one does not have to be perceived as always macho or abrasive to be able to work effectively with the team? Can he confirm that if he is elected to this position he will do that job to the best of his ability but also employ the skills, not only of other States Members on that panel, but the non-Executive members who bring something to that panel?

[10:00]

Deputy J.M. Maçon:

In order to gather information during a Scrutiny hearing there are a different variety of tactics one can employ. Sometimes it is necessary to be tough, short and sharp in order to get specific chunks of evidence out of witnesses. At the same time there is also the possibility for a much calmer approach as often if witnesses are calmer in front of a committee they do open up and give out more evidence willingly. But of course it is a political judgment as to how the committee should proceed when conducting hearings. Of course, I have shown myself to be able to do this, chair a panel, in order to bring out the skills of those members on my committee and I am sure I would have absolutely no problem doing that with non-elected members as well.

2.1.14 Senator A.J.H. Maclean:

Could the candidate give some indication to Members who he might consider for membership of the panel and the criteria behind those particular individuals that make them good members and obviously potential members of the Public Accounts Committee?

Deputy J.M. Maçon:

It is a completely open door to any Member who should want to come forward and identify themselves if they want to be on the P.A.C. I think that the most important aspects, qualities, for

members on the P.A.C. are certainly to be critical, to be analytical and, above everything, on Scrutiny and the P.A.C., to judge things on an evidence basis. Those are the types of skills and qualities I would be looking for anyone coming forward who would want to serve on the P.A.C.

2.1.15 The Deputy of St. John:

Experience of the P.A.C. suggests that, no matter how much evidence you have to support your arguments and your report, you become rather more of a nagging individual to try to ensure that implementation is carried out appropriately. Could the candidate explain how they would go about this and try and break down the barriers of “them” and “us” and ensure that there is more of a cross-selection of dealing with implementation properly?

Deputy J.M. Maçon:

It can be a frustration for Members in this Assembly when one does have the evidence to back one’s arguments and perhaps the Executive is not willing to change matters accordingly. There are different ways in which these things can be actioned. These can be through, I would not call them “cosy” meetings, but sometimes a private meeting in order to have a discussion with the relevant Minister or Accounting Officer is one way forward. But I have absolutely no problem in bringing matters to the States Assembly if I believe that they are so serious that the P.A.C. effectively is being ignored and change needs to happen. I am not afraid to do that and if necessary I would do so.

2.1.16 Deputy M.R. Higgins:

The chairman of P.A.C. will come under pressure from Ministers. Do you have the strength of character to stand up to them and not be malleable and give in to their will?

The Bailiff:

Does the candidate.

Deputy M.R. Higgins:

The candidate, thank you.

Deputy J.M. Maçon:

Yes.

The Bailiff:

Very well. Now we will ask Deputy Maçon to withdraw and request that Deputy Andrew Lewis return. Yes, then when you are ready and have collected your papers, or not, as the case may be, Deputy Lewis, you have up to 10 minutes to address the Assembly.

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

Sorry for the slight delay but they found a particularly dark dungeon for me. Members, we are very privileged to live in a society which is supported by an economy that, despite the impact of a recession, has fared well compared with most other small jurisdictions. Anyone looking at Jersey from the outside can see from just a cursory glance that our economy punches well above its weight. That said, it will face challenges on a number of fronts. Balancing the books must be a priority of the Council of Ministers and if appointed as chairman I will challenge Ministers, not least the Minister for Treasury and Resources, to do just that. Public Accounts is about value. I have scrutinised public accounts for many years. Some of you will know that I was chairman of the Institute of Directors for a number of years. At that time we were challenging government all of the time. We used a P.R. (Public Relations) machine to do it and it was very effective. We are

honour-bound as an Assembly to ensure that the public receives fair value from their taxes and those that pay little or no tax should also be treated well within our benevolent society. As we know, tax receipts are falling and expenditure is increasing and we have consequent looming deficits. So what do we do? How are we to ensure that our Ministers act as responsible guardians of our public funds? In my mind there are 2 simple mechanisms for balancing the books: increasing taxes; increasing economic growth. But there is of course a third. It is a housewife's solution, or in this modern day should I say a houseperson's solution? It is simply this: we should not be spending money that we do not have and when it is economically sensible we should borrow for items such as capital expenditure in exactly the same way as a family does for a family mortgage when buying their first house. But such an approach should only be taken when an income stream can be guaranteed such as the Andium Homes' concept. As I said in my last speech in this House when I was running for the Minister for Economic Development, government must be encouraged to set the scene and encourage enterprise, to act as a facilitator for economic success by creating the right conditions on which businesses can thrive thus hopefully increasing tax receipts. So why is this important? Well if we wish to maintain our high levels of public services the business must grow to generate the income that we need to supply those services. So when I stood as the Minister for Economic Development, for that post, I outlined my credentials and I think it is only fair to the Assembly that I reiterate them once again. I believe that I have business credentials that would be eminently suitable for the post of chairman of this panel. I possess a Business Studies qualification, I studied economics, accounts, law, I am a past chairman of the Institute of Directors, and I have both private and public sector experience. Those of you who may remember, I was the very first Humphrey the Lion at Fort Regent. Okay, it may be comical, but it shows that I have some public sector experience working with the old committee system. I built one of the Channel Islands' largest design, marketing and digital agencies from scratch and we now have offices in Jersey, Guernsey and Gibraltar. I developed and remain a shareholder in one of the U.K.'s largest online beauty, perfume and eCommerce platforms, employing over 120 staff in the Channel Islands. I have participated in developing online businesses in emerging markets. I understand the world economy. I have participated in developing commercial property as an active investor and project manager. I understand project creed; I understand how we can get it wrong. I have also worked in the travel and tourism sector, a pillar of our economy. I have worked in corporate aviation, corporate jet sales, charter, as well as luxury yacht management. I possess experience in launching new airline routes, including 2 premium class products. I have significant experience in corporate communications, both on and offline, in reputation management and crisis P.R. We are stumbling towards a crisis; we have a looming deficit. It is essential that our public accounts are scrutinised on a regular, invasive basis. Ministers must be brought to account for their spending. A word of warning to all Members, this House has a habit, as I have observed over many years, of bringing well-meaning propositions to this House but those propositions have a cost and often the last statement where it says: "What impact will this have on manpower and finances?" is grossly underestimated. Well-meaning propositions cost money and they are also out of synch with the overall strategic plan that Members agree on. We vote on a budget, we then need to keep to it. That is very difficult to do if Members present well-meaning propositions to this House. We need to guard against that and as a chairman of Public Accounts Committee I will be making statements to that effect, warning Members that their actions, as benevolent and well-meaning as they may be, have an unintended consequence. I have little else to say and I welcome questions. Thank you.

The Bailiff:

Very well, so the Assembly now has up to 20 minutes to question Deputy Lewis and I have seen first Senator Ozouf.

2.2.1 Senator P.F.C. Ozouf:

The Standing Order 132 sets out very clearly what the Terms of Reference of the Public Accounts Committee are and that is to primarily take reports from the expert, Comptroller and Auditor General, and the results of the annual accounts and looking particularly at ways in which the public sector and the, not Ministers, but Accounting Officers have applied funds and got value for money. Would the candidate conduct the P.A.C. in a way that focuses very clearly the work of the panel on report from the C. and A.G. and will he regard himself as the Scrutiny Panel of the Executive in the public sector sense rather than in the political sense which is the area of Corporate Services Panel?

Deputy A.D. Lewis:

I think all Scrutiny Panels should work together and Public Accounts is in effect scrutinising government expenditure so, yes, the Assistant Minister is exactly right. This must focus on what the Ministers are spending and on Public Accounts but there is clearly an overlap with all other Scrutiny Panels. I would also wish to engage with all other business groups, charity groups and all sorts of input from other members of our community to establish whether they think we are spending their money appropriately and the Ministers are doing exactly that. Thank you.

2.2.2 Deputy M.R. Higgins:

Thinking back to the previous post that this candidate has gone for, he has mentioned about qualifications. I would like the candidate to tell us precisely, accurately, what his academic qualifications are. He alluded to having experience in lots of areas but I would like to know what his specific academic qualifications are.

Deputy A.D. Lewis:

I have a Business Studies qualification. As anybody knows that has studied business it covers all aspects of matters regarding accounts, economics, law and that is my qualification. It is a Business Studies qualification. But my qualification also is in life. I have managed and set up and established numerous businesses and bought and sold them.

[10:15]

I believe that my economic real-life experience is worth far more than any qualifications that many of us may have in this House.

2.2.3 Deputy M.R. Higgins:

A supplementary? There are many Business Studies qualifications. Can the candidate tell us whether it is a B.T.E.C. (Business and Technology Education Council) Certificate, an ordinary National Certificate, Higher National Certificate, Higher National Diploma, a degree, what?

Deputy A.D. Lewis:

It is a Higher National Diploma.

2.2.4 The Deputy of St. John:

The Public Accounts Committee holding Accounting Officers to account can sometimes come up against a difficult situation whereby no matter how much evidence they have to support their arguments, or even the C. and A.G.'s arguments, the implementation is few and far between. Could the candidate explain what they would do with regard to this situation?

Deputy A.D. Lewis:

I am not entirely sure that I understand the Deputy's question but I assume that what you are wanting is strong leadership from somebody that will challenge anything that comes before that committee and that is what I would do and also I would do it collectively. I would want to work with the group. I chair a number of boards already and I am used to working as a chairman, I am

used to working with a group. That group should be all powerful; it should not just be down to the chairman. I would listen to the whole group and I would also listen to other scrutiny chairmen's opinions and views as well.

2.2.5 Senator P.F. Routier:

Every position, every job in this Assembly has its challenge, can the candidate give some indication of what he thinks will be the best parts of the job and what he thinks will be the worst parts?

Deputy A.D. Lewis:

I think the best part will be ensuring that public funds are well spent and well managed. The worst part will be reading it all. As we well know, we have an enormous amount of information to digest and I would hope that all Ministries and Scrutiny Panels will get used to preparing good executive summaries if the Public Accounts Committee is prepared to look at things seriously. I want clear, concise reports with good executive summaries so that all Members of that panel and members of the public can get their head around issues quickly and easily without verbatim, long drawn out reports that do not get to the point.

2.2.6 Senator P.F. Routier:

A supplementary? With regard to those reports, is the candidate prepared to put in the work to ensure that those reports are read thoroughly by himself and the rest of his team?

Deputy A.D. Lewis:

Yes. I have been a States Member before at the time of paper. We did not have the online facility we have today and my study used to be full of paper, and, yes, I did used to read most of it. I can lay testimony to that because I still have copies of it covered in highlighted pens. So, yes, I will be reading all the relevant information required to make informed decisions.

2.2.7 Deputy P.D. McLinton of St. Saviour:

Just so as I am clear for the future, I wonder if the candidate could enlighten us as to what a well-meaning proposition that should not be brought to the States look like. Just so I am clear.

Deputy A.D. Lewis:

Members will remember this one very clearly. School milk. Well-meaning, good for dairy, good for some children, a lot of children do not like milk. It is well-meaning, it is for society, it is for the least able in our society perhaps, young people, but it has wasted so much time in this Assembly I believe and it could have cost us a lot of money, and I do not believe that money was very well directed either. So it is that type of proposition, Deputy, that I was suggesting.

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

How good that timing was. That short-sighted decision is now reflected in the words of our Director of Education who notices that people are coming to school starving, hungry and tired and that is affecting their achievements. That is the reality of doing what we did. Well-meaning or not. So the question must be, given the candidate's political stance, how easy is he going to find it to take off his politician's hat and put on his scrutineer's hat and be really tough. When I was listening to his speech I thought for a minute I had drifted off and it was a bid for the Chief Minister. We have to stick to our spending targets. That is the politics he is bringing to the job but can he take that off and behave on the basis of evidence?

Deputy A.D. Lewis:

I certainly would not move away from sticking to our budget, sticking to our spending targets, that is essential in balancing the accounts. So I do not really know where the Deputy is coming from on

that. I am an independent politician. I will scrutinise in the way an independent politician should. I am not a member of the Executive now and I would not be if I was a Member of the P.A.C. It is the job of the P.A.C. chairman to scrutinise the Executive spending and that is exactly what I would do.

2.2.9 Senator P.M. Bailhache:

The candidate has made it clear that he would be active in challenging the Government, quite correctly. Would the candidate agree that challenges can be conducted firmly, and sometimes extremely firmly, but yet with courteous and good humour?

Deputy A.D. Lewis:

Absolutely. Listening to the Ambassador for New Zealand yesterday, the former Speaker of the House in New Zealand, he said exactly that. Courtesy in a Chamber such as this is vital to co-operation and getting all on-side. I would most definitely observe such behaviour. It is the only way to work in a Chamber of this nature. It is the only way to work in any group, is to abide by simple rules of courtesy and to bring people on side through negotiation, discussion and courtesy.

2.2.10 The Connétable of St. Mary:

Can the candidate advise the Assembly what the optimum size of the committee would be in his view?

Deputy A.D. Lewis:

I like small committees but I also believe that in this Assembly and outside it there is an enormous wealth of experience that we could draw upon. So I would not at this point wish to say exactly the size of the committee. I think we need to look at the skills that are in this Chamber and outside it before we decided what the size of that committee would be. However, I think once we get over 7 or 8 it becomes unwieldy and unproductive. That is not to say we cannot bring experts in at any time to advise us, as indeed do other scrutiny panels.

2.2.11 The Deputy of St. John:

Value for money is not just about the number that is tagged-on to a service or a product, it is also about the quality. Because management information is so poor in the public sector, could the candidate explain how he would determine value for money?

Deputy A.D. Lewis:

First of all, if the Deputy believes that information is so poor I would want to discover that for myself, and if it was I would want to do something about it because, yes, you cannot come forward with policies and suggestions that exact and describe value if you do not have all the information. Value is when we use our budgets very carefully to maximise their value. In other words, it is very easy to have a project creep, for example, on a capital project. That is not presenting good value for the public, that is poor management. So getting value is about managing our finances better and managing our resources better. That is how I would determine getting good value.

2.2.12 The Deputy of St. John:

Supplementary? Could the candidate then explain how many C. & A.G. reports he has read?

Deputy A.D. Lewis:

During my time as a Member in the past I think I read every one because they were usually very beneficial in the debate that we then had. I cannot remember exactly what they were but I have to admit that in recent times I have read very few.

2.2.13 Senator P.F.C. Ozouf:

The candidate mentioned the remarks yesterday of our visiting speaker where he said, effectively, tough scrutiny and tough questioning raised the standard of debate and raised the level of competence of government and the Executive. Being that the chair of P.A.C. is arguably one of the most important positions in a parliament, and indeed the public sector, would he agree that the standard probing nature and the detailed forensic probing nature of the position is important and will he undertake, if elected to this position, to discharge that duty in the way in which our visitor spoke yesterday?

Deputy A.D. Lewis:

Yes, it is a vital component of the job. I am not going to claim to be an accountant or forensic accountant but there are plenty of people out there who are and I would be seeking their advice and assistance. There is an important job to do here and probing, asking difficult questions and demanding information that perhaps has not been provided in exactly the way that many Members here as Back-Benchers do already, I would continue that stance and, yes, I would needle-out all the information that we required, and sometimes information that Ministers may not ever have expected to be asked.

2.2.14 Senator P.F.C. Ozouf:

Would the candidate agree that while it is perhaps Ministers that are ultimately accountable for departments that his job primarily is going to be having the Accounting Officers before him, in other words, chief officers of the States of Jersey who are the Accounting Officers responsible for public money? Does he think that as chair of P.A.C. - perhaps to use a word that I have heard Senator Bailhache use previously - he is capable of skewering the necessary information out of chief officers as opposed to politicians?

Deputy A.D. Lewis:

Yes, I have had to do this with finance directors, C.F.O.s (Chief Financial Officer), accounts managers on a regular basis in my business life. They do often work in a little cocoon of their own. Unless you ask the right questions, you do not get the right answers. I think it is about asking the right questions to get the right answers. Ministers, I am afraid, you are also responsible for your departments. So you are responsible for your Accounting Officer.

The Bailiff:

The Ministers are responsible.

Deputy A.D. Lewis:

Sorry, Ministers are responsible for their Accounting Officer. They have to perform as civil servants and it is the Minister's responsibility to ensure that team is performing. They are responsible for budgets, strategy and policy. The Chief Officers and the Accounting Officers are responsible for implementation. So it is a team and if it is not working and functioning correctly I will be asking why.

The Bailiff:

Does any other Member wish to ask any questions? Deputy Higgins. I do beg your pardon, I have seen Deputy Le Fondré, I am so sorry, and he has not asked a question yet.

2.2.15 Deputy J.A.N. Le Fondré of St. Lawrence:

Purely just to put a question that was put to the previous candidate. Has the Member ever viewed the activities or sessions of other Public Account Committees in other jurisdictions, for example in Westminster? Using that particular example, what is his view of the present chair of that P.A.C. in terms of effectiveness and challenging matters?

Deputy A.D. Lewis:

I am not overly familiar with the U.K. example. However, I am quite familiar with their select committee process which I think is very, very good. I think we should be looking at a process here that is similar so that when we have something in particular to scrutinise, matters of finance, that we do appoint effectively a select committee. That is a method and a process I believe works very well in the U.K. I have not observed in any detail how public accounts works in the U.K. but if given the opportunity through the Commonwealth Parliamentary Association I would be delighted to do so.

2.2.16 Deputy M.R. Higgins:

As has already been said, the position of chairman of the Public Accounts Committee is a very important position. It demands a person who is going to be scrupulous in investigating what has gone on and should be a person who has obviously not only integrity but also strength of character, who will not be moulded by Ministers, and who will, as I say, examine all the issues properly before coming to a conclusion. Now, as the candidate is perceived, when he was the Minister for Home Affairs in a previous parliament here, not to have investigated properly all the evidence before suspending the former Chief of Police, Graham Power, and also gave misleading information either to the Napier Commission or to Wiltshire or to this House as to whether he read the Metropolitan Police report or not, how can the candidate convince us that he would be not malleable, independent and stand up to Ministers and do the job properly? How can we have that assurance from this candidate?

Deputy A.D. Lewis:

I am my own man and that is exactly what I did in that particular situation. I am not frightened of making difficult decisions and that is exactly what I did based on evidence, based on information placed before me, based on advice from the now Attorney General, from many other experts in their field. That is what one needs to do when chairing this type of committee: listen to advice, listen to evidence, see evidence and act upon it. That is exactly what I did. The Deputy has a different view on this. The Assembly here has gone in camera on a number of occasions to discuss this so I am not party to everything that was discussed, but what I can say is that Members came out of those meetings of the view that I did make the right decision and it was based on evidence. That is exactly what I will continue to do in the future. If the Deputy continues to persist with this particular line of questioning in the future then I will continue to be just as robust. This is a matter of confidentiality as well. The person you are talking about is now a private citizen. It is not right that this should be discussed in public. I was the Minister responsible at the time, therefore by virtue of office I was his employer. I am not prepared to discuss the matter of his contract in public in the same way that no other Member of this Chamber should be discussing the contract details of any member in their department. [Approbation]

[10:30]

2.2.17 Deputy M.R. Higgins:

As the candidate mentions, it comes down to, I think, integrity. We are being told that he took the evidence of the Attorney General of the day. The evidence that was given to the Napier body --

The Bailiff:

Deputy, we are questioning him about what he is going to do in the future.

Deputy M.R. Higgins:

Yes, Sir, but it is important about whether the candidate is fit for the role. He told Napier he did not see the Metropolitan Police report and we now know from the leaked copy of the in camera

debate that the candidate implied to the States that he had, that he had read the Metropolitan Police report, it was so damning that he had no alternative but to get rid of the former Chief of Police. He also said that the Metropolitan Police report, by the way, was not even a disciplinary one. The point I am trying to make ...

Deputy A.D. Lewis:

With respect, this is wasting time.

Deputy M.R. Higgins:

Sorry. No, sorry, it is not.

The Bailiff:

No, it is a matter for the Deputy. Come to a question, please, Deputy.

Deputy M.R. Higgins:

Okay, the question is: how, with your past statements ...

The Bailiff:

With the candidate's past ...

Deputy M.R. Higgins:

With the candidate's past statements that he was given advice by the Attorney General, which he followed, and the Attorney General said: "Do not do it unless you have concrete evidence, including the Metropolitan Police report" and he went ahead again. So how can we take it that you had evidence and you acted appropriately?

The Bailiff:

How the candidate. Deputy, you have been in the Assembly now, this is your third, fourth term, you really must learn the rules about addressing in the third person.

Deputy M.R. Higgins:

Yes, Sir, I hope by the time I get to 9½ years and I leave this Assembly then I will get it right. Thank you.

Deputy A.D. Lewis:

We talk about integrity in this Chamber and I believe that Members have exactly that. However, Deputy Higgins and I had a telephone conversation the day before the election for the Minister for Economic Development and he said: "Let bygones be bygones and let us move on." The next day he put the hatchet straight in my back. So let us not talk about integrity in this Chamber. I do not believe the Deputy has very much of it.

The Bailiff:

No, Deputy. Both Deputy Higgins and Deputy Lewis, you may not accuse another Member of having a lack of integrity. You both know the rules. I am going to ask Deputy Higgins to withdraw any allegation of lack of integrity on the part of Deputy Lewis and I am going to ask Deputy Lewis to withdraw any allegation of a lack of integrity on the part of Deputy Higgins.

Deputy A.D. Lewis:

Sir, I will do so but I cannot say I do so happily.

The Bailiff:

Deputy Higgins.

Deputy M.R. Higgins:

I do find it exceptionally difficult to do this.

The Bailiff:

Well, you either will do so or consequences will follow.

Deputy M.R. Higgins:

No, I will say this, Sir, that if P.P.C. are willing to look at the evidence on whether the ...

The Bailiff:

Are you withdrawing the allegation, Deputy, it is very simple?

Deputy M.R. Higgins:

I will have to, simply because it is the rules of the Assembly. So I will withdraw it.

The Bailiff:

Very well, you are withdrawing. Was that the second bell?

Deputy A.D. Lewis:

I think we should have some time added on, Sir.

The Bailiff:

Very well, we will allow a short extra period to take account of that time. Senator Ozouf.

2.2.18 Senator P.F.C. Ozouf:

There is a risk that the P.A.C. becomes a political football, as we have seen in the U.K. with the politicisation of the P.A.C. I see both candidates voted against 5 Ministers each, the candidate certainly demonstrates the fact that he was not in favour of all the Ministers. Will he undertake for P.A.C. not to be a political football and rather focus entirely on the issues of value for money and getting efficiency and economy out of the public sector spends and Accounting Officers?

Deputy A.D. Lewis:

Yes. I am particularly interested in the Minister for Treasury and Resource's remit on reform in the public sector, and I do hope we can have some very interesting conversations about that. Absolutely, it would be apolitical, as apolitical as one can get in this Chamber.

The Bailiff:

Very well, I think that brings questions to Deputy Lewis to an end. So we will ask for Deputy Maçon to return. Very well, so now we have an election between the 2 candidates. If you wish to vote for Deputy Maçon you vote P, if you wish to vote for Deputy Andrew Lewis you vote C. The Greffier will open the voting.

Deputy J.M. Maçon: 17		Deputy A.D. Lewis: 30		Abstain: 0
Connétable of St. Clement		Senator P.F. Routier		
Connétable of St. Brelade		Senator P.F.C. Ozouf		
Deputy J.A. Martin (H)		Senator A.J.H. Maclean		
Deputy G.P. Southern (H)		Senator I.J. Gorst		
Deputy of Grouville		Senator L.J. Farnham		
Deputy J.A. Hilton (H)		Senator P.M. Bailhache		
Deputy J.A.N. Le Fondré (L)		Senator A.K.F. Green		
Deputy M. Tadier (B)		Connétable of St. Helier		
Deputy of St. John		Connétable of St. Peter		

Deputy M.R. Higgins (H)		Connétable of St. Lawrence		
Deputy J.M. Maçon (S)		Connétable of St. Mary		
Deputy of St. Martin		Connétable of St. Ouen		
Deputy R.J. Rondel (H)		Connétable of St. Martin		
Deputy S.Y. Mézec (H)		Connétable of Grouville		
Deputy L.M.C. Doublet (S)		Connétable of St. John		
Deputy R. Labey (H)		Connétable of Trinity		
Deputy T.A. McDonald (S)		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy S.J. Pinel (C)		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy A.D. Lewis (H)		
		Deputy of St. Ouen		
		Deputy S.M. Wickenden (H)		
		Deputy S.M. Brée (C)		
		Deputy M.J. Norton (B)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy P.D. McLinton (S)		

The Bailiff:

I therefore declare that Deputy Lewis is elected as chair of the Public Accounts Committee.

Deputy J.M. Maçon:

May I congratulate Deputy Lewis of St. Helier and wish him all the best.

Deputy A.D. Lewis:

Thank you, and I do hope that Deputy Maçon would maintain a keen interest in Public Accounts.

3. Chairman, Corporate Services Scrutiny Panel

The Bailiff:

Very well, so now we come on to the next matter, which is the first of the Scrutiny Panels. As I indicated to Senator Ozouf, although I do not have the Standing Order in front of me, the order is laid down in Standing Orders. Therefore we take first the chair of Corporate Services. I invite nominations for the position of chairman of Corporate Services. Any nominations? Any nominations for the chairman of Corporate Services.

Deputy M. Tadier:

Could I nominate Deputy Southern, please?

The Bailiff:

Is that seconded? **[Seconded]** Any other nominations?

Connétable J.E. Le Maistre of Grouville:

Could I nominate the Deputy of St. Mary, please?

The Bailiff:

Is that seconded? **[Seconded]** Any other nominations?

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

Could I nominate Deputy Le Fondré?

The Bailiff:

Is that seconded? **[Seconded]** Any other nominations? Very well, so we have 3 nominations, Deputy Southern, the Deputy of St. Mary and Deputy Le Fondré. I will therefore ask the Deputy of St. Mary and Deputy Le Fondré to withdraw. I invite Deputy Southern to address the Assembly for up to 10 minutes.

3.1 Deputy G.P. Southern:

I rise to my feet with some trepidation having seen the previous position almost nominated by a Chief Minister, questioned by a senior Minister and coached in how to answer by another Minister. Quite frankly, I am shocked. A Member came to me last week and said: “You gave the best speech and you almost got my vote. You are obviously the best person for the job but I was wondering whether if I voted for you I would get an Assistant Ministership.” That is what was operating last week. This week we have seen a different but equally covert machinery at work in order that the Ministers should have an easier time as possible. It happened in the last House and it appears to be happening this time. The ex-Minister for Treasury and Resources in the last question session said the head of P.A.C. should be professional, tough and searching. Professional, tough and searching, that is what I intend to be as head of Corporate Services. Why Corporate Services? Because that is where the big decisions are made. That is where policy is laid down and the consequences of those policies are laid down also. It is no use messing around, I do not think, with particular departments when the overall guidance and the overall purse is controlled from the top. That is the place to be if you want to change policy, if you want to examine policy, if you want to look at alternatives to current policy. That is what is required. I have over 6 years of experience in Scrutiny. I know how the job is done. I know, for example, you need 3 things in Scrutiny, absolutely essential and the overarching rule: you need preparation, preparation and preparation. You need particularly to be able not to question, it is a secondary skill, but to listen. Listen to the answers that you are getting. What often happens is people in a normal conversation are waiting for the next opportunity to ask a question. In Scrutiny you must wait. Wait for the answer. Wait for the answer. Wait for a little more explanation. If you leave a gap a Minister will try and fill it and that is when you sometimes hear the truth. Not the first line, because that has been prepared, but the second and third one when you leave the gap. Time and time again I have listened to Scrutiny hearings and heard the opportunities missed, he was going to answer and another question came in, completely different direction and we are off in a different way. So listen; prepare and listen. Questioning also is a highly skilful act. We do not spend the years we do training lawyers in how to ask questions properly to elucidate information to no end whatsoever. You need to learn to ask questions and often the best questions are the shortest ones. The who, what, when, where, how and why questions. Short and sharp, that is what gets you answers, and to be able to follow that up with the next question and the next one. Politicians naturally have plenty of opinions. They have plenty of policies and love talking. Politicians working with me learn to be a little less voluble. Ask the short question, ask it accurately, ask it often and ask it again until you get the answer. Above all politicians must learn to take their hat off that says: “Politician, I know the answers, I know what the solutions are” before they go into Scrutiny and put on a hat that says: “I am looking for the evidence. This is my Scrutiny hat and I am going strictly on the evidence. I am going to areas where the Minister probably does not want me to go because there will be no point in talking to a Minister about how well his latest policy is doing and how it is working to perfection, let us investigate that.” I do not think so, we need to pick the areas where we think there is something worth discovering. Now, sometimes that is simply the Minister is not telling anybody. They have

got it under wraps. But sometimes things are going wrong and you go to that place, how do you decide where that place is? Where is the policy creaking? Where is it not working quite as well as it might? That is where you start with question time in this Chamber. The accountability of these Ministers, either written or detailed or oral or general principles, starts here in this Assembly with question time. That is when you start probing and that is when, if you hear something that sounds a bit off that is where you decide you might want to go there and investigate further, that is the reality. The fact is that Ministers have a fairly compliant House here. The role of Scrutiny and the role of effective and hard scrutiny is absolutely vital. Without it Government does exactly what it wants and is accountable to nobody. The fact is that when Ministers come into a Scrutiny Panel it should mean a period of hard work.

[10:45]

That Minister and his chief executive, if necessary, should leave that meeting thinking: “I earned my crust today. That was tough.” It is not tea and biscuits, let us co-operate, let us be nice to each other. Of course we are polite, always polite, and we do listen carefully and we treat people with respect. But the fact is that it is work and hard work and if anyone leaves a session of mine thinking: “Well, we got away with that” then I am very, very disappointed. So I have the experience. I spent 3 years on Economic Affairs and I think looking back I saved Jersey Telecom from privatisation. I am not sure necessarily, with hindsight, that was that as good of a decision but certainly at the time it was, the evidence said: “Do not sell it, the evidence says you will ruin your communications industry if you do that for little return.” I also spent 3 years on Health, Social Services and Housing, which is a massive portfolio and produced highly effective reports on a number of issues. What are the issues coming up? The skills are there, what are the issues? Well, the issue to start with or the issues that were floating around this last election, they were population, because that is absolutely vital, it affects every aspect of our economy and our lifestyle. The economy, the £100 million shortfall in taxation, is that permanent, will that still exist next year and the year after that? What do we have to do? That then says the balance between taxation and public services is then called into question because of that £100 million. So there are 3 starting points where we will have policy being made in the coming year and we need to examine that and analyse it clearly with some hard hitting and tough professional and searching Scrutiny, to use the words of the ex-Minister for Treasury and Resources.

The Bailiff:

Very well, Members now have up to 20 minutes to question Deputy Southern. Does any Member wish to ask any questions? Any Member? Deputy Higgins.

3.1.1 Deputy M.R. Higgins:

Would the candidate care to comment on the fact that with the Chief Minister getting his slate of candidates for Ministers and with the selection of Assistant Ministers, it is vitally important that we have effective Scrutiny and that Scrutiny should not also become like it is perceived as in the Council of Ministers, yes men and women? Therefore we need people who are going to be critical, not critical in a political sense but critical in an evidential sense, in going through, examining the evidence and drawing out where they get it right or where they get it wrong?

Deputy G.P. Southern:

I have long experience of conducting Scrutiny and anyone who has served on a Scrutiny Panel with me knows that the final question, the final sets of questions are: how strong or weak are our recommendations? To what extent are they completely backed up by the evidence or do we need to revisit them? Let us make that “shall” into a “may”. Let us change them. If anyone on my Scrutiny Panel has the slightest reservation about being 100 per cent able to back up the recommendation with the evidence then we go back to it and we write it until we are all happy.

That is what happens. That is how you establish consensus, you get total agreement that what we have is backed by the evidence. That is the way it works and that is what I intend to do.

3.1.2 The Connétable of St. Lawrence:

As the candidate knows, each Scrutiny Panel leaves a legacy report for their successor. Will the candidate, if elected, prioritise what is on the legacy report or does he have his own ideas now of what should be priority within each of the 3 departments that he would be scrutinising?

Deputy G.P. Southern:

Yes, the starting point for any Scrutiny Panel taking over is to start with the legacy report and see which of those issues are still ongoing, which of those have the greatest priority and whether a new angle needs to be started early on. But certainly it may well be that the first 6 months is dealing with legacy issues, and that is perfectly natural. There would be no point in the previous incumbents leaving a legacy report if that were not the case, if people were to ignore it completely. So deep consideration of whether the legacy issues are appropriate and still current.

3.1.3 Deputy M. Tadier:

I wanted to ask the Deputy about an example of where he went into a particular review where his political instincts may well have taken him in one direction but the evidence took him in a different direction. If I can apologise for the lack of warning.

Deputy G.P. Southern:

That is a difficult question and I do not know that that is necessarily the case because what I tend to do is a lot of thinking beforehand and it is about that stage of pre-Scrutiny, if you like, where do I think there may be a weakness? Where do I think something is being hidden and therefore that exercise in judgment is one that does not necessarily, automatically, reflect my political opinion but nonetheless what it is says it is using my analytical brain, not my political brain, there may be something that is worth investigating here and not over here. So it is a different sort of process. So thanks for the really hard question but that is my best answer.

3.1.4 Deputy K.L. Moore of St. Peter:

Would the candidate give some information about the positive change that he felt he saw as a result of his 6 years of work in Scrutiny?

Deputy G.P. Southern:

Certainly. The reports that we produced on the income support scheme, including better communication, including more information on the website, including a calculator so that people could see what they were due, and clear instructions, clearer letter-writing, reduction of the massive form which was devilishly hard to fill in - it still is to a certain extent, there is more work to be done on that. So, yes, although those recommendations were not enacted at the time - with time, and I have been around long enough - if they make sense and if they are the practical way forward, then people do pay attention. So 3 years on from my last report in 2011, which made quite significant recommendations many of those recommendations are coming through. The idea is if you get it right Ministers, sooner or later, do what is right and do adopt many of the recommendations.

COMMUNICATIONS BY THE PRESIDING OFFICER

**Welcome to His Excellency, the High Commissioner from New Zealand, Sir Lockwood Smith
and Lady Smith**

The Bailiff:

Before the next question, Members will know that His Excellency, the High Commissioner from New Zealand, Sir Lockwood Smith and Lady Smith are paying a visit to the Island and, indeed, I think Members had an opportunity yesterday of hearing from Sir Lockwood and by all accounts that was a very productive and instructive meeting. He has a worldwide reputation as having been an outstanding Speaker of the New Zealand House of Representatives. He and Lady Smith have just arrived in the gallery and I am sure Members would wish to welcome them in the traditional way. [Approbation]

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Chairman, Corporate Services Scrutiny Panel (continued)

The Bailiff:

Very well, we will take time out for that little intermission, but subject to that, any further questions for Deputy Southern. Yes, Chief Minister.

3.1.5 Senator I.J. Gorst:

I think all Members agree that Scrutiny during the last 3 years have achieved a lot by working constructively with Ministers and we compare or contrast that with the 3 years before that when the candidate was a chairman of a Scrutiny Panel where they were confrontational, to use the candidate's word "hard scrutiny". Does he believe that he is going to achieve something by reverting back to, to use his words, "hard scrutiny"?

Deputy G.P. Southern:

But not confrontational. The Minister is absolutely right; there is no point in confrontation when people meet with entrenched views. I do not have entrenched views, I very carefully take off my political hat when I do Scrutiny and look for the evidence. Yes, I go to the places you might not want me to because they are the places where things may be going a little pear-shaped, that is where I will go. I will be, in the words of the ex-Minister for Treasury and Resources, Senator Ozouf, professional, tough and searching because that is what the job requires and that is what I will be doing.

3.1.6 Senator P.F. Routier:

The candidate spoke about the legacy issues which he will be looking at initially if he is successful in getting this position. Can he give Members any idea of what he would consider to be his priorities after the legacy issues have been dealt with?

Deputy G.P. Southern:

Apart from the 3 major issues that I just talked about in my speech, I could, for example, examine, and probably will certainly within the first year be wanting to look at the modernisation process which I am already hearing from different sides of that process, different reports, as to how well it is going and how much can be saved in the long or the short term. The reality is that a great deal, certainly in the last election, was proposed from this modernisation process. This was going to save large amounts of money and my first question mark - and it is already there - is will it indeed do that and how in particular is co-operation to be obtained from the unions involved because the hard work is still to be done. We have done the cutting around the edges, the pretty stuff but the hard work is still to be done, I think. So there is an issue that I would have thought if it is not already in pipeline should be in the pipeline within a short period of time.

3.1.7 Senator P.F.C. Ozouf:

I hope the Deputy would not mind me characterising him and the predecessor of Corporate Services as being on the opposite of the political spectrum. I think former Senator Ferguson would describe herself as on the very right of centre and I am sure the Deputy would characterise himself as being on the very, very left of centre. Is it not the case - and I mean no disrespect, he is entitled to that view - that the experience of the last 3 years has shown that simply being so different in mindset from the Minister in terms of their views simply means that his chairmanship of Corporate Services is simply not going to work and it is just going to become a taboo and opposition for opposition sake rather than constructive scrutiny? Can he really convince me he can be any other way?

Deputy G.P. Southern:

Absolutely. The fact is that towards the end of Senator Ferguson's term she was drawn into personality politics. I read carefully the last hearing with the Minister for Treasury and Resources and it was a series of: "Oh no, you said this." "No, you are this, you are that." It was to and fro all the time and both the Minister for Treasury and Resources and the chair of that particular had got sucked into personality and you could hear it, you could see it. The whole hour ended up going absolutely nowhere. I thank the Minister for pointing out that I am different to the predecessor, because my predecessor made that fundamental error of not taking her politics hat off when she went around the Scrutiny table and looking for evidence. The previous chair went in there with her beliefs intact and exposed them and it is no wonder she got into arguments, because some of those beliefs were, quite frankly, the earth is flat. That must not be allowed to happen. So, yes, I have seen occasions where it has happened and it is to be avoided at all costs. There is no point in just having a free-for-all, that is what this Chamber is for. We debate in this Chamber; we look for evidence in the scrutiny room.

[11:00]

The Bailiff:

Very well, Deputy, I think we will call a halt at this stage. It is now 11.00 a.m. and I ask all Members to rise with me in tribute to those who have fallen. **[2 minutes silence]** I see next Deputy Martin.

3.1.8 Senator P.F.C. Ozouf:

May I ask a supplementary? The candidate tries to justify having changed his position here, but he was the chairman of a Scrutiny Panel that I was Minister of, as I recall, and frankly I found no difference in terms of the way in which I was scrutinised by former Senator Ferguson and himself when he was chair. Is he really capable of changing? Will he ever be able to scrutinise independently, for example, if the Minister were to propose to sell 25 per cent of J.T. (Jersey Telecom)?

Deputy G.P. Southern:

The end result of the Scrutiny that I did on Economic Affairs with this particular Minister was that we took a wise decision; the Chief Minister folded on his proposal to sell off Jersey Telecom. Why? Because the evidence was there. Quite simple. The fact that this particular Minister had problems relating to me as a person is not my fault; I treated him with utmost respect in those sessions and we got to the evidence and we proved the case. That is what happened.

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

That was going to be part of my question to the candidate. Was it not looking at the evidence that was not provided by the then Chief Minister, Senator Le Sueur and the Minister for Treasury and Resources, Senator Ozouf, on the selling-off of telecoms, and it was a mixed Scrutiny Panel, that the Scrutiny Panel saved the day. The adviser was then employed by the Chief Minister to best go

forward with telecoms and would the candidate not agree that if they had sold off telecoms we would not be where we are today with Digital Jersey and the J.T. as it is?

Deputy G.P. Southern:

The question was?

The Bailiff:

Would the candidate agree with that statement?

Deputy J.A. Martin:

Everyone else can do it, would the candidate agree?

Deputy G.P. Southern:

The candidate has already agreed with that question. But it brings up the point that the key thing about any Scrutiny, the place where Scrutiny fails is in the leadership and enthusiasm shown by the Minister in charge. That is what makes a difference. Officers can make a difference but the enthusiasm, the ambition and the scope of the chair is what drives every Scrutiny Panel. Worldwide evidence says where Scrutiny fails, that is where it goes wrong, is where the chairman is not enthusiastic. The second thing to say there is that getting an academic adviser, someone who knows the field, is absolutely vital to good scrutiny and that is why I have chosen, and deliberately chosen, academics in the past because their reputation if they come to advise Jersey is on the line and you get the highest quality of advice from academics. That is where I will be going for my advisers in future.

3.1.10 The Connétable of St. Mary:

I could accept that the candidate will accept politics from Scrutiny but naturally panels are given much information in confidence during the course of their work. Can the candidate assure me that any information received in confidence will not be used for political purposes until the confidentiality has been expressly lifted by the department or Minister concerned?

Deputy G.P. Southern:

Absolutely and I believe that if we were keeping score on the breaches of confidentiality between Ministers and Scrutiny I think probably Scrutiny is winning because we do not break confidentiality.

3.1.11 The Connétable of St. Mary:

Supplementary? I wish my memory was better. My memory is quite good and I can quite clearly recall an instance in the past when the Deputy did use something in one of his propositions, albeit it was not recent. This is the reason for my question and I just wanted to make sure that the candidate has learned from that and will seek the confidentiality to be lifted?

Deputy G.P. Southern:

Yes, the confidentiality was an S.I.V. (structured investment vehicle) policy in progress. It was years after, the policy was not being looked at any more, that I used it. I thought it was not controversial at all, I thought it had been done and dusted and it was a long time past. The reality was it was not as I believed it was.

The Bailiff:

Does any Member have any other questions to the candidate? Deputy Higgins.

3.1.12 Deputy M.R. Higgins:

Would the candidate agree with me when I say that any person going for this role, and a number of the other roles in Scrutiny, will not be acceptable to the Council of Minister or the group that are in charge of the Council of Ministers because they are not looking for effective scrutiny, what they are looking for is people who are going to agree with their views?

Deputy G.P. Southern:

It certainly would seem that way today. It certainly has been in the past where Ministers have had a great deal of say in who gets to be leader of which Scrutiny Panel and it appears to be a friendship bond, which is entirely inappropriate. You are here to do a job, this is the job we do, this is the work we do. It must be hard work. It is not about tea and buns at 4.00 p.m. in the afternoon.

The Bailiff:

Are there any other questions? We will draw it to a close. Thank you to Deputy Southern. We will ask Deputy Southern to withdraw and the Deputy of St. Mary to return to the Chamber. So the Deputy of St. Mary is now with us and you have up to 10 minutes, Deputy, to address the Assembly.

3.2 Deputy D. Johnson of St. Mary:

Perhaps I could begin by quoting an extract from my election leaflet. "My purpose in seeking election is to bring competent and ethical government to the States." On reflection perhaps a somewhat arrogant statement, although it does signify where I was coming from and the contribution I would like to make. With Ministerial aspirations perhaps out of reach, on this occasion at least, my interest obviously lies with Scrutiny as not the next best choice but something in which I am interested. That interest was very much encouraged by the various seminars and sessions we had during our induction programme, in which there was a brilliant presentation from the States Greffe, including the Scrutiny one. However, I would not like you to think that the idea of Scrutiny came to me in one Damascene moment. In preparing for the hustings most candidates will devote some time in trying to anticipate the questions that might be asked. One of the more obvious ones is: "What job would you like to do in the States, if elected?" In my case one of my colleagues gave me short shrift and said: "You are a lawyer, for God's sake, you have been doing it for 40 years, what else do you do but scrutinise? Scrutiny is your mission." That brings me on to what my experience has been over the last 4 decades or so. Being a lawyer covers a multitude, not of sins but aspects, it can vary from doing criminal legal aid work on the one hand to corporate financing on the other, and they are poles apart. If I may, I would like to briefly explain how my career was effectively divided into 2 parts. That before I came to Jersey and that subsequently. In England I undertook 5 years Articles, as training was then called, and that was coupled with 2 or 3 years post-qualification experience that took place in Lancashire in the industrial town of Blackburn and in Manchester. The clientele I was mainly dealing with there was, shall I say, at the lower end of the social scale and I was therefore, at that stage, not privy or involved in the basic commercial transactions which I came to do later in life. That is not of particular relevance to the job I now seek but I do wish to make clear that there are some lawyers who are able to pass through life without ever having worked at the coalface. I am not one of those, I am fully aware of what it is like to be at the lower end of the economic scale and I do, as some candidates said in their reply to the media, have a social conscience. It is almost 40 years to the day since I came to Jersey to join what is an international legal firm and the work there was somewhat different. Rather than be involved in family practice matters such as conveyancing, probates and wills I was much more involved in problems arising from, in particular, scrutiny or review of legislation to see where matters applied and regulations attending thereto. This therefore puts me, I believe, in good heart and in good position for the job I now seek. Also initially acting in a strictly legal capacity on

review documents, the work did involve acting as a director in many cases and acting as trustee in many cases, very much often with significant sums at stake.

[11:15]

I mention this simply to demonstrate that the figures I now see going before me in the public sector are not such that will phase me in any way. In the course of my election campaign I decided it would be appropriate to revisit Clothier and, if I may, perhaps I could quote 2 aspects from the report. First, the Scrutiny role of the Members who were not in the Executive is vital. In a balanced machinery of government, it is not necessarily an adversarial distractive and should not be allowed to become so. Later, this scrutiny of Government need be neither acrimonious or unconstructive; indeed it can and should help a Government in the creation of policy. That is very much my stance. I think in recent years, the public perception of Scrutiny has been that it has very much been an adversarial situation. I believe that matters have improved of late and I am heartened by comments made by the Chief Minister and others about the need for consensus. That is certainly my area and I believe that one can capably fulfil the responsibilities that Scrutiny has in a co-operative means but where necessary a firm means so that if necessary one can call Ministers to account. As for the future of Scrutiny, I have read the legacy report. I have seen what action has been taken and I know what lies ahead in the future. I am particularly interested in the manner in which certain Scrutiny functions are carried out under the heading of the Corporate Services Scrutiny Panel, references made to matters being dealt with by sub-panels which was established for the review of the Tourism Development Fund as one interest, and the report goes on to say that the panel underlines this cross-panel approach as being successful and will recommend consideration is given to its use again in the future. Again, it appears to be that many problems that the States have do cross boundaries of various Ministries and it would be appropriate for Scrutiny Panels or members thereof to co-operate in that. The main reason why I am putting myself forward for this position is that my experience, I believe, covering 40 years-plus does lend itself to what is involved. Secondly, my outlook as to what the function of Scrutiny is, i.e. greater co-operation or as much co-operation as possible but with the threat - if that is the right word - of calling Ministers to account if necessary, which I am not fearful, those 2 I believe are the main functions and I will discharge those to the full. I have little further to add, but to wait for Members questions.

[Approbation]

The Bailiff:

Very well, Members have up to 20 minutes to ask questions of the Deputy of St. Mary. Deputy, you can sit down and then just stand up when you need to speak. I saw Deputy Martin.

3.2.1 Deputy J.A. Martin:

Greater co-operation and to help the Government with concepts, that is how the candidate described his version of Scrutiny. The question being, would he tell the House where his actual politics sit? Would he describe himself, left, centre or right, but does he really think it matters when you are holding policy and the facts underneath them to account as a chair of the Corporate Services Scrutiny Panel?

The Deputy of St. Mary:

If I understand the question, it is do my own policies matter in the ...

Deputy J.A. Martin:

The word was “politics”; left, right or centre.

The Deputy of St. Mary:

No, they do not. The chairman of this panel will be elected to fulfil a function. My brief, as I see it, will be to fully understand where the Minister is coming from, but identify certain problems. The Deputy is right, my politics, which I would describe with the qualification of social conscience, are to a large extent irrelevant.

3.2.2 Deputy M. Tadier:

I am sure the candidate perhaps did not mean to phrase it in such a way, but he said to hold the Ministers to account if necessary. Does he accept that it is the fundamental and basic role of Scrutiny to always hold Ministers to account and it should not just be an afterthought? Would he clarify that position?

The Deputy of St. Mary:

Yes, the Deputy is quite right. I apologise for mis-stating what I believe. I fully accept that the responsibility of the Scrutiny Panel is to hold Ministers to account and that would be done without fear or favour.

3.2.3 Senator L.J. Farnham:

Does the candidate see the Scrutiny function as a *de facto* opposition party or does he favour the provision of being a critical friend and providing robust and unbiased Scrutiny?

The Deputy of St. Mary:

Very much the latter. I do not believe it is Scrutiny's role to provide formal opposition and that mirrors what Clothier, himself, said and it is there to assist but to critically assist. Again, if appropriate, yes, the Ministers will be held to account for not going the way the Scrutiny Panel interpret that they should be going.

3.2.4 The Connétable of St. Mary:

As I have understood it, the candidate has said that he will be setting aside his own personal politics for the Scrutiny function. It often becomes difficult to remember in what context one acquires information, and the Scrutiny Panels often acquire confidential information from the departments. Can the candidate assure me that any confidential information received will not be used for political purposes?

The Deputy of St. Mary:

I do so assure. The role of a lawyer, especially in a small community like Jersey, often leads him to obtain information which is of a privileged nature and I am well used to the idea, especially with a family like mine, of keeping such information to myself and never being a matter for discussion outside my own mind.

3.2.5 Senator P.F.C. Ozouf:

Is the candidate aware that there has been an interesting evolution of Scrutiny since its inception in shadow form since 2005? Is he aware that the previous Corporate Services Scrutiny Panel became extremely very much a sort of yah-boo type of scrutiny approach as opposed to, if I may characterise the approach of his immediate neighbour, in Deputy Moore and Deputy Hilton's panel, being very much of the smiling - I will not say smiling assassin - but the **[Laughter]** skewering of Ministers in a very constructive way rather than simply yah-boo? But the output of the latter was far more effective than the former; is he aware of that?

The Deputy of St. Mary:

Two points: I have heard glowing reports of the Deputy's contribution to her own Scrutiny Panel over the last 3 years and that is the line I would tend to follow. As to reports of how Corporate

Services acted in the past, I do not wish to go there. I arrive with a clean slate, with an open mind, and I will, as I say, discharge responsibilities as I believe they should be so discharged.

The Connétable of St. Lawrence:

Sir, if I may, I believe the Senator has misled the House because he described the previous Scrutiny Panel as, in its entirety, dealing in yah-boo scrutiny. As a former member of that panel I respectfully request that he withdraw that comment.

Senator P.F.C. Ozouf:

I was referring to the way the chairman described her interactions with the then Minister as opposed to, and the Connétable will be quite right to say that that was characterised very differently by the membership of the committee. It was the relationship between the chairman and the Minister that was the yah-boo and I unreservedly apologise to the good Connétable.

Deputy J.A. Martin:

I would like to go further than that. I would like the Senator to withdraw the remarks about the chair. The chair is no longer here to defend herself and just because politically the chair ... he described himself, he cannot be scrutinised by the far far left or the far far right, but he can sit here and make personal attacks on a former Member of this House. I would like him to withdraw the whole statement. Thank you.

Senator P.F.C. Ozouf:

It is not a personal reflection but it is about the way it was carried out. Nobody could say anything else about from the fact it was simply yah-boo.

3.2.6 Senator P.F. Routier:

The candidate explained his lengthy career in scrutinising legislation as a lawyer. Perhaps, without breaking any confidences, which he says he does not do, can he give any example of something that he scrutinised which helped to make life better for somebody?

The Deputy of St. Mary:

I am not sure I can. The scrutinised documentation involved documents in the private sector, whether it is a trust or whatever, and legislation where one needs to have an accurate interpretation. As far as the private documents are concerned passed between 2 lawyers it is not unknown for the draft to circulate a dozen or more times before one arrives at the final version, a re-version. I believe that in doing that, and it perhaps attaches on certain other areas which others have mentioned, it is beneficial to all concerned if one can get to the grips of the views of the opposing lawyer and know where his concerns are because once 2 lawyers are aware of the different angles from which they are coming they can arrive at a mutually acceptable solution, which is very often what happens. That is the theme I would hope and propose to bring to Scrutiny if I was so elected.

3.2.7 Deputy M.R. Higgins:

I would just like to pull up on the candidate's last comments and his earlier comments about co-operation. Scrutiny is a critical friend and the candidate gave the impression there that certainly lawyers will get together and try and find a compromise but if the candidate is chair of the panel he is scrutinising policy that the Minister has come up with and the department has come up with. His role is not to play a part in devising a policy. He is scrutinising a policy that has been there, so could he clarify his position? Will he be a critical friend examining the policy that they perform to see whether it stacks-up or not rather than trying to amend it in the discussions with the Minister, which is not his role.

The Deputy of St. Mary:

Perhaps I gave a clumsy example before. I am very familiar with the phrase “critical friend”. That is what I would be. I would not seek to compromise as such. What I was trying to get over was that I would seek to put over concerns I might have on behalf of Scrutiny in the hope that the Minister would do the compromising rather than myself. I hope that successfully answers the question.

3.2.8 Deputy J.M. Maçon:

If successful the candidate will become a member of the Chairmen’s Committee. Can the candidate explain what contribution he expects to make in that committee?

The Deputy of St. Mary:

Only that which derives from my legal experience and what I can bring from my knowledge of Scrutiny matters at the time.

3.2.9 Deputy M. Tadier:

The candidate will be aware that it is a broad portfolio including the Chief Minister’s Department. Does he envisage that one of the important pieces of legislation coming forward will be the Equal Marriage Law, and how does he envisage scrutinising that, if at all, to make sure that all sides are taken into account?

The Deputy of St. Mary:

I am aware obviously of that impending legislation. I will scrutinise it by taking account of obviously all views. There are talks going on now between various parties and I would anticipate that the views of those parties will be submitted to Scrutiny so that I could take a balanced view of what they are and ensure the views of all sides are taken into account.

[11:30]

3.2.10 Deputy M. Tadier:

Does the candidate have any strong views on equal marriage and if so, what are they, and how would he lay those aside if necessary?

The Deputy of St. Mary:

I am not sure this is the area to be discussed here. Whatever views I do have would certainly be set aside in the interests of the public as a whole and the comments made by all sectors of the public.

3.2.11 Senator P.F.C. Ozouf:

The Corporate Services Scrutiny Panel that I referred to in my previous question was made up of a balance of members, then a chair that had been newly elected to the Assembly and then strengthened and fortified by long-serving members such as Deputy Hilton. The good bits of Corporate Services were brought by the experience of people like the Constable of St. Lawrence. Would he, if successful, bring a broad church of members on his panel, arguably potentially the most important of the panels in some respects because it deals with finance, *et cetera*, would he certainly want to attract on his panel a Member with particular interest in the area of treasury and finance to complement his own legal skills?

The Deputy of St. Mary:

Yes, certainly. It is obvious premature to take soundings at this stage, but I would welcome interest from any party so interested in being a member of the panel and, indeed, it would be appropriate and necessary to adopt a broad church approach as he suggests.

3.2.12 Senator P.M. Bailhache:

Taking a very broad view, one of the significant failures of Scrutiny since it was introduced in 2005 has been an unwillingness or an inability to scrutinise legislation or draft legislation. If the candidate is elected I think he will probably be the first lawyer to become a chairman of a Scrutiny Panel, and I would like to ask him whether he would be willing to consider a more active involvement in the scrutiny of draft legislation itself?

The Deputy of St. Mary:

I certainly would not wish to tread on anyone's toes on this but, as I mentioned before, the work I have been involved in since arriving in Jersey has been very much one of interpreting legislation as opposed to drafting it, but certainly if I could help the States generally I would be very happy to partake in such an exercise and I believe I have the time available to do so.

3.2.13 Senator L.J. Farnham:

Following on from the last question and given the candidate's experience and available time, will he undertake to ensure that Scrutiny reports are delivered in double quick time?

The Deputy of St. Mary:

To the best of my ability, yes.

3.2.14 Deputy M.R. Higgins:

I am not questioning the candidate's integrity but would he not accept that it is difficult at times for people to judge whether someone's own personal beliefs are influencing their decision if you do not really know the starting point of what they stand for? The candidate on 2 occasions has declined to give his own personal views, but surely in the interest of transparency this information should be out there so we can judge whether the report reflects the evidence or a person's possible prejudices or beliefs. Would the candidate agree?

The Deputy of St. Mary:

On the matter in hand, I have an open mind. I do accept and concede arguments on both sides. I do not think that puts me in a difficult position at all. I will, as I said before, weigh-up the arguments on a balanced approach, which is what I used to do during a practice. I do not see that my personal views, which may well in any case be swayed by future debate, why they have any relevance to that particular question.

3.2.15 Senator P.F.C. Ozouf:

Is the candidate aware that, following up on the previous question, he is the only candidate of the 3 who has never stood for the position of one of the Ministers he is going to scrutinise? Therefore would he not perhaps agree that he might be having the least amount of baggage and just as you, Sir, when presiding over a court do not indicate at all your judgment on matters until you have given your judgment? Is that not a rather stronger position to be in than having laid out all of the previous arguments on what you think about things as a Scrutiny Panel chair?

The Deputy of St. Mary:

I do not think it is my position to speculate on the amount of baggage previous incumbents or candidates may have. To be even-handed, they would of course bring a certain amount of experience, which I do not have, and I bow to the Senator's views on that.

3.2.16 Deputy M. Tadier:

Does the candidate accept that it may be an ominous label that he is clearly the Minister's preferred choice, given the fact that there is bad blood or historically has been between seemingly the 2 candidates and that has been exemplified by some of the questioning? How will he deal with the

fact that he is widely perceived, both in this Assembly and will be externally, as the preferred choice of the Council of Ministers when scrutinising the 2 biggest spending departments in the States? Not the biggest spending departments, the 2 most influential departments in the Assembly.

The Deputy of St. Mary:

To a certain extent that is not my concern. I arrive with no baggage, as has been pointed out. Whether I am the preferred candidate of certain Members or not - I shall be flattered if I am - but that will not affect my judgment if they are to be held to account, as they will indeed, then I will do my duty without fear or favour. I have no problem in doing that. **[Approbation]**

3.2.17 Senator P.F.C. Ozouf:

Is the candidate aware that the areas that the Chief Minister has indicated are delegated to my area - namely financial services, technology and competition - are likely to be not within his area but in the area of Economic Affairs; and is he happy with that?

The Deputy of St. Mary:

I certainly would have preferred if financial affairs remained with your department, that being my area of expertise. Obviously I am unable to influence that in any way, I can live with that. I am sure there is enough for me to get my teeth into without it.

The Bailiff:

Does any other Member wish to ask any questions?

Deputy M.R. Higgins:

It is not a question, Sir, it is a point of order. With Senator Ozouf's comments about the remit of his area probably falling within Economic Development should this information not have been put out to all Members so we know exactly what each departments are scrutinising before we let the people scrutinise them, so therefore we are choosing the best people for the job in each area?

The Bailiff:

I think, as I understand it, financial service has always been in the Economic Affairs Scrutiny Panel and will remain so. Does any other Member wish to ask any questions? Very well, we will draw questions to an end. I will ask the Deputy of St. Mary to withdraw again, and ask that Deputy Le Fondré return to the Chamber. Deputy Le Fondré is now with us and when you are ready, Deputy, you have up to 10 minutes to address the Assembly.

3.3 Deputy J.A.N. Le Fondré:

This is going to be a very short speech. I have previously informed Members of my various skillsets and professional background and I am therefore not going to repeat them now. I am passionate about Jersey. I want to be constructive in helping our Island community through the financial challenges ahead, and there are challenges ahead. This Assembly therefore needs a chairman of the panel who has political experience, as well as professional experience, and I offer both. Perhaps the most relevant remark I should make is that I have previously been vice-chairman of the Corporate Services Scrutiny Panel, so not only do I have significant technical expertise, I do have experience in Scrutiny, and particularly of the Corporate Services Scrutiny Panel previously. I was involved in a variety of reviews, but one key report surrounded the delivery and assessment of the C.S.R., the then Comprehensive Spending Review. It was very well received. But that type of work will have to continue, for example, of the review of the Medium-Term Financial Plan. Scrutiny is about evidence-gathering and coming to a conclusion. I have previously referred to professional scepticism, about having a questioning mind, about ethics, governance and having an

independent approach. That is what Members get with me, coupled with 9 years of political experience and of service in this Assembly. It is about giving more quality information to stakeholders, i.e. States Members, to allow them to make more informed decisions. That means more certainty and fewer surprises. It is what the public expect. It is about making a contribution to ensuring that Government works better together. Teamwork, technical expertise, political experience, trust and transparency are what this position requires and I undertake to give my very best to this role. I do ask Members for their support. Thank you. **[Approbation]**

The Bailiff:

Members now have up to 20 minutes to question Deputy Le Fondré. Does any Member wish to ask any questions? Senator Ozouf.

3.3.1 Senator P.F.C. Ozouf:

If my light is the only one. I have now moved on from the position of Minister for Treasury and Resources, so I just ask the candidate most respectfully, being reminded of the remarks he made in his speech to become Minister for Treasury and Resources last week that we need to let bygones be bygones. I say this in the most delicate and polite way that I can: the candidate has sought the position of Minister for Treasury and Resources on 2 occasions and now he is seeking to effectively scrutinise one of those departments. Does he not think that his undoubted skills perhaps would be better directed towards a completely different area of Government because the perception may be given that effectively he is simply going to want to be effectively shadow Minister for Treasury and Resources. I say perceptions are important and I put the question.

Deputy J.A.N. Le Fondré:

I am a chartered accountant of about 20 years, 30 years' experience. I am passionate about public sector reform and, as I said, in my view, we have significant and challenging times ahead. So my view is that you use the experience where you can best apply it to the best interest of this Island and, in my view, I would like to work collaboratively with the Minister for Treasury and Resources. I believe I have a very good relationship with Senator Maclean, and I would like to give him as much support, but Scrutiny as well, of the public sector reform programme. I think I am best placed in that area.

3.3.2 Senator P.F.C. Ozouf:

May I ask a supplementary? If it is public sector reform that the candidate wanted to focus on then would it not be better for him to have stood for the chairman of P.A.C. which would have put clear water between the potential situation? We are going to have effectively a candidate that simply wants to be effectively discharging the functions of a panel that wants to be the Minister. Why did he not stand for P.A.C.? Would his skills not be more directed towards that if it is public sector reform?

Deputy J.A.N. Le Fondré:

The Public Accounts Committee is backwards looking. The Corporate Services Scrutiny Panel is forward looking. I think that says it all.

3.3.3 Deputy M. Tadier:

Would the candidate confirm that he does not have any conflicts of interest? For example, does he have any family members, children who work at the Treasury?

Deputy J.A.N. Le Fondré:

My children are 7 and 10, so no.

3.3.4 Deputy M. Tadier:

Supplementary. Does he think it is important for a candidate in this, not simply to have the experience that he has talked about but also to be free from that kind of perception of any conflict and if so, would he expect other candidates to have declared that conflict before their candidacy, if they are to be at the forefront of transparency?

[11:45]

Deputy J.A.N. Le Fondré:

If any other candidate did have any perceived conflicts of interest I would expect them to declare it or incorporate it into their speech. I think in this area, looking ahead, it is important ... I am not sure of the details, but I think it is important that ... **[Interruption]**

The Bailiff:

Deputy, I am sorry, I think this must be you, is it?

Deputy J.A.N. Le Fondré:

No, Sir, it cannot be because my bag is outside and that has my phone in it. I do not think I have a pacemaker as yet. In short, it is important, I think, in these areas that wherever possible and, as we said, sometimes conflicts of interest can be managed but it is very clear, I think, particularly measures involving things like Treasury and Chief Minister's office and External Relations that there is a clear separation and no conflicts of interest.

3.3.5 Senator L.J. Farnham:

I am not questioning, of course, any of the Deputy's skills and experience to do the job. That is beyond doubt, but some of the Deputy's views in recent times could be said to be entrenched and he has been a vocal critic of many of the Treasury policies in the past, notwithstanding what can only be described as an unfortunate clash of personalities with the previous Minister for Treasury and Resources. Can he assure the Assembly that he can approach this position with complete impartiality?

Deputy J.A.N. Le Fondré:

Firstly, the point of having a panel is that the panel decides the pieces of work to do. So it is not a one-man band. Secondly, as I have said, independence and objectivity is instilled in my profession and in the work one does and that is one of the things I would bring. Thirdly, if it helps to give an indication certainly of the areas I would think would immediately leap to mind, I would imagine there must be some form of follow up from the Budget 2015 report that was done by Scrutiny, which was very good, and that made some very key recommendations. The meeting of financial planners is a fairly obvious one that would require work. It is all about money and expenditure. That is something I am passionate about. Also - and this is not something I have a view on at all, I just do not know the situation - there is obviously the work for the Monetary Authority that the Chief Minister has referred to in the past in his declaration.

3.3.6 Deputy M.R. Higgins:

Could I ask the candidate: does he think he could ever satisfy Members of the Council of Ministers who are opposed to him having any position in the States simply because of their own entrenched views? Does he really think that they would support him for anything because of their views, not necessarily because of his own?

Deputy J.A.N. Le Fondré:

I do not know what the views are of the Council of Ministers. My understanding was that I do have a good relationship with most, if not all, of them. I would be disappointed if that was the case and, as I said, I am looking to apply my professional skills, my financial skills, in an objective way and

that is working with whatever panel comes on. If I am successful I would ask Members to consider it. It will be an interesting and exciting panel, I think, given the pressures we have ahead and, on that basis, I can only give it my best shot.

3.3.7 Senator P.M. Bailhache:

During the course of the last 9 years we have seen a spectrum of Scrutiny from, on one extreme, oppositional type politics with Scrutiny Panels taking a sometimes rather aggressive and certainly oppositional approach to the process of Scrutiny while, at the other end of the spectrum, we have seen examples during the last 3 years of Scrutiny Panels where the panels have been forceful in exposing flaws in a Minister's policy, but at the same time have been constructive in working with the Minister to try to achieve what was best for the Island. I wonder where the candidate would place himself on that particular spectrum.

Deputy J.A.N. Le Fondré:

I would hope the Minister would expect to say, and that is certainly where I would position myself, is in the latter. I think the example I would use is that when I was first a new Member the relationship between the then Corporate Services Scrutiny Panel and then Minister for Treasury and Resources was constructive and challenging and it worked very well. I would hope that would be the type of style one would see.

3.3.8 Deputy M. Tadier:

Following on from Deputy Higgins' question, there has been much talk about one taking off one's political hat and any prejudices, *et cetera*, when standing for the position of Scrutiny chairman. Does the candidate believe that it is also equally important that all Members of the Assembly take of their political hats in a certain sense and lay aside their prejudices when choosing Scrutiny chairmen so that they do not vote along normal political lines but for the person in every case who is best suited to the job?

Deputy J.A.N. Le Fondré:

Yes. To reiterate, at the end of the day hopefully Members recognise my professional experience, but hopefully they also appreciate that I do have quite extensive political experience. It is the blend of the 2 that I hope I can bring to this role.

3.3.9 Senator P.F.C. Ozouf:

The candidate speaks of political experience. I noted that he voted against every one of the Chief Minister's proposals for Minister last week. I know that he also voted against the increase in G.S.T. (Goods and Services Tax). Mindful of the fact that it is well established and known that the biggest challenge for the new Minister for Treasury and Resources is going to be whether or not there has got to be £50 million worth of money allocated to the Health Department over the next few years, how is he going to bring a completely dispassionate approach to reviewing the next Medium-Term Financial Plan and his position on how to fund the growth in health expenditure when he has ruled out tax increases, apart from those changes to Zero/Ten which he said last week?

Deputy J.A.N. Le Fondré:

There are lots of questions in there. I think, to clarify, the reason I did not support the increase in G.S.T. from 3 per cent to 5 per cent at the time was because I felt we should be doing more on the public expenditure side first. Could I legitimately look my constituents in the eye and say that we had done enough to justify that level of increase? At that time I also went through all of my signatories on my list and discussed that situation with them and they all backed me on that position. It was a difficult decision to take given the position I held at that point. In terms of scrutinising future policies, I do not know what the future policies are going to be that are going to

be coming out of the Treasury. Therefore, we take them as they come. All I will say is, as in all cases, one works with Scrutiny. One of the things that I think is really good about Scrutiny is the quality and calibre of the independent advisers one can bring in and that is crucial and that is what one bases the outcome of the decisions on: as a majority of the committee. It is not one person's view.

3.3.10 Senator P.F.C. Ozouf:

May I have a supplementary? Being that the candidate is suggesting that he did not believe that the necessary increase in G.S.T. was required, but we have made savings since then, and he is aware of the fact that the Health Department is asking for £50 million, is he then effectively saying that his default position is now that we are going to have to make £50 million more of savings in order to fund the Health Department, or is he going to start from the position of saying that the Health Department simply does not need the £50 million?

Deputy J.A.N. Le Fondré:

The questioner, as previous Minister for Treasury and Resources, probably has a far better handle of what Health are proposing than I do at this stage. As I said, I am interested in finding out what the proposals are. I would suspect, if it is coming out of the Health Department, at the very least it will be a sub-panel, effectively, between the Health Scrutiny Panel and Corporate Services. It is not going to be a one-man band.

3.3.11 Deputy M. Tadier:

Would the candidate comment on whether he believes the following statement to be true: that the U.K. Select Committee system shows that, whether or not a member is in opposition or a member of the Government party, in fact all parties are capable of putting forward individuals for chairing Select Committees and, therefore, that is not a bar to being an effective scrutineer and, when it comes to it, that the candidate himself is neither an official opposition Member in this Assembly or a Government lackey but he is an independent and can be considered as a centrist when it comes to the makeup of this Assembly?

Deputy J.A.N. Le Fondré:

Possibly apart from terminology, yes, I think. Certainly I believe I have demonstrated in my 9 years that I will work with anyone on the issue. I do not like the spectrums of left and right politics, but in certain areas I can work with people from one grouping and on other issues I will work with people of another grouping. I hope most Members who have worked with me can recognise that. The whole point is that we are an Assembly of 49 Members. We will have different views on different issues and then we will share views on other issues. That is what the joy of working in this Assembly is.

The Bailiff:

Senator Ozouf, a further question? It is not necessary to fill the 20 minutes. **[Laughter]**

3.3.12 Senator P.F.C. Ozouf:

No, but I will ask one final question. There was a question earlier on conflicts of interest. Would the candidate not agree that, having served as an Assistant Minister in the 2 Ministries that are being scrutinised, there will be a view, having known those people and scrutinised them, that he might have had a conflict of interest ... does have a conflict of interest in scrutinising people that he was previously responsible for in both of those departments, having discharged both an Assistant Minister's role under former Senator Le Sueur in Chief Minister's, and as Assistant Minister for Treasury and Resources and that is a conflict of interest that is unhelpful?

Deputy J.A.N. Le Fondré:

The short answer is no. This is a slightly tiresome question. It is probably 4 years ago since I departed from Treasury. I have spent time on the Public Accounts Committee subsequently and on the Corporate Services Scrutiny Panel when that level of conflict was not raised and obviously, more recently, as the Assistant Minister for Transport and Technical Services. I think there has been enough water under the bridge to invalidate that comment. **[Approbation]**

The Bailiff:

Very well, no more questions. We will bring questions to an end. So I will ask that the other candidates be invited back. Ballot papers are, I think, being handed out. Can I remind Members that in order for it to be a valid vote you must write your own name at the top and then underneath that the name of the candidate you wish to vote for? Just to repeat what I have just said for those who have returned to the Chamber; in order for it to be a valid ballot vote you must put on 2 names. You must put in your own name at the top and you must put underneath that the name of the candidate you wish to vote for. Very well, I will ask that the ballot papers be collected, please.

[12:00]

Have all Members voted and returned their ballot papers? Very well, then I will ask the Attorney General and the Deputy Viscount and the Assistant Greffier to act as scrutineers, please. Now, are Members content we are in a position to take nominations for the Economy Affairs Scrutiny Panel chairmanship? Very well, then I invite nominations for the position of chairman of the Economy Affairs Scrutiny Panel.

4. Chairman, Economic Affairs Scrutiny Panel

The Connétable of St. Martin:

Can I nominate the Constable of Grouville, please, Sir?

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations? Yes, Deputy?

Deputy T.A. McDonald of St. Saviour:

Sir, could I nominate Deputy Simon Bree for the position?

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations? Very well, so we have 2 nominations for that position. Chairman of P.P.C. (Privileges and Procedures Committee), are we in a position to proceed? No, not really because we have got to have a vote possibly for the next one. So we will have to wait.

ARRANGEMENT OF PUBLIC BUSINESS

The Bailiff:

Connétable of St. Clement, perhaps while we are waiting do you want to offer any observations as to how we should proceed after this? If we assume that we know the result of this, one way or the other, in the next 5 minutes or so, we then have 2 candidates, which will take an hour. On the other hand, we cannot straddle it over lunch because of the need for one candidate not to know what has been said about the other. Are there any suggestions as to how we proceed?

The Connétable of St. Clement:

There are 2 options, Sir. Either we adjourn early and come back early or we continue now and finish probably at about 1.15 p.m. and then come back at 2.30 p.m., which I think would be the best option.

The Bailiff:

I would have thought so; otherwise we have too long an agenda for the afternoon.

Chairman, Corporate Services Scrutiny Panel (continued)

The Bailiff:

Very well, I am now in a position to announce the result of the ballot.

Deputy G.P. Southern: 4	Deputy of St. Mary: 21	Deputy J.A.N. Le Fondré: 20
Connétable of St. Helier	Senator P.F. Routier	Senator A.J.H. Maclean
Deputy G.P. Southern (H)	Senator P.F.C. Ozouf	Connétable of St. Lawrence
Deputy M. Tadier (B)	Senator I.J. Gorst	Connétable of St. Brelade
Deputy S.Y. Mézec (H)	Senator L.J. Farnham	Connétable of St. Martin
	Senator P.M. Bailhache	Deputy J.A. Martin (H)
	Senator A.K.F. Green	Deputy of Grouville
	Connétable of St. Clement	Deputy J.A. Hilton (H)
	Connétable of St. Peter	Deputy J.A.N. Le Fondré
	Connétable of St. Mary	Deputy K.C. Lewis (S)
	Connétable of Grouville	Deputy of St. John
	Connétable of St. John	Deputy M.R. Higgins (H)
	Connétable of Trinity	Deputy J.M. Maçon (S)
	Deputy of Trinity	Deputy R.J. Rondel (H)
	Deputy E.J. Noel (L)	Deputy A.D. Lewis (H)
	Deputy S.J. Pinel (C)	Deputy of St. Ouen
	Deputy of St. Martin	Deputy L.M.C. Doublet (S)
	Deputy R.G. Bryans (H)	Deputy R. Labey (H)
	Deputy of St. Peter	Deputy S.M. Brée (C)
	Deputy M.J. Norton (B)	Deputy T.A. McDonald (S)
	Deputy of St. Mary	Deputy G.J. Truscott (B)
	Deputy P.D. McLinton (S)	

The Bailiff:

There were no spoilt papers. That means there is no absolute majority and Deputy Southern drops out. So we will then move to an electronic vote with the 2 votes being for the Deputy of St. Mary and Deputy Le Fondré. In the order of events, the Deputy of St. Mary will be P and Deputy Le Fondré will be C. So if you wish to vote for the Deputy of St. Mary you press the P button. If you wish to vote for Deputy Le Fondré you press the C button. The Greffier will open the voting.

Deputy of St. Mary: 19	Deputy J.A.N. Le Fondré: 22	Abstain: 1
Senator P.F. Routier	Senator A.J.H. Maclean	Deputy G.P. Southern (H)
Senator P.F.C. Ozouf	Connétable of St. Helier	
Senator I.J. Gorst	Connétable of St. Lawrence	
Senator L.J. Farnham	Connétable of St. Brelade	
Senator P.M. Bailhache	Connétable of St. Martin	
Senator A.K.F. Green	Deputy J.A. Martin (H)	
Connétable of St. Clement	Deputy of Grouville	
Connétable of St. Peter	Deputy J.A. Hilton (H)	
Connétable of St. Mary	Deputy J.A.N. Le Fondré (L)	
Connétable of St. John	Deputy K.C. Lewis (S)	

Connétable of Trinity	Deputy M. Tadier (B)		
Deputy of Trinity	Deputy of St. John		
Deputy E.J. Noel (L)	Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)	Deputy J.M. Maçon (S)		
Deputy of St. Martin	Deputy R.J. Rondel (H)		
Deputy R.G. Bryans (H)	Deputy S.Y. Mézec (H)		
Deputy of St. Peter	Deputy of St. Ouen		
Deputy of St. Mary	Deputy R. Labey (H)		
Deputy P.D. McLinton (S)	Deputy S.M. Brée (C)		
	Deputy M.J. Norton (B)		
	Deputy T.A. McDonald (S)		
	Deputy G.J. Truscott (B)		

The Bailiff:

I therefore declare Deputy Le Fondré is elected as chairman of the panel. **[Approbation]**

Deputy J.A.N. Le Fondré:

Sir, can I just thank everybody who has voted for me and commiserate with the Deputy of St. Mary.

The Deputy of St. Mary:

May I in turn congratulate Deputy Le Fondré for his successful application?

Deputy G.P. Southern:

After I have congratulated the successful candidates, Sir, because I would not want to be churlish in any way whatsoever, and also to congratulate the Council of Ministers for staying so organised.

Chairman, Economic Affairs Scrutiny Panel (continued)

The Bailiff:

We move now to Economic Affairs and we have 2 nominations, the Connétable of Grouville and Deputy Bree. I will ask Deputy Bree to withdraw from the Chamber.

The Connétable of Grouville:

Sir, before we start can I just make an observation to warn other Members. I did intend to vote for the Deputy of St. Mary in that last ballot, but somehow or other the button did not work. I did vote for him on the first occasion, because I proposed him, and I intended to do so on the second occasion. It would not have made any difference, but I would just like to clear that up.

The Bailiff:

Very well.

The Deputy of St. Martin:

I thank you for that.

The Bailiff:

Then I invite the Connétable of Grouville to address the Assembly for up to 10 minutes.

4.1 The Connétable of Grouville:

It is difficult to fill 10 minutes when contesting for the role as a Scrutiny chair. Scrutiny chairs, unlike Ministers, do not set policy. A prospective Minister can talk at some length on the policies they think they need to develop or to change.

[12:15]

I will try to stick to persuading Members that I have the right qualities to lead this particular panel. I am not used to blowing my own trumpet, which is a bit of a handicap for a politician at an election, but here goes. Economic Development brings together responsibility for tourism, retail, gambling, the lottery, air and sea links, farming, business development and inward investment and also it will be for sport and culture. I allowed my name to go forward for this post for a number of reasons. Personally, I consider that Constables must and do pull their weight in this Assembly. **[Approbation]** By serving in what I consider to be an important role, should I be successful, I will be serving this Assembly in a meaningful way. That is by no means the only reason I am putting myself forward, though. I believe that the role of Scrutiny is an important one and that the panel needs to be chaired by someone who has experience in the areas for which their respective Scrutiny Panels have responsibility. Farming is very much a business and I have run my farm for more than 30 years. Farming is a very diverse industry and it has allowed me to come into contact with many other businesses, be it construction, marketing - both local and overseas, freight and transport, wholesale and retail and, indeed, dealing with government departments. For this reason I have gained much experience in the problems faced by all businesses and, particularly, small businesses which, of course, are so important to the future success of our economy. I am particularly pleased that the Minister for Economic Development will take over responsibility for Sport and Culture. I hope this will enable more emphasis to be given by this Government to helping all sporting bodies within the Island to develop their sports to the highest possible standards. Both Sport and Culture, which will become the responsibility of the Minister for Economic Development, are both key elements in attracting event-led tourism. I am sure that proper scrutiny of any new initiatives will help ensure that any resources directed in these areas will be managed in such a way as to get best value for money. One other advantage I have, should I be given this role, is that I have sat on the recent Economic Affairs Panel for the last year and am aware of the work that the panel has been doing, including the incorporation of the ports, which is a big task to do, the Aircraft Registry, the Retail Review, the Tourism Board and Innovation Fund, to name a few. The term "critical friend" has been used a number of times this morning and I am not over-keen on it. I do not think personalities should come into it at all. I am sure that I will get on very well with Senator Farnham, as we do now, but I do not have to be his friend. Any report of any Scrutiny Panel needs to be well researched, fact-based and evidenced. If that is the case then I see no reason why a Member and his or her department will not act on any advice that they receive. They will not, I am sure, take constructive criticism as unfriendly. Indeed, if it makes his or her policies better then I am sure that any observations will be welcome. One issue that might concern Members is the fact that the rural strategy is up for review and I am still financially involved in a farming business. The rural strategy is a wide-ranging subject and I see no reason that I should not be able to scrutinise much of it, but I can assure Members that when it comes to discussions on direct financial support I will, of course, not take part. I do not have expertise in all areas, no one does and if I am elected to this post I will try and get a team of 2, hopefully 3 other Members with expertise in other areas. I have already had some interest shown by a number of Members who are keen to join the panel. It is very easy to say that Health and Education are the most important Ministries but I disagree, Economic Development is of equal importance and vital, as without economic growth we simply will not raise the taxes required to raise the funds for these vital elements of government, health and education provision. As chairman of this important group I would help to ensure that we do achieve economic growth. This is high on the agenda of the Chief Minister and of the Council of Ministers altogether. It should be on everybody's agenda. It is on mine. I do make one observation though, that we must never forget that economic activity can and does affect the environment and that reality is something that will be in my mind when scrutinising Economic Affairs. I believe I have a lot to offer in this post and hope that Members will feel able to support me today. **[Approbation]**

The Bailiff:

Very well. We now have up to 20 minutes to question the Connétable. Does any Member wish to ask any questions? Senator Routier.

4.1.1 Senator P.F. Routier:

The remit, as explained by the candidate, also includes the area of sport. I would just like to have an indication from the candidate if he feels there is any particular area of sport that needs particular focus.

The Connétable of Grouville:

As I have said, it is not for the Scrutiny Panel to bring forward policies. I think all sports need support. It is obviously good for everybody's health. It is good for tourism and I would hate to pick out on one sport in particular. We have a fantastic sporting fraternity over here in many, many different areas and long may that continue. I am pleased that the focus has now been put on sport more, even if it has just been moved from the Ministry to another Ministry. I think that is important and I think it sends out the right messages to anybody who is involved in local sport.

4.1.2 Deputy M. Tadier:

In the absence of an upper Chamber, any legislative scrutiny will need to be done by either Back-Benchers or Scrutiny Panels. Does the candidate have any comments about how he envisages legislative scrutiny taking place on his panel and will that also be a priority?

The Connétable of Grouville:

I think that when it comes to matters such as that we need to get professional advice in, having sat on the panel for a year. I know when we had the Financial Ombudsman we did indeed do just that and it led to us managing to change the Minister's mind on whether or not access to the Ombudsman would be free. We put forward with some advice that it should be and the Minister accepted that recommendation.

4.1.3 Deputy M. Tadier:

What kind of independent advice would the candidate envisage for looking at Jersey legislation when it comes to seeing whether it is fit for purpose? Are we talking about outside lawyers coming in or it is usually one expects to work directly with the Law Officers' Department, the Attorney General, *et cetera*, to get legal advice?

The Connétable of Grouville:

That would depend on what it was. The Financial Services Ombudsman was more of an international issue. If it was a local issue then we would probably have to use local advice but each case would be taken on its merits and see what we needed, if professional advice is needed obviously.

The Bailiff:

Does any other Member wish to ask any questions? No, then we bring questions to an end. Very well. We will ask the Connétable, who has escaped very lightly, to withdraw. Yes, Deputy Bree has now rejoined us and, Deputy, when you are ready you will have up to 10 minutes to address the Assembly.

4.2 Deputy S.M. Bree:

Healthy government requires effective checks and balances, so why do we need Scrutiny? I believe that Scrutiny has a vital role to play in the Government of the Island. It must work together with

Ministers, not in opposition. It must look forwards, not backwards. It must be able to offer constructive suggestions and ideas. Its role is to assist in building a better future for our Island. We face some major challenges over the coming years, which mean difficult and sometimes very hard decisions to be made. The work of Scrutiny is a vital and integral part of this process. What is the role of Scrutiny? I believe it is two-fold. Firstly, internal, to review policy and legislation and, secondly, and equally as important, external, to engage and inform the public. We face a major issue at present, which is the high level of public disillusionment with Island politics and politicians in general, as can be evidenced by the generally low-voter turnout in the last election. There is also, I believe, a public misconception about the role of Scrutiny and its effectiveness. We need chairmen who understand these issues and are willing and able to engage with the public and local businesses to rebuild confidence and engagement in our political system. Who should be a chairman? We need people with a clear vision for the future, with proven ability, highly effective communication skills, strength of personality, integrity and a willingness to work as part of a team. We need people who have the ability to look at the big picture and to understand the implications to the Island as a whole of any future policies or legislation that are brought forward for Scrutiny. But any chairman must also understand the vital role of other members of the panel. Chairmen with vision often fail by not understanding the need for detail people. It will not work effectively without both. Why do I believe that I am suited to this role? Very briefly - as I am sure, Sir, you are relieved to hear - I have 25 years' experience working in the local finance industry, including time spent with Reuters and Dow Jones. I have experience of setting up my own business. I am passionate about our Island and its people. I am proud to be a Jerseyman. I am honoured to be a Member of this Assembly. I stood for election because I believe that together we can build a better future. I truly believe that I can make a real and constructive contribution in this role if elected.

[Approbation]

The Bailiff:

Thank you, Deputy. Members have up to 20 minutes to ask question of the Deputy. Would any Member like to ask questions? Senator Routier.

4.2.1 Senator P.F. Routier:

The brief of the Economic Development Department now includes sport. I just wondered if the candidate had a view on the need to enhance sporting opportunities within our Island and if Scrutiny would help to play an important part in that.

Deputy S.M. Bree:

I think that sport is a very important part of Island life. There are 2 roles that sport perform, one is in an educational sphere and the other could be looked at as a tourism attraction. We have a lot to do, I believe, in the Island to enhance the sports facilities that we offer, both to our schools and to visitors to the Island. All of that has to be bound though by the cost effectiveness of doing anything.

[12:30]

I think this is where Scrutiny can help, is to look at the policies that are being brought forward by the Minister and say: "Yes, it would be lovely to have that but is it cost effective? Does it benefit the Island as a whole?"

4.2.2 Deputy M. Tadier:

Following on from that, how will the candidate and his panel ascertain, often when cost effectiveness or the value of doing something, for example, in the sporting arena, may be a deferred benefit in the future or an intangible benefit that cannot be seen, i.e. as saving money at the hospital in 30 years' time because fewer people are going in there because they have done more sports?

Deputy S.M. Bree:

A very sensible question, in view of the circumstances. I think the Deputy is quite right. Any decision that is made needs to be made looking forward, so we need to look towards the future to say what we do today will have impact on Jersey and its people in 10, 15, 20 years' time. All of that would need to become part of the discussion process that the Scrutiny Panel were having with the relevant Minister.

4.2.3 The Connétable of St. Lawrence:

The candidate knows that this department has a very broad remit and he must also be aware of the legacy report that has been left by the previous Scrutiny Panel. What does the candidate see as being his priority to scrutinise if he was to be elected to this post?

Deputy S.M. Bree:

The legacy report that was written by the outgoing Scrutiny Panel is an excellent report and I think we need to take that as our starting point for any work that any Scrutiny Panel is doing. I think the most important thing for any chairman of a Scrutiny Panel to do, his first priority, is to build a communication with the Minister responsible for the department that he or she, as chairman, is looking after. I think communication is the important thing that possibly has been lacking in the past. It is only by talking and listening and understanding that I believe a Scrutiny Panel can do its most appropriate work and its most important work, which is to ensure that the interests of the Island and its Islanders are kept as the top priority at all times.

4.2.4 Deputy M.R. Higgins:

Could the candidate elaborate on his last answer in terms of his relationship with Ministers? Is he talking about the panel having meetings with the Minister in a formal way or is he talking about informal meetings between the chairman and the Minister?

Deputy S.M. Bree:

I think that there needs to be a formality at all times in the relationships between the chairman of a Scrutiny Panel and the Minister involved. I think that it is wrong and could be perceived as being wrong, by not only other Members of this Assembly but also the public, if the relationship were too - how can one say - friendly? I think at all times we need to be mindful of the appropriateness of any such meeting. I would prefer to have a formal meeting but, at the same time, that meeting should be on a much more regular basis.

4.2.5 Deputy M. Tadier:

Which Scrutiny report does the candidate think was the most impressive in the last 3 years that has been produced by this panel?

Deputy S.M. Bree:

I think the most impressive one for me was looking at the incorporation of the ports. It is such a huge subject, however, more work needs to be done on that. However, as I said, I think that we need to look forward, not backwards. We need to build on the work that has been done by the previous Scrutiny Panel but every chairman is going to have their own style, their own way of doing things and I think it is important that the new incoming chairman is not encumbered by any previous reports that that particular panel may have written.

The Bailiff:

Does any other Member wish to ask any questions? No, then we will bring questions to an end and ask that the Constable of Grouville return to the Chamber.

The Bailiff:

So, the Connétable of Grouville is now with us and so we will move to the vote for the chairmanship of the Economic Affairs Scrutiny Panel. If you wish to vote for the Connétable of Grouville, you press P. If you wish to vote for Deputy Bree, you vote C. The Greffier will open the voting.

Connétable J.E. Le Maistre: 29	Connétable S.M. Brée: 11	Abstain: 3
Senator P.F. Routier	Connétable of St. Clement	Deputy G.P. Southern (H)
Senator P.F.C. Ozouf	Deputy J.A. Hilton (H)	Deputy M.R. Higgins (H)
Senator A.J.H. Maclean	Deputy K.C. Lewis (S)	Deputy S.Y. Mézec (H)
Senator I.J. Gorst	Deputy M. Tadier (B)	
Senator L.J. Farnham	Deputy S.J. Pinel (C)	
Senator A.K.F. Green	Deputy L.M.C. Doublet (S)	
Connétable of St. Helier	Deputy S.M. Wickenden (H)	
Connétable of St. Peter	Deputy S.M. Brée (C)	
Connétable of St. Lawrence	Deputy M.J. Norton (B)	
Connétable of St. Mary	Deputy T.A. McDonald (S)	
Connétable of St. Brelade	Deputy P.D. McLinton (S)	
Connétable of St. Martin		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy E.J. Noel (L)		
Deputy of St. John		
Deputy J.M. Maçon (S)		
Deputy of St. Martin		
Deputy of St. Peter		
Deputy R.J. Rondel (H)		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		

The Bailiff:

So I declare that the Connétable of Grouville is elected as chairman.

The Connétable of Grouville:

Thank you, Sir. Can I thank Deputy Bree for putting his name forward and also my proposer and seconder and those who supported me?

Deputy S.M. Bree:

Sir, may I offer my heartfelt congratulations to the Constable of Grouville and should he be looking for anybody to sit on his panel ... **[Laughter]**

The Bailiff:

Very well. Well, then, this may be a convenient moment to adjourn ... but we will reconvene then at 2.15 p.m. as normal, when we will move to the next appointment. I am so sorry. Would it be

helpful to have nominations now, or not? So we know where we are. Sorry for that change of mind **[Laughter]** but I think it would clarify matters if Members are happy to do that.

Deputy M. Tadier:

Sir, could we take the nominations after lunch for this? I think that that would be preferable for my part as a potential candidate. It may save time as well.

The Bailiff:

Well, what does the Assembly wish to do? We can take nominations now if Members would wish. Those in favour of taking nominations now, please show? Those in favour of doing it after lunch? I think the majority are with taking it now.

Deputy M. Tadier:

Sir, there is good reason why. This is the Education and Home Affairs we are talking about, I am presuming? There is good reason I have asked for it to be taken after lunch. If we are going to do the debates after lunch, I think we could easily take the nominations. It is not going to ...

5. Chairman, Education and Home Affairs Scrutiny Panel

The Bailiff:

Deputy, Members have just voted to take it now so I think we are stuck with that. So I invite nominations for the chairmanship of the Education and Home Affairs Scrutiny Panel. Any nominations? So, no nominations? It was rather a waste of time ... **[Laughter]** The Deputy of St. John?

The Deputy of St. John:

Sir, can I nominate Deputy Louise Doublet?

The Bailiff:

Deputy Doublet. Is that seconded? **[Seconded]** Any other nominations? No other nominations? Very well, then I declare that Deputy Doublet is elected as chairman. **[Approbation]**

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

Can I just thank the Assembly for their support? Thank you.

The Bailiff:

All right. Well, that is that one but I think probably we will leave the next one. **[Laughter]**

Senator L.J. Farnham:

We are on a bit of a roll, Sir. It might be worth giving it a go.

The Bailiff:

We will reconvene at 2.15 p.m.

[12:40]

LUNCHEON ADJOURNMENT

[14:15]

6. Chairman, Environment, Housing and Technical Services Panel

The Greffier of the States (in the Chair):

So we resume the appointment of the chairman of the Scrutiny Panels and I invite nominations for the chairmanship of the Environment, Housing and Technical Services Panel. Are there any nominations?

The Connétable of St. Martin:

I nominate the Constable of St. Helier, please Sir.

The Greffier of the States (in the Chair):

The Constable of St. Helier. Is that nomination seconded? **[Seconded]** Are there any further nominations? Are there any other nominations? If not, I will declare that the Connétable of St. Helier is appointed as the chairman of that panel. **[Approbation]**

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

Given that we can have too many uncontested elections, I wonder if a Member would like to move that I make the speech and answer questions?

The Greffier of the States (in the Chair):

I do not think it has been the precedent of the previous ones. I think it was probably different for the Chief Minister. It is no doubt something for the new chairman of P.P.C. to consider with the committee. **[Laughter]**

7. Chairman, Health and Social Security Scrutiny Panel

I invite nominations for the chairmanship of the Health and Social Security Panel. Are there any nominations?

Deputy J.A. Hilton:

Yes, Sir. I am delighted to propose the Deputy of St. Ouen for the chairmanship.

The Greffier of the States (in the Chair):

The Deputy of St. Ouen. Is that nomination seconded? **[Seconded]** Are there any further nominations?

Deputy S.Y. Mézec of St. Helier:

Sir, could I propose Deputy Southern, please?

The Greffier of the States (in the Chair):

Deputy Southern. Is that seconded? **[Seconded]** Any further nominations? Very well, we will therefore proceed to the speeches and I will ask Deputy Southern to retire ... **[Laughter]** from the Chamber. **[Laughter]** Deputy Southern to withdraw and I will invite the Deputy of St. Ouen when he is ready to address the Assembly for up to 10 minutes.

7.1 Deputy R.J. Renouf of St. Ouen:

I am grateful. I put myself forward for this role with some trepidation but it seems to me that health and social security are areas where so many Islanders connect with States services. It may be they are receiving pensions or benefits or they, or their family members, are using hospital services or receiving care. I would like to play a part in the States Assembly that delivers those services in an effective and caring way to our community and in a way that we can all be proud of. We all bring different skills to contribute to the States Assembly. I believe my skills can be useful and I believe I have experience in this role. I have trained as a lawyer and practiced for the last 30 years as an advocate. As a lawyer, I am used to researching and gathering material, looking at all sides of an issue, weighing-up evidence, identifying strengths and weaknesses in an argument, drawing

conclusions and then communicating those, hopefully clearly, sometimes as written advice, sometimes in a submission to a court. So I would hope those skills would assist me in examining policies or issues that are placed before this panel. Legislation is the toolbox of a lawyer; we work with laws and regulations day in and day out. We gain an understanding over time of how they are put together and how legislation is interpreted. Again, I hope that would stand me in good stead for the scrutiny of legislation. Professionally, I have also had direct contact with Health Services and Social Security. I have acted for elderly clients needing care and as curator for clients who are not able to look after their own affairs. For them, I have filed income support claims and had to mop my brow after that was done. I have filled in Long Term Care applications and I have worked with marvellous teams in adult social services, putting together care packages for our clients. So I have some hands-on experience of the work carried out by these departments. Over the last 10 years, I have been involved with the States Complaints Panel, firstly as a deputy chairman and latterly as chairman. It is not a high profile panel, I will grant you, but the chairman also reviews complaints as they come in to see if they are within the remit of the panel and we perhaps redirect them elsewhere or attempt an informal resolution. But that role has given me an understanding of how States departments work and the respective roles of Ministers and chief officers.

The Greffier of the States (in the Chair):

Is there a phone somewhere near your microphone, Deputy? Thank you. It is quite sensitive, the new system. So I will give you another 20 seconds. Please proceed.

The Deputy of St. Ouen:

When complaints boards are convened for formal hearings, and I have sat with 2 other panel members and led the questioning of departmental officers and sometimes Ministers or Assistant Ministers. We would hear from the complainant and sometimes witnesses he or she has brought along. While we are looking at particular decisions taken by Ministers, sometimes we need to question and gain an understanding of the policy behind the decision and the reasons for it. So I have had that experience of chairing a board and dealing with members of the public in that role. I have also chaired arbitration boards, dealing with compulsory purchase of property. Again, working with others sitting with me and assessing evidence from experts on questions of valuation. I believe I can bring some personal skills to the role. I am told I am a good listener. I adopt a detailed and thorough approach to the work I take on. I believe I am inclusive and will ensure that all views are heard. I will always work for consensus. The last panel worked extremely hard and produced excellent reports and it appears that many of their recommendations were accepted. I would like to build on the work of that panel and the good working relationships it seems to have established with the 2 departments. I wholeheartedly accept the Scrutiny Code and I would work collaboratively with Ministers but would not be afraid to challenge them. I do regard Scrutiny as a critical friend, the process in that way. When elected, the Chief Minister said that Scrutiny must act as a check and balance on the Council of Ministers, but the Council must listen to informed views and constructive challenges of Scrutiny Panels. I do share that vision of Scrutiny and will seek to hold the Chief Minister to his words. If the Council of Ministers respects the Scrutiny role, then it must allow Scrutiny adequate time. It seems to me that we have seen delays in lodging propositions, a rush to get a Scrutiny report out in time for debate and the Ministerial response very late, perhaps on the day of the debate. That should not happen. That harms the interests of good government, it seems to me, and I hope those timing questions would be resolved between the Chairmen's Committee and the Council of Ministers. As to what might be included in the panel's programme for the future, that would very much be a matter for consultation with other Members and we would need to see the business plans of Ministers. We would, of course, at an early stage, need to review the Strategic Plan and the Medium-Term Financial Plan for each of the departments. But the excellent Scrutiny legacy report gives us a direction of travel. In Health and Social

Services, clearly we have to ensure that the redesign programme for Health and Social Services is robust. The business case for the new hospital and perhaps we can ensure the commitment to the 1,001 days programme is acted upon. The excellent C.A.M.H.S. (Child and Adolescent Mental Health Service) Report that the previous panel rather took us aback, I believe. We must follow up its findings and recommendations and go on to examine adult mental health services. This has been acknowledged as a priority by the Council of Ministers and the panel must treat it as such. Other issues identified have been patient safety and hospital respite care for adults. I believe you must look at the primary care model and ensure that that fits in and is adequate. In terms of legislation, we must look carefully at the regulation of care providers as regulations to be introduced and the new mental health and mental capacity laws. In Social Security, they are the sex discrimination and other subsequent regulations to ensure that they are drafted well and fit the needs of our society. Perhaps it is time now that income support has been with us for many years, perhaps we should have a comprehensive review of that scheme and in due course, I believe we will need to review the Long Term Care scheme to see if it is working for its users and review how it is communicated to those who need care. In conclusion, I believe I am diligent in my approach to work and I will work hard and hold appropriate skills and experience to contribute positively to this role. I am happy to answer questions and I hope Members will feel able to support me.

[Approbation]

The Greffier of the States (in the Chair):

I will now allow up to 20 minutes of questions to the Deputy of St. Ouen. Are there any questions for the candidate? Deputy Higgins?

7.1.1 Deputy M.R. Higgins:

The candidate, being with the Complaints Board, has obviously dealt with Ministers before. Could he explain how he found dealing with Ministers and whether they listen to the Complaints Board and its recommendations?

The Deputy of St. Ouen:

Most of the time, we dealt with the chief officers. I have to say, in the early days, it was more usual for committee presidents or vice-presidents to come along; under Ministerial government it has been the case that we do not often see a Minister or assistant but the chief officers. That is for the Minister to decide. I have found the chief officers usually fully briefed. The Chief Ministers have been helpful; we have had information that we have required. I am sorry, the Ministers in the cases of all reviews. No complaints.

7.1.2 Deputy M.R. Higgins:

A supplementary? Did the chairman also consult on some planning matters or the Planning Department? Did they always follow the advice? Did other departments always follow recommendations of the panel?

The Deputy of St. Ouen:

Several of the complaints made to the board were from planning applicants and I would think, in most cases, the Minister for Planning and Environment chose not to follow our advice but there have been occasions, I believe, I cannot be sure now, reviewing 10 years, but I believe there were some in which the recommendations were accepted or perhaps some agreement was reached as a board was sitting.

7.1.3 Deputy M. Tadier:

The candidate's previous experience on the Complaints Panel should set him in good stead given that it is a group of hardworking people, who make sound recommendations, which then go on to

be ignored often by Ministers without any way of them being enforced. Does the candidate believe that there needs to be something put in place so that Scrutiny reports cannot simply just be shelved where Ministers can pick and choose the bits that they like but recommendations and findings do need to be discussed and acted upon, perhaps with the direction of this Assembly.

The Deputy of St. Ouen:

I believe it is for any member of the Scrutiny Panel or any Member of this House to bring matters before the Assembly in the form of questions or propositions, if they feel that Ministers are ignoring recommendations. I would hope for an Assembly that works together, that ensures that evidence-based conclusions are acted upon.

The Greffier of the States (in the Chair):

Do we have any further questions for the Deputy of St. Ouen? Senator Routier?

7.1.4 Senator P.F. Routier:

Would the candidate give his view on the necessity to look into very carefully the respite services for adults, which currently exist within the Island?

[14:30]

The Deputy of St. Ouen:

Yes, I believe this is an important issue. It is something that I would want to raise with other Members elected on to the panel but the previous panel carried out an excellent review into respite services for children and I think in the course of that, it became apparent that there were issues concerning adult respite care and this is one of the matters that I will certainly bear in mind when considering which issues you might review.

The Greffier of the States (in the Chair):

Do we have any further questions for the candidate? If not, we will bring questioning to an end and I will ask the Deputy of St. Ouen to retire and we will invite Deputy Southern to return to the Chamber. I can notify Members while we are waiting that 2 propositions have been lodged today” “Planning Applications Panel: appointment of members” by the Minister for Planning and Environment; and the “Jersey Employment and Discrimination Tribunal: appointment of members”, the first lodged by the Minister for Planning and Environment and the second by the Minister for Social Security. I understand the copies are, if not on Members’ desks, in Members’ pigeonholes. One or the other. Deputy Southern, when you are ready and have caught your breath, I invite you to address the Assembly.

7.2 Deputy G.P. Southern:

It is always better to start when you are ready. It is rather a humbling procedure today, when you realise how many people in this Chamber have believed the lies that have been said about you over the years about you being impossible to work with, antagonistic and confrontational ... to realise that many people believe that. However, I have no horns. Why am I standing? I am standing because I reckon - I worked it out for long time - that nobody dies of humiliation or embarrassment. So if I get 4 votes again, I get 4 votes again, but at least I have examined what has been going on. My basic question is: “Who looks after the poor, the ill and the old?” Who is best placed to look after them? Am I better placed on the Back Benches and working outside with my voters and constituents into sorting their problems, running around, sometimes frantically in order to do so. Or am I better placed inside the House as a chair of a Scrutiny Panel which deals with their issues? I think I am better placed as a chair of a Scrutiny Panel dealing with their issues as well as doing

the constituency work. Why do I say this? I say this because I am reminded of Martin Niemöller's phrase when he said: "And then they came for the socialists and we said nothing." Because, over the next 3½ years, there will be strong arguments to cut the services that we have to the most vulnerable, worst-off people in our society. There will be arguments; I know this, because they have already started. The fact is, in the last 3 years, we have taken £6 million out of the benefit system and I echo Niemöller's words when I say: "First they came for the widows and this House did nothing." Widows Benefit was removed from the majority of widows last year. That is what we did to save £3 million. "They came for the carers and this House did nothing." We managed to make the way in which we care for people to be a contributory benefit, that cuts out some people who are not in work from being carers. So we changed the Invalid Care Allowance to the Home Care Allowance and we made it more difficult and we saved taxpayers' money by transferring it into a contributory system and there was another £3 million. The pressure will be on because we have £100 million shortfall in our tax income. That was solved by fudge, bodge and bidge, one way or another, sticky plasters here, there and everywhere for one year. Budget 2015 just about balances. Budget 2016? Where is that tax income coming from? Is there going to be a sudden surge of economic activity or are we going to drift along with the same relatively low volumes of growth which we have done for the past 5 or 6 years. The answer is there will not be any spare money. All departments will start taking a hit because that is what the Ministers have said, including Social Security. Where is Social Security going to save its next tranche of money from? What hardship will that cause? It will cause some because we are talking about the poorest and the most vulnerable in our society. We do not have a generous benefit system; we have a benefit system that, as I, in a speech last week, reminded Members, keeps people in in-work poverty. If you work for the minimum wage, then you are supported through supplementation and income support to the tune of £9,000 by the taxpayer for each low paid job in there. If we want to save some taxpayers' money, why are we not looking at a system that does that? Why are we not looking at the minimum wage? Why - we will be - are we not looking at a living wage? We have just seen another surge of interest in the U.K. The living wage is taking off and is becoming more and more acceptable. We should be looking at that, and from a Scrutiny point of view, I look forward to examining the paper that comes when it comes in the first 3 months of next year. I shall also be looking keenly at our use of zero-hours contracts. Why do we have them 2½ times the rate of zero-hours contracts in Jersey as they do in the U.K.? What is it about our employers that zero-hours contracts are seen as the way forward? Are we going to do anything that? What are we going to do about it? As head of Scrutiny, I want to be involved in those decisions and looking at what we do and whether that is a code of good practice, which a bad employer can always break, or legislation, it is a vital issue for many people who are being exploited on zero-hours contracts. Turning to Health, briefly, I know that the hospital at the moment is running on overtime; between 11,000 and 22,000 hours of overtime done by bank nurses. If they were to withdraw their goodwill and not do overtime from now on, we would have wards closing. We are reliant on the goodwill of nurses to keep our services going. The fact is, we cannot recruit and retain enough specialist, experienced nurses to run our services. Waiting lists go up day by day. We must spend some more on that. Now, that might be ring-fenced. Maybe there is some money in the pot for health services. But I am not sure. Not yet. So I have no objection to my fellow candidate who is standing. I have met him once. He is a very good man. He judged one of my appeal cases going to the Social Security appeal case. Oh no, it was not, it was a Complaints Board and he ruled for me. **[Laughter]** Nothing happened as a result of that because, as you know, a Complaints Board is not mandatory. The Minister just has to keep his head down, does not have to do anything to respond to it. Nonetheless, I know him to be a fair man and I would have no objection to working alongside him were he to request me to do so. I am sure, in about 6 months' time he will understand the system that he is dealing with and be able to make constructive criticism of where he sees it going wrong or duplicating or not quite working or not quite appropriate, *et cetera*. When he finds that he

might be deeply shocked, as I was over the past 6 years, to work out how the system works. He may well understand the income support system and may feel he has a mastery of it, in which case he will be better off than most of the people who administer it, only some of whom understand the income support system, because if you go there one day you get one piece of advice - talk to anybody who has dealings with Social Security - go there the next day, you may get very different advice. That is what happens on a daily basis. He might understand it, as I do now, because I have been working on it for the past 3, 6 years. My experience is most marked here. Who is to look after the poor, the sick and the old? I suggest it should be this Scrutiny Panel.

The Greffier of the States (in the Chair):

Just before I call you to questions, Deputy, could I just clarify? When you started your speech you referred to the lies that have been said about ... I appreciate you perhaps feel that some incorrect and unfair things have been said. I just wish to clarify the suggestion that any Member of the Assembly had deliberately lied to the Assembly about your abilities. May I just ask you to clarify that?

Deputy G.P. Southern:

Some of the descriptions of my abilities and lack of them are somewhat exaggerated, Sir.

The Greffier of the States (in the Chair):

Yes, but you are not suggesting any Member deliberately lied to the Assembly? Very well. We have 20 minutes of questioning to the Deputy. Does anyone wish to ask a question? Are there any questions for Deputy Southern?

7.2.1 The Connétable of St. Lawrence:

The Deputy has chaired a Scrutiny Panel in the past and I am pleased to stand before the Assembly today to say that I served on that panel with him. I would say he was an excellent chairman. He was fair. He worked on a consensus basis.

The Greffier of the States (in the Chair):

Questions not speeches, please.

The Connétable of St. Lawrence:

I am almost finished, Sir. I think it needs to be said. And he valued the input and opinion of the panel members who served with him. Having said that, for clarity, I would like to ask the candidate what he considers to be the most important Scrutiny report that he has presented to the Assembly and how it has affected policy?

Deputy G.P. Southern:

As I said earlier on in the day, there are 2 in particular that I am most proud of. Perhaps the first one on Scrutiny, as it was in its first year, where we said that: "It is not fit for purpose and it does not support people saving and it does not support people in work."

[14:45]

Now, adjustments have been made to the system so that it better supports people in work. However, nobody has done anything about the absence of incentive to save, especially for the elderly. Income support is particularly bad at that and is ... well, particularly bad at that. In terms of success, then a chunk of recommendations in the third report I did on income support have been put into action. We have a website that is clear. We have information that is clear. People can do a calculation to see if they are due any income support and it is relatively straightforward to do. That is a vast step forward. As I have said before, one of the things that is wrong with any benefit

system is under-claiming. People do not want to claim. In some cases they feel embarrassed to claim but they do not know whether they can claim and if you can do step then obviously you are dealing with the under-claiming element.

7.2.2 Senator P.F. Routier:

Does the candidate recall that the recommendations that were made in the Scrutiny Panel report for when income support was originally introduced; the suggestions of improving the incentive to work and incentive to save were going to cost a great deal of money which was not available within budgets?

Deputy G.P. Southern:

The money was not available from the budget because we abandoned a whole chunk of work which had been taking place over a number of years called the CRSP (Centre for Research in Social Policy) Review, which said how much money do you need to live on in Jersey? When it came to the crunch that number looked a bit big so it was cut, scaled-down completely to welfare levels plus 10 per cent and the fact there was no money to do those things was because the Ministers in charge - they were Presidents at the time - decided to cut the money anyway, cut the funding.

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

I know the Deputy has some knowledge in this area but can I ask the candidate whether he feels homelessness has been adequately addressed in the Island and will he, if elected to the Scrutiny Panel, consider it a scenario they will investigate in future?

Deputy G.P. Southern:

As an ex-support worker for the homeless I do know something about homelessness in Jersey and how remarkably easy it is to fall into homelessness. You lose your job and without a support network around you it is very easy - for men in particular - to become destitute practically overnight. You can be thrown out of your house at short notice and you can, if you lose your job; it could be that you end up with the whole world around you collapsing so it is relatively easy to become homeless. While I am aware of the many initiatives that deal with homelessness I believe that there could well be a case for examining how we deal with it and whether we can deal with it in subtler, more effective ways than we currently have? Yes, so there is scope there for that and again, I have the experience to back it up.

7.2.4 Deputy S.Y. Mézec:

The previous Scrutiny Panel did an excellent report into the Child and Adolescent Mental Health Service so could I ask the candidate how he would like to see investigations into the Mental Health Service progressed and would he support a Scrutiny review into the Adult Mental Health Service too?

Deputy G.P. Southern:

Yes, I had to take a look at that during the election time and a very comprehensive review it is too. Those recommendations are obviously in hand and I believe that the vast majority of them have been accepted so improvement will be made there. Adult Mental Health Services... and again, I know of particular cases where people are in and out of particular institutions and often effectively handled by the police, which is inappropriate, because services are not available on a 24-hour basis. It is the case that often we close at 4.30 p.m. or 5.00 p.m. on Friday night; there will be nobody to deal with you until perhaps Monday morning and that sort of standard of care is obviously insufficient. But that is an expensive process, putting in more in the workforce to deal with those sorts of things, expensive process. At the moment it looks like rather than expanding our delivery of services we ought to be looking at where we can cut services. That is the reality and that is the

danger that somebody must be there to say: “Hang on. You need to deal with this because ...” It came up again this morning because a saving now could be long-term cost, very long-term, big cost in the future and that need not be a long period, 5 years, but certainly 10 years in the future. We have big, big problems and big expenses.

7.2.5 Senator P.F. Routier:

Does the candidate have a view about whether there needs to be an in-depth look at the services which are provided for adults with learning disabilities, in particular, respite services?

Deputy G.P. Southern:

The absence of sufficient respite services is one of the complaints that throughout my time in the States, continuously comes up from time to time. The absence of respite: “What do I do? I am looking ...” and I know of people who are doing their best to cope with looking after elderly relatives or relatives with learning disability or whatever. I find the absence of respite at the appropriate time and in the appropriate timescale is something, a cross that they have to bear. It is a very difficult area. It could be the case that there is another review that will have to be prioritised with many others, I think, in terms of dealing with this enormous area. Health, by itself, a big spender. Social Security, again, big issues to deal with, so it is a massive task to take on, but one that I am ready for.

7.2.6 Deputy M.R. Higgins:

I think one of the scandals over the last 9 years, I think, of Ministerial government is the lack of attention that has been paid to those with disabilities and also, or the lack of support for those who are caring, not only for people with learning difficulties but who are caring for members of their family. With us moving towards primary care and wanting more to be done in the community, would the candidate be prepared to look at both those areas, firstly, support for those who are disabled, and secondly, as support for those who are caring for others in the community, unpaid, and who have sacrificed their own careers trying to help others at great saving to the States?

Deputy G.P. Southern:

I would be foolish if I was standing here and were to say no to either of those cases. I mean, it is not conceivable that somebody who is standing here to take on a role such as H.S.S. (Health and Social Security) Scrutiny would say: “Of course not. I will not deal with that.” I cannot promise to deal effectively with it until I have done the proper research. Let us find the evidence. If this is what Scrutiny is about, find the evidence. Let us see the size of the problem. Let us see some costings attached to that problem and look at alternative solutions to delivering effective help where it is needed and when it is needed. The problem is often where it is needed and when it is needed. There is help available but not necessarily in the right place nor in the right time.

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

I would like to ask the candidate if elected into this position what his number one and number 2 priorities would be?

Deputy G.P. Southern:

I know that there is a lot to do. I could pick on aspects, in particular, of income support. I could pick on ... perhaps we need to examine Health-spend in terms of a one or 2-site hospital. I think that seems to be an issue that needs to be dealt with. If it is to be dealt with by the Minister for Health, as he has promised, then we should be working alongside him, with him to examine those costs and examine those predictions and see what they need. Certainly I would look forward to that in particular. When push comes to shove, as I said in the beginning of my speech, we are facing, I believe, austere times, continued austerity and therefore one has to be looking at how to raise more

in order to deliver proper protective services rather than cutting those services and saying: “We shall do less” because I believe if we do that we will be causing serious hardship somewhere in the recipients of benefits. My priority would be looking how we can best deliver a high quality standard of benefits system that looks after people properly rather than saying: “Oh well, we just need to trim it here, trim there, cut there, cut there, reduce spending.” That is the issue.

7.2.8 Deputy S.Y. Mézec:

The figures I have show that the Health and Social Services Department has almost 300 people employed using zero-hours contracts. If elected as chairman of this Scrutiny Panel would he consider that to be something important to look into to find out whether those contracts are being used appropriately and if not, what could be done to fix this?

Deputy G.P. Southern:

Yes. The 2 departments with large numbers of zero-hours contracts are Education and Health. In the vast majority of cases I understand that we are talking there about bank nurses, about extra hours. It was the case that until recently all nursing services were put on zero-hours contracts in order that they could work overtime under those zero-hours contracts. That has now been abandoned as a scheme but the vast majority, I believe, are bank nurses. As I said 11,000 to 22,000 hours of overtime being run, so one would look at it very carefully and see in what circumstances those zero-hours contracts were appropriate. Again, with Education, the vast majority of those, I hope - although I believe at Highlands the case is different - are supply teachers in particular who are on zero-hours contracts. Again, there has to be careful examination before we say any blanket actions on either of those cases. But certainly to examine them and find the evidence; is it appropriate? Is it inappropriate?

7.2.9 Deputy M. Tadier:

There seem to be calls in this Assembly and it seems to be on the work programme for Social Security to extend the period which will allow businesses to be able to dismiss their staff unfairly from 6 months to 2 years. Would the candidate give an undertaking to review this piece of legislation, if it is forthcoming, to make sure that a fair deal is struck for both employees and employers?

Deputy G.P. Southern:

Yes, and it should not take long. The case must be made by employers that this causes serious hardship. If it is, and it is seen to be a bind on employment activities, then fine. If you can show that case, we could deal with it very quickly. If you cannot show that case, if you have no evidence, but it is just part of the stock phrases that people use about red tape, *et cetera*, then again, one needs to look at it and deal with it appropriately.

The Bailiff:

Does any other Member wish to ask any questions? No. Connétable St. Brelade.

7.2.10 The Connétable of St. Brelade:

In terms of working productively with the Ministers at what point does the candidate consider it to be appropriate to engage with the Minister and department in progressing a policy or does he see the role of Scrutiny purely in scrutinising completed policy or legislation?

Deputy G.P. Southern:

The Member’s understanding of Scrutiny is, I believe, fairly well-founded in that it is very difficult to look at a policy which is in progress, which is being formulated. In fact, most Ministers will not let you look at it; it is still being devised. It is only when it becomes policy that one can look at it

and examine, see whether it is a fair policy, whether it is well-priced, whether it is good value for money *et cetera*. Only then can one do that. The fact is that it is one of the unwritten rules of Scrutiny that Scrutiny is not about making alternative policy. It is about examining the policy that is and that can only be done under Exemption 14, when it is completed. “(xiv)”, they always say. That stops a lot of Scrutiny going anywhere.

[15:00]

One of the problems with Scrutiny is that when you have policy under development then you can get stuck. You want to look at it. You know it is a vital area but it has not been forthcoming. It is not out there so you cannot look at it. I know. I sat on Scrutiny Panels in the past, not as chair, where we have been twiddling our thumbs because there is no policy coming from the department: “We have not made our mind up on it.” You sit there thinking: “What do we do next? There is nothing happening.” That has spectacularly, in the last 3 years, happened with Education, I believe.

7.2.11 Deputy S.M. Wickenden:

Obviously one of the ways we are going to get the money we need for Social Security is to build the economy. One of the areas that I hear quite a lot with small or medium enterprises, self-employed people and their contributions and how ... the stranglehold on their ability to trade. Would you be interested in looking at something like this if you were elected?

The Bailiff:

Would the candidate?

Deputy G.P. Southern:

Would the candidate? This candidate will certainly. This has been an issue that has been bubbling under for a number of years. I was told 5 years ago by the chief executive officer down at Social Security that one of the problems was we have 2 classes of social security contributions. You have Class 1 if you are employed and Class 2 if you are not, and that is everybody else. Now, other regimes have different classes to deal with different classes of other and until we can do that, and one of the ways might be for new businesses or for small businesses to reduce that rate from what it is now, which is employers and employees all bundled in together, bang. There are also things we need to do at the other end for people who are unemployed or on zero-hours contracts. If you are working on a zero-hours contract and you fall below the statutory minimum you lose your sick benefit as well. So there are lots of things we need to do with contributions and I look forward to the Minister coming forward with some arrangements to cater particularly for those cases in order that we can examine it and see if it is worth doing and give it our blessing if necessary. But it is overdue and it has been overdue for the last 5, probably 10 years in a word.

The Bailiff:

Does any other Member wish to ask any questions? No. Then we will bring questions to an end. We will request the Deputy St. Ouen return to the Chamber. We will move now to the electronic vote for the chairmanship of Health and Social Security Scrutiny Panel. If you wish to vote for the Deputy of St. Ouen, you press P. If you wish to vote for Deputy Southern, you press C. The Greffier will open the voting.

Deputy R.J. Renouf: 35		Deputy G.P. Southern: 12		Abstain: 0
Senator P.F. Routier		Connétable of St. Helier		
Senator P.F.C. Ozouf		Deputy J.A. Martin (H)		
Senator A.J.H. Maclean		Deputy G.P. Southern (H)		
Senator I.J. Gorst		Deputy of Grouville		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator P.M. Bailhache		Deputy of St. John		

Senator A.K.F. Green		Deputy M.R. Higgins (H)		
Connétable of St. Clement		Deputy J.M. Maçon (S)		
Connétable of St. Peter		Deputy R.J. Rondel (H)		
Connétable of St. Lawrence		Deputy S.Y. Mézec (H)		
Connétable of St. Mary		Deputy L.M.C. Doublet (S)		
Connétable of St. Ouen		Deputy S.M. Wickenden (H)		
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Bailiff:

I therefore declare the Deputy of St. Ouen is duly elected as chairman. **[Approbation]**

The Deputy of St. Ouen:

May I thank my proposer and seconder and the support given to me by Members of the House. I will endeavour to carry out this work to the very best of my ability.

Deputy G.P. Southern:

And may I wish the successful candidate the very best of luck because he may well need it.

8. Chairman, Jersey Overseas Aid Commission

The Bailiff:

Then we come to the final appointment, that is the appointment of chairman of the Jersey Overseas Aid Commission and I invite nominations.

Senator P.F. Routier:

I would like to nominate the Deputy of Grouville.

The Bailiff:

Is that seconded? **[Seconded]** Any other nominations? No. No other nominations. Then I have pleasure in declaring the Deputy of Grouville duly elected as chairman of the Jersey Overseas Aid Commission. **[Approbation]**

8.1 The Deputy of Grouville:

Sir, could I just pay tribute to Senator Paul Routier who has given many years of hard work to the work of the Commission? **[Approbation]**

The Bailiff:

Very well. That concludes the business of this meeting. Can I remind Members that we will be reconvening on Thursday, at which time the Assembly will consider the membership of the various Panels? The meeting is closed.

ADJOURNMENT

[15:07]