

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 22nd MARCH 2016

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to H.E. The Lieutenant Governor

The Deputy Bailiff:

On behalf of Members I would like to welcome His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

1.2 Announcement of forthcoming Royal Visit – H.R.H. The Duke of Kent on 11th May 2016

The Deputy Bailiff:

I also have the following the announcement. His Royal Highness, the Duke of Kent, will visit Jersey on Wednesday, 11th May 2016, as part of a Channel Islands visit. His Royal Highness will be visiting in his capacity as President of the Royal National Lifeboat Institution, which each year undertakes an inspection of a group of stations. This year it is the turn of the Channel Islands. During his time in Jersey His Royal Highness will be visiting the lifeboat stations at St. Catherine's and St. Helier, as well as the lifeguard unit in St. Aubin's Bay.

1.3 Appreciation of former Member of the States – the late Donald George Filleul, O.B.E.

The Deputy Bailiff:

As Members will be aware, Mr. Donald George Filleul, formerly a Member of this Assembly, died on Sunday, 20th March. Mr. Filleul was born in Jersey and was educated at Victoria College. He ran a family business, Filleul's Business Equipment Limited, which sold stationery and office equipment. He served in the Honorary Police and was first elected Deputy of St. Helier No. 1 on 20th December 1978. During his time in the States Mr Filleul served as President of the Public Works Committee, Vice-President of the Fort Regent Development Committee and of the Liberation Anniversary Committee and the Land Reclamation Committee. He served on the Policy Advisory Committee and was elected to the Executive Committee of the Commonwealth Parliamentary Association, Jersey Branch, in 1983. He retired from this Assembly in 1987. While he was serving as President of Public Works the controversial decision was taken to flood Queen's Valley and to create a new reservoir. Mr. Filleul served as Chairman of the Jersey Heritage Trust and the Waterfront Enterprise Board and was made an officer of the Order of the British Empire in 1999 for his services to the cultural and historical heritage of Jersey. Our thoughts today are with his wife, Veronica, and his son and daughter.

1.4 Appreciation of former Deputy Bailiff and President of the States Assembly – the late Mr. Francis Hamon, O.B.E.

The Deputy Bailiff:

As Members will also be aware, the former Deputy Bailiff and President of the Assembly, Francis Hamon O.B.E. (Order of the British Empire) passed away over the weekend. Prior to taking up public office, Mr. Hamon was a leading member of the Jersey Bar until he retired from practice as senior partner in Crill, Cubitt-Sowden and Tomes. He was appointed a commissioner of the Royal Court by the then Bailiff, Sir Peter Crill, and served for some 20 years as a judge of the Royal Court. He also served as a commissioner of the Jersey Financial Services Commission and was a chairman of the Jersey Arts Trust. It was, however, as Deputy Bailiff that he is remembered in this Assembly. He was appointed to that office in 1995 to allow for an orderly succession because of the gap caused when Mr. Vernon Tomes left office. Mr. Hamon served in that office for some 6 years and the Island was fortunate that he was prepared to serve in that way at a time when he was contemplating retirement. In 2000 he was awarded an O.B.E. in the New Year's Honours List. He will be remembered as a robust and efficient president and a man of great humour and courtesy, and our thoughts are with his widow, Sonia, and his family. May

I accordingly ask Members to stand and observe a minute's silence as a mark of respect and remembrance for both Mr. Filleul and Mr. Hamon? **[Silence]** May he rest in peace.

QUESTIONS

2. Written Questions

2.1 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE COST OF CONSULTANTS AND ADVISORS:

Question

Could the Chief Minister provide an up-to-date list of consultants and advisors and their cost?

Answer

Please see attached spreadsheet which shows consultant reports in 2015.

Discretionary

Chief Minister's Department

| Name of Report | 3rd party consultants | On gov.je Yes/No | Exempt Yes/No | 2015 £ |
|---|-----------------------|---------------------|------------------|----------------|
| Review of States Activities | Kevin Keen | No | Yes | 5,850 |
| Should Jersey's spectrum charge policy change in line with Guernsey's policy of charging spectrum fees above costs? | Oxera | No | Yes | |
| La Collette fuel terminal: Options for provision, regulation and security of supply | Oxera | No | Yes | |
| Review of the Jersey Regulatory and Competition Framework | Oxera | Yes | No | 135,000 |
| Total spend on consultancy object accounts resulting in reports being produced | | | | 140,850 |

Department of Environment

| Name of Consultancy Report (3rd Party Consultants Reports Only) | 3rd Party Consultants (Published/Issued Date) | On gov.je Yes/No | Exempt Yes/No | 2015 |
|--|--|---------------------|------------------|--------|
| Jersey National Amphibian and Reptile Recording Scheme (NARRS) Report 2007-2012 | Amphibian and Reptile Conservation ARC | Yes | No | 1,000 |
| Vegetation mapping report: Les Blanchés Banques 2014 | Penny Anderson Associates Ltd | Yes | No | 15,296 |
| Vegetation condition assessment: Les Blanchés Banques 2014 | Penny Anderson Associates Ltd | Yes | No | 12,080 |
| Future-proofing Jersey: building resilience for the 21st century | Town and Country Planning Association with support from the University of Manchester | Yes | No | 23,880 |
| The State of Jersey's Butterflies: Jersey Butterfly Monitoring Scheme 2004 to 2013 | Department of the Environment | Yes | No | |
| Small mammal survey Jersey 2014 | Natural Solutions Ltd | Yes | No | 22,788 |
| Agile frog data analysis research project 2015 | Robert J. Ward, Richard A. Griffiths | Yes | No | 5,000 |
| Pathway 2050: An Energy Plan for Jersey (year 1 progress report) | Department of the Environment | Yes | No | |

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|---|------------------------------------|-----|----|----------------|
| Development brief for De la Mare Nurseries, Grouville | Department of the Environment | Yes | No | |
| Development brief for Samares Nursery, St Clement | Department of the Environment | Yes | No | |
| Developing an approach to domestic energy efficiency retrofit in Jersey | Department of the Environment | Yes | No | 54,720 |
| Extension of the La Hurel bivalve mollusc production area: review of sampling plans | Ron Lee and Michelle Price-Hayward | Yes | No | 1,061 |
| Heritage assessment: 70-72 (former Coach Station) Colomberie | Noelle Houston | Yes | No | 1,000 |
| Total spend on consultancy object accounts resulting in reports being produced | | | | 136,825 |

Economic Development Department

| Name of Consultancy Report (3rd Party Consultants Reports Only) | 3rd Party Consultants (Published/Issued Date) | On gov.je Yes/No | Exempt Yes/No | 2015 |
|--|--|---------------------|------------------|---------------|
| Smart Targeting: Attracting Future Jobs and Prosperity to Jersey | | No | Yes | 13,691 |
| Assessment of the impact of withdrawal of SAP | | No | Yes | 5,175 |
| Relevance of Farm Assurance Schemes - revise/remodel changes to SAP | | No | Yes | 5,110 |
| Visit Jersey Transition | | No | Yes | 11,893 |
| Jersey Innovation Review | | Yes | No | 19,775 |
| Jersey Ship Registry: The Business Case for Expansion of the Jersey Register of British Ships | | No | Yes | 624 |
| Access to Finance Study | | Yes | No | 40,000 |
| Total spend on consultancy object accounts resulting in reports being produced | | | | 96,268 |

Education (Previously ESC)

| Name of Consultancy Report (3rd Party Consultants Reports Only) | 3rd Party Consultants (Published/Issued Date) | On gov.je Yes/No | Exempt Yes/No | 2015 |
|---|--|---------------------|------------------|--------------|
| Rights respecting schools awards | Unicef | No | | 1,100 |
| Advise to school Careers Department | Mr David Andrews | No | | 1,566 |
| General advise Highlands College | Mrs Caroline Hoare | No | | 260 |
| Council for culture | | No | | -1,840 |
| Total spend on consultancy object accounts resulting in reports being produced | | | | 1,086 |

Health and Social Services

| Name of Report | 3rd party consultants | On gov.je Yes/No | Exempt Yes/No | 2015 |
|---|-----------------------|---------------------|------------------|----------------|
| Work force planning | Skills for Health | not complete | No | 131,176 |
| Sustainable primary care external advice & facilitation | Kings Fund | No | No | 19,317 |
| Mental Health Strategy review | Contact Consulting | Yes | No | 76,862 |
| Private patient income review report | Inform solutions | No | Yes | 7,500 |
| Total spend on consultancy object accounts resulting in reports being produced | | | | 234,855 |

Home Affairs Department

| Name of Report | 3rd party consultants | On gov.je Yes/No | Exempt Yes/No | 2015 |
|---|-------------------------|---------------------|------------------|---------------|
| Review of Criminal Justice Policy in Jersey | | Yes | No | |
| Criminal Justice System Scoping Study Report | | Yes | No | |
| States of Jersey Police | Logicials | No | No | 5,850 |
| Emergency Planning | Disaster Management | No | No | 25,000 |
| Customs and Immigration | Ralph Hackman Solutions | No | No | 5,000 |
| Customs and Immigration | Borneo Consultants | No | Yes | 39,435 |
| Balance to agree with General Ledger = Cost of Internal Reports and Fees not resulting in reports | | | | |
| Total spend on consultancy object accounts resulting in reports being produced | | | | 75,285 |

Social Security

| Name of Report | 3rd party consultants | On gov.je Yes/No | Exempt Yes/No | 2015 |
|----------------|-----------------------|---------------------|------------------|------|
|----------------|-----------------------|---------------------|------------------|------|

Nil 2015

Total spend on consultancy object accounts
resulting in reports being produced

Dfl (Previously TTS)

| Name of Report | 3rd party consultants | On gov.je Yes/No | Exempt Yes/No | 2015 |
|---|-----------------------|---------------------|------------------|----------------|
| Waste transformation | ICS | N | Y | 234,790 |
| Banner Fixings on Lighting Columns | Mott MacDonald | N | N | 2,903 |
| No report - Roadworks safety training development | TMS Consultancy Ltd | N | Y | 9,096 |
| Capital review | FDIOE Ltd | N | ? | 7,044 |
| Total spend on consultancy object accounts resulting in reports being produced | | | | 253,833 |

Treasury and Resources

| Name of Report | 3rd party consultants | On gov.je Yes/No | Exempt Yes/No | 2015 |
|---|-----------------------|---------------------|------------------|------------------|
| Property rates - jurisdictional comparison & advice | Deloitte | No | Exempt | 20,000 |
| Project Dahlia - valuation services (JT/ Airtel) | Duff & Phelps | No | Exempt | 146,188 |
| <u>Jersey Property Holdings</u> | | | | |
| Hospital Feasibility | Gleeds | No | TBC | 1,380,201 |
| Hospital Feasibility | E&Y | No | TBC | 131,420 |
| Hospital Feasibility | HLG | | | |
| Office Modernisation: Target Operating Model Strategic Business Case | Capita | No | Yes | |
| Office Modernisation: Target Operating Model Refresh Strategic Business Case | Capita | No | Yes | 14,731 |
| Total spend on consultancy object accounts resulting in reports being produced | | | | 1,692,540 |

States Assembly

| Name of Report | 3rd party consultants | On gov.je Yes/No | Exempt Yes/No | 2015 |
|---|---------------------------|---------------------|------------------|----------------|
| Public Sector Pension Reform | BWCI Consulting Limited | Yes | No | 24,150 |
| Budget 2016 | CIPFA and MJO Consultancy | Yes | No | 5,300 |
| Jersey International Finance Centre | Mr R Law and Ernst&Young | Yes | No | 45,300 |
| Review of proposed amendment to the Public Finances (Amendment of the Law no. 2 Jersey) Regulations | CIPFA | Yes | No | 3,600 |
| MTFP 2016-2019 | CIPFA and MJO Consultancy | Yes | No | 20,300 |
| Draft Public Finances Amendment of Law no 3) Regulations | CIPFA | Yes | No | 1,600 |
| Renaming of Ministers and Transfer of Functions | Concerton Partners LLP | Yes | No | 13,500 |
| Ports of Jersey Incorporation | York Aviation | Yes | No | 19,900 |
| Special Education Needs | Real Group Ltd | Yes | No | 15,800 |
| School Starting Age | Prof. Elizabeth Wood | Yes | No | 12,000 |
| Environmental Policies | Dave Stanley Associates | Yes | No | 11,700 |
| Supply of Housing | Ark Housing Consultancy | Yes | No | 9,800 |
| Total spend on consultancy object accounts resulting in reports being produced | | | | 182,950 |

report completed in 2015, paid in 2016

2.2 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING BACK TO WORK SCHEMES:

Question

Given the various schemes in place to enable people back to work, could the Minister provide:

- the difference in employment figures each year from 2008 to 2015;
- the number of people working in Jersey each year from 2008 to 2015;
- the number of people obtaining sustained employment through Back to Work schemes;
- the amount of funding used for such initiatives from 2008 to 2015;
- the amount of funding provided to businesses for such initiatives from 2008 to 2015?

Answer

The number of people working in Jersey each year and the difference from year to year is published in the 6 monthly Labour Market reports. The most recent report contains this information in Appendix A1 and can be found here:

<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Jersey%20Labour%20Market%20June%202015%2020151013%20SU.pdf>

Between the January 2012 (when Back to Work started as a programme) and the end of March 2015*, 5,669 job starts were supported by Back to Work. Of these job starts, 2,497 were for permanent positions. 73% of the permanent roles matching contributions data were sustained for more than 6 months (which is a common national benchmark period for sustainability).

The Back to Work programme started in 2012. Advance to Work and Advance Plus, which are now a significant part of Back to Work, were part of the Education, Sport and Culture Department until September 2012 and therefore the funding below excludes these initiatives until they joined Social Security.

| 2012 | 2013 | 2014 | 2015 |
|-----------|-----------|-----------|-----------|
| 2,861,000 | 6,187,000 | 7,178,000 | 6,175,000 |

Funding provided to businesses in terms of incentives to hire people who were Actively Seeking Work began in 2013.

| 2012 | 2013 | 2014 | 2015 |
|------|---------|-----------|---------|
| 0 | 444,842 | 1,264,569 | 858,069 |

These grants cover a number of initiatives including:

- Employment Incentive: 6 months' salary at minimum wage for an employer who hires a long term unemployed jobseeker** into a permanent role
- Community Jobs Fund: up to 6 months' salary at minimum wage for an employer who hires a long term unemployed jobseeker**, into a role that provides community benefit
- JobsFest: runs in October and November. Up to 8-weeks' salary at minimum wage for an employer who hires a jobseeker who has been unemployed since January of that year

- Hospitality Paid Training: 4 weeks' salary at minimum wage for jobseekers being trained into a hospitality role (Previously this was a Hospitality Incentive, up to 8 weeks salary at minimum wage, but not necessarily with a training period from the employer)
- Construction Paid Training: up to 12 weeks' salary at minimum wage for jobseekers being trained into a construction role
- Youth Incentive (ended May 2015 replaced by Employment Incentive): 6 months' salary at minimum wage for an employer who hired a long term unemployed jobseeker (6 months unemployed) who is aged under 25, into a permanent role
- Employment Grant (ended May 2015 replaced by Employment Incentive): up to £7,200 for an employer who hired a long term unemployed jobseeker on a long term or permanent contract.

All incentive payments are calculated at minimum wage plus employer Social Security contributions

These initiatives have been successful at targeting support to groups who have barriers to employment (such as their age or duration of unemployment) – and incentivising employers to give candidates a chance, who without financial support, they may not otherwise have considered.

Note:

*Analysis for sustainability comes from Contributions data, which is collected up to 3 months in arrears. The last complete data set is for July to September (C Quarter) 2015. A job is considered to have sustained at 6 months, and therefore job starts up to 31st March 2015 have been included in this analysis.

**For the purposes of these incentives, as well as individuals who have been ASW for 1 year or more, young people under the age of 25 who have been unemployed for over 6 months qualify when recruited.

2.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE 2009 ECONOMIC STIMULUS PLAN:

Question

Further to the adoption by the States on 19th May 2009 of P.55/2009 'Economic Stimulus Plan', could the Minister provide:

1. a full breakdown of the £44 million actual expenditure for the economic stimulus package and state whether any funding from that package continues in baseline budgets today;
2. a full breakdown of the balance of £112 million which was earmarked to cover the impact of the economic downturn; and
3. the date by which sums from the economic stimulus package should be utilised or returned if unspent?

Answer

1. The Annual Business Plan 2012 included a full 'Review of Fiscal Stimulus Programme' section which included details of each scheme and a forecast of spend by scheme. As identified in that report (attached), £376,076 plus an additional £450,000 was expected to remain unallocated from the original £44 million to be returned to the consolidated fund. The £3.6 million identified as returned to the consolidated fund contributed towards funding the Phillips Street Shaft capital project.

Whilst all of this funding was non-recurring and funding did not continue in base budgets, skills and training and support for business and construction continued to be a strategic priority and these areas received separate growth funding as part of the MTFP 2013 – 2015.

2. A full breakdown of movements in and out of the Stabilisation Fund and the closing balance at the end of each year since the inception of the Fund is attached. From this it can be seen that a total of £114 million transferred to the Consolidated Fund over 2010 and 2011 to cover the impact of the economic downturn. A further £1.1 million was transferred in 2014 to help smooth the pressures on States finances as voted by the Assembly in Budget 2015.

3. R.67/2011 'Fiscal Stimulus Performance Status Report' notified the Assembly of the formal closure of the Fiscal Stimulus programme for further applications in June 2011.

Fiscal Stimulus spend continued in 2012 for Skills and Training and also in a number of capital projects that had a 2-3 year life span, including Phillips Street Shaft, as these projects concluded. Any residual funding no longer required was returned to the consolidated fund in 2011 and 2012 as identified in point 1.

Stabilisation Fund Balance and Movements 2006 - 2015

| Stabilisation Fund | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015* |
|---|-------------------|-------------------|-------------------|--------------------|--------------------|-------------------|------------------|------------------|------------------|--------------|
| | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| Opening Balance as at 1st January | | 32,000,000 | 33,854,983 | 74,743,622 | 113,698,563 | 46,997,010 | 1,006,311 | 1,049,922 | 1,059,089 | 6,182 |
| Transfers from Dwelling Housing Loan Fund | 32,000,000 | | | 18,000,000 | | | | | | |
| Transfers from Consolidated Fund | | | 38,000,000 | 63,000,000 | | | | | | |
| Transfers to Fiscal Stimulus | | | | (44,000,000) | | | | | | |
| Transfers to Consolidated Fund | | | | | (68,000,000) | (46,000,000) | | | (1,058,375) | |
| Investment Income | | | 2,871,947 | 1,928,287 | 1,298,447 | 9,301 | 43,611 | 9,167 | 5,468 | - |
| Interest on Cash Held | | 1,854,983 | | | | | | | | |
| Unrealised Gain / Losses | | | 16,692 | 26,654 | | | | | | |
| Balance as at 31st December | 32,000,000 | 33,854,983 | 74,743,622 | 113,698,563 | 46,997,010 | 1,006,311 | 1,049,922 | 1,059,089 | 6,182 | 6,182 |

* Unaudited position

12. REVIEW OF FISCAL STIMULUS PROGRAMME

12.1 Background

Following advice from the Fiscal Policy Panel (FPP), the States approved Proposition P55/2009 to fund a discretionary Economic Stimulus Plan (known as Fiscal Stimulus) and to allocate £44 million from the Stabilisation Fund to the Consolidated Fund, to provide funding for the proposed discretionary stimulus programme.

The overarching objective of Fiscal Stimulus was to put additional money back into the economy by providing a package of new (discretionary) initiatives that would provide an extra stimulus to the economy and support employment and businesses in Jersey through the downturn.

The Council of Ministers agreed that the overall objective of supporting demand in the economy broke down into three objectives:

- Provide a stimulus to the Jersey economy as conditions deteriorate, to help support employment and businesses in Jersey;
- Support employment in the Island by assisting individuals affected by the economic downturn;
- Create new opportunities for businesses in Jersey, to support them through the downturn and mitigate job losses.

12.2 Evaluation Process

The Fiscal Stimulus Steering Group (FSSG) chaired by the Chief Executive of the States and comprising the States Treasurer and the States Economic Advisor, supported by a Fiscal Stimulus Programme Manager was set up to oversee the programme.

All States departments were asked to submit business case proposals, which could include sponsoring third party associated projects. Projects were reviewed by the Programme Manager, and evaluated against the Fiscal Stimulus criteria by an independent Evaluation Team. A scoring mechanism was developed to review and compare projects and a target score was set for acceptance of a project for Fiscal Stimulus consideration.

As advised by the FPP, each project was measured against criteria of 3 T's, and assessed in terms of the overall economic impact and the ability to obtain value for money. The 3 T's are summarised as :

- **Timely:** Action should start immediately, and spend should happen when the economy is in recession;
- **Targeted:** Policy should hit the intended target whether it is to support activity and employment in the Island, support those adversely affected by the downturn or implement projects which have intrinsic benefit;
- **Temporary:** There should be no negative long term implications for the public finances.

When a project was evaluated as having met the target score for acceptance, the Programme Manager would further review the validated business plan and submit both the business plan and an accompanying report to the FSSG. The project would then be reviewed and considered by the FSSG for Fiscal Stimulus funding.

Successful projects were authorised by the FSSG and funds allocated via Treasury and Resources Ministerial Decision. Project managers were asked to report regularly on the progress, cost control and performance indicators of the projects, and to return any unspent monies at the conclusion of the project to the Consolidated Fund. This process resulted in the delivery of the highest priority discretionary projects.

Fiscal Programme updates have been sent to the Corporate Services Scrutiny Panel on a quarterly basis.

12.3 Results

In previous Business Plans, updates of progress have been provided. This report provides greater detail of all Fiscal Stimulus projects.

The Programme has been very successful, with a package of initiatives which have provided an extra stimulus to the economy and supported individuals, employment and businesses in Jersey through the downturn. It involved five main areas of funding (six including Programme Management) and the following is a brief summary of each Fiscal Stimulus project.

Skills & Training

Highlands Additional Spaces – Fiscal Stimulus has funded:

- An additional 93 spaces in 2009-2010;
- An additional 156 spaces in 2010-2011;
- An additional 200 spaces in 2011-2012, of which 40 spaces are for students who enrolled in a two year course in September 2010.

Careers Strengthening – Fiscal Stimulus has funded:

- Additional careers support on job fairs, CV workshops, careers advice and targeted training;
- Additional support has led to an overall 400% increase in advisor appointments for those seeking careers support.

Advance to Work: A full-time work experience and off-the-job training option for young jobseekers between the ages of 16-19.

- 285 young people have been on placement with 200 companies;
- 116 have managed to secure employment since participation on the course.

Advance Plus: Similar to Advance to Work, it is a more concentrated programme of vocational training and work experience for adults 20+ years of age.

- Advance to Administration and Advance to Retail courses have been completed and further courses on Hospitality, Book Keeping, Finance & Accounting are planned;
- Courses have been over subscribed and there is a high success rate in achieving employment following attendance on these schemes.

Re-introduction of Apprenticeship in the States departments

- 7 apprentices were recruited to various craft areas in the Transport and Technical Services department, including 2 greenkeepers/gardeners. Two trainee chefs were also recruited to the Health and Social Services department;
- 12 trainee Business Administrators were recruited across various states departments;
- A total of 21 apprenticeships/trainees were recruited by States departments.

Support for Individuals

Fiscal Stimulus funding has allowed the Citizens Advice Bureau (CAB) to deal with an increase in debt problems caused by the downturn in the economy.

- CAB helped 237 clients in 2010 with debts problems of £3.7 million.

Support for Business

Support for Business initiatives, including business engagement, procurement, capital investment, inward investment, export development, offshore networks, incubator, business angels and enterprise grants.

- Provided information, advice or support on stimulus matters to 900 companies;
- Over 200 companies directly engaged with stimulus activities;
- An additional 53 Enterprise start-up grants were allocated.

Support for Tourism: Investment in the Marketing & Promotion of Jersey to the UK through TV, radio and magazines, after year on year reductions in forward bookings following the downturn in the UK economy and the negative effect of the ash cloud period on the industry.

- Tour operators and hoteliers have reported an immediate effect on sales, when funding was deployed;
- Report from a hotelier that "without the additional monies made available to Tourism for marketing the Island the 2010 season would have been disastrous".

Support for the Finance Industry: Has involved a number of projects including industry marketing and promotion, review of international tax, opening a 3rd representative office, opportunities for inward investment and legislative clearance to influence/defend Jersey's current business model, protect consumers, and develop identified opportunities for new business.

Infrastructure

Victoria Avenue resurfacing Phases 2&3: Essential road maintenance work between La Rue de Galet and West Park includes strengthening the road, renewing the existing kerbs and improving the drainage, widening and improving the central reservation for pedestrian safety, improving visibility at junctions and other safety features.

- Improved traffic flow along Victoria Avenue with improvements to pedestrian safety;
- Highway now has further 15 years life, (reducing need for ongoing patching);
- Replace 25 year old lighting with new energy efficient lights.

Promenade & Cycle Track: Replace 600m section of the promenade and cycle track between La Rue du Galet and First Tower, including repairing & improving surface water drainage.

Railway Walk foul Sewer upgrade: Laying of new GRP foul sewer along Railway Walk.

- Reduced Risk of Sewer collapse, all badly damaged pipework replaced or relined;
- Replace existing hydrogen sulphide damaged concrete pipe;

West Park to Cheapside Resurfacing: Repairs and resurface of this Class 1 protected route, which forms an integral part of the St Helier road network.

- Works corrected areas of structural failure of the sub-base alongside People's Park and failure of the surface course along Cheapside;
- Road now strengthened resulting in reduced need for patching and the associated disruption caused.

St Peters Arsenal Pumping Station: Emergency works upgrade.

Queens Road Surface Water Separation: Laying of new surface water sewer along Rouge Bouillon between the bottom of Queens Road and the top of Midvale Road.

- Separation of clean water from sewage pumped to Bellozanne;
- Reduction in future pumping costs and treatment costs at Bellozanne (reduced volumes).

Rozel 1, 3 and 4 rising main replacement.

- Replace current uPVC pipes with higher class material to bring up to best practice and modern day standards;
- Reduced risk of rising main burst causing a pollution incident for which the States could be prosecuted.

Cheapside Urban Renewal: Regeneration of the Cheapside area.

- Wider pavements, new lighting, trees, bins and seating. New and safer road junctions and pedestrian crossing facilities, improved parking and access for local businesses.

St Aubin's Fort Pier Remedial works: Fiscal Stimulus funding enabled the scheme to proceed through its early phases, such as detailed design, planning permission and environmental survey. Additional works are funded by Harbours.

Construction and Maintenance works

Backlog Maintenance : – Jersey Property Holdings (JPH) – States building maintenance.

- The funds allocated to JPH for backlog maintenance addressed Health and Safety and other high priority maintenance issues across a large range of States buildings, including: Overdale Hospital, General Hospital, Piquet House, States Nursery, Bellozanne, Arts Centre, Various toilets and cafes, Indoor Markets, Various storage buildings, Haut de la Garenne, Jersey Arts Trust Building, Opera House, Various Youth Clubs, Cyril Le Marquand House, Magistrates Court, Supported Living Homes at Don Terrace, Alzola, Southview, The Haven, 2 Roseville Villa, Tevielka, Old Mill House, 7 Pomona Road, 2 Khartoum Villa – Beach Road, 16 Clairvale Road

Former La Pouquelaye school building: Repairs to the former La Pouquelaye School.

- To render building fit and safe for shared use by the Centre Point Trust (CPT) and the Parish of St Heller (PoSH);
- Relocation of CPT will allow the disposal of the buildings at the former Jersey College for Girls Site, where CPT was previously located.

Housing Backlog Maintenance:- Maintenance programme for heating/roofs/windows.

- 289 properties have had ageing windows and or doors replaced and benefited from thermal improvements;
- 187 individual properties have had their roofs, rainwater goods and loft insulation brought up to standard;
- 528 properties have had their aging fossil fuel heating systems replaced, at the end of the 2010. 1,009 fossil fuel systems scheduled to be replaced in 2011.

St Marks Shelter Project will provide the required increase in standards for both shelter clients and for staff and will provide housing for an additional 3 people.

Le Squez: New build development.

- Construct 49 new rental homes (36 flats 1&2 beds, 13 houses 2&3 beds).

Jersey Hospice Development: Fiscal Stimulus funding relates to the first two phases of a seven phase project to extend and modernise the facilities at Jersey Hospice.

- The new facility will increase the capacity of the inpatient unit by 100%;
- The day centre will also be a far better equipped facility that has the ability to provide the service to a larger number of clients;
- Fiscal Stimulus funding has been matched £1 for £1 by Jersey Hospice, which has enabled works to take place earlier than forecast;
- The project gave a significant boost to the construction industry by way of releasing a project which would not have proceeded during the economic downturn, in the absence of matched funding from the Fiscal Stimulus Fund.

Durrell: Redevelopment of Durrell's Visitor Centre.

- Provide a new gateway to the wildlife park with a café, enhanced retail outlet and upgraded car parking;
- Fiscal Stimulus funding is matched £1 for £1 with funding from Durrell Wildlife Trust;
- The project gave a significant boost to the construction industry by way of releasing a project which would not have proceeded during the economic downturn, in the absence of matched funding from the Fiscal Stimulus Fund.

Rosewood House (St Saviour's Hospital): Refurbishment of Rosewood House ward, which provides 52 inpatient beds for older people with mental health problems.

- Remedial works on McKinstry ward (Overdale) to enable half the patients at Rosewood to be decanted to McKinstry while construction works were in progress on Rosewood House ward;
- Refurbishment of Rosewood House ward to provide a high quality care facility, to improve the poor standards in which these vulnerable patients are cared for.

Beaulieu Convent School: A grant to refurbish the second and third floors of the Beaulieu Convent Main House to provide special educational learning needs facilities. 30% of the funding has been provided by the Convent.

St Matthews Glass Church: A contribution of £125,000 for the restoration of the main entrance and bell tower to be matched £1 for £1.

- This contribution has allowed Phase 1 of the £1.3 million project to commence;
- Increased the public awareness of the restoration project due to Fiscal Stimulus involvement has lead to increased public donations.

Opera House refurbishment: Refurbishment project to increase utilisation of areas of the Opera House.

- Create a new studio to be used for small performances, specialist activities and workshops for schools;
- Create a corporate entertainment space and additional 3rd floor alterations to increase Opera House revenues;
- Turn workshop into office space, including a number of spaces for Education, Sport and Culture.

12.4 FSSG allocation of Fiscal Stimulus funds

In excess of £50 million of applications have been received for Fiscal Stimulus funding. The FSSG has allocated £41.1 million of funds to projects of which £3.2 million of this has been returned to the programme by departments, due either to projects that were no longer viable or projects that have been completed under budget. Therefore the net allocation of funds for the Fiscal Stimulus programme recommended by the FSSG was £37.9 million.

12.5 Allocation of Fiscal Stimulus funds by the T&R Minister

At the start of 2011 the Programme Manager received a Skills and Training application from Education, Sport and Culture (ESC) for 2011/2012 funding of four projects (Highlands Additional Places, Advance to Work, Advance Plus and Careers Strengthening). These projects had received Fiscal Stimulus funding in 2009/2010 and 2010/2011 and were a major contribution in assisting individuals affected by the downturn by providing a more highly educated and skilled workforce. This submission met the Fiscal Stimulus criteria with the exception of 'Timely', and therefore fell outside the criteria for approval by the FSSG.

Subsequently, the Treasury and Resources Minister made a 'Statement on a matter of Official Responsibility' to the States Assembly (February 2011) that he intended to vary the timeframe for Fiscal Stimulus allocations as set out in P55/2009 to extend the funding of the programme for Skills and Training projects in 2012. MD-TR-2011-066 allocated £2,162,000 to Skills and Training for 2011-2012.

12.6 Allocation of Funds

Table 12.1 details Fiscal Stimulus spend by both category of spend and individual project. Project spend has been updated to include forecast by the individual project managers. The allocation summary also indicates the funds to be returned to the Consolidated Fund and a small project contingency balance to be held until all schemes are complete.

12.7 2011 & 2012 spend

The Fiscal Stimulus spend in 2011 is primarily associated with lengthy construction projects that started in 2010 but ran into 2011. It also allows Fiscal Stimulus activity to taper off in 2011 rather than come to an abrupt end in 2010, thus smoothing out economic activity.

Spend will also occur in 2012, as the FSSG has allowed Fiscal Stimulus spend on a couple of smaller projects (as they draw to conclusion) for which the project has a 2-3 year lifespan. In addition there is £1.5 million in Skills and Training as allocated by the Treasury and Resources Minister (MD-TR-2011-066).

12.8 Economic Report

During the programme, the FSSG have reviewed and considered economic reports and advice before making recommendations. The Economic Advisor (who is a member of the FSSG) has advised that no further discretionary stimulus should take place in 2011 than previously authorised if policy is to be consistent with:

- The original agreement by the States to use the Stabilisation Fund to support the economy through discretionary fiscal stimulus;
- The subsequent advice of the FPP to undertake discretionary stimulus in a timely manner and at the right point in the cycle;
- Using the Stabilisation Fund in a counter cyclical manner as set out in the fiscal framework under which it was established.

12.9 Conclusion

Proposition P55/2009 allocated £44 million to fund a discretionary Economic Stimulus Plan (known as Fiscal Stimulus) and a report was issued in June 2011 (R67/2011) formally closing the Fiscal Stimulus Programme to new applications. Spend will continue on individual projects until each is complete.

Fiscal Stimulus spend will occur in 2012 for Skills and Training and also in a number of smaller projects that have a 2-3 year life span, as these projects draw to conclusion.

The FSSG, supported by the Programme Manager will continue to oversee the operational and closure phases of each project within the programme. The FSSG will continue to meet, to overview governance of the Programme.

Note:

As highlighted during the Business Plan debate (September 2011), the latest Fiscal Stimulus contingency balance will enable a further £450,000 to be returned to the Consolidated Fund following the closure of the Fiscal Stimulus programme. Any further underspends as projects are completed will also be returned to the Consolidated Fund.

Figure 12.1 – Summary of Fiscal Stimulus Allocations (June 2011)

| | Programme Forecast |
|--|--------------------|
| | € |
| Skills and training | |
| Additional places at Highlands | 2,884,645 |
| Careers Service Strengthening | 345,192 |
| Advance to Work/Youth training initiative | 1,929,851 |
| Training scheme for 20+ | 663,555 |
| States Apprenticeships Scheme | 899,256 |
| | 6,722,499 |
| Support for individuals | |
| Additional Citizens Advice Bureau debt adviser + mortgage protocol | 41,300 |
| | 41,300 |
| Support for business | |
| Tranche 1 - various initiatives to support local business | 392,484 |
| Support for tourism | 479,078 |
| Support for the Finance Industry | 2,747,000 |
| | 3,618,562 |
| Civil infrastructure works | |
| Victoria Avenue Resurfacing - Phases 2 and 3 | 3,671,665 |
| Promenade and cycle track | 280,086 |
| Railway Walk foul sewer upgrade | 445,474 |
| West Park to Cheapside resurface | 318,179 |
| St Peters Arsenal Pumping Station | 1,362 |
| Queens Road Surface Water Separation | 331,182 |
| Rozel 1, 3 and 4 rising main replacement | 497,552 |
| TTS - Urban Renewal (Cheapside) | 244,000 |
| St Aubins Pier - significant repairs | 150,000 |
| | 5,939,500 |
| Construction and maintenance works | |
| High priority compliance maintenance backlog | 1,363,246 |
| Repair of former La Pouquelaye school for CPT and POSH | 387,878 |
| Continuation of maintenance programme-heating/roofs/windows | 5,024,630 |
| Re-provision of Shelter at 80 St Marks Road [1] | 464,107 |
| Continuation of capital programme - rebuild of Le Squez | 8,137,962 |
| Jersey Hospice Redevelopment | 2,600,000 |
| Durrell development work | 1,500,000 |
| Refurbishment of Rosewood House and Clinique Pinel | 2,243,623 |
| ESC Beaulieu - support for learning | 578,000 |
| ESC Glass Church | 125,000 |
| Opera House at full bid amount | 1,033,493 |
| | 23,457,939 |
| Estimated costs of programme management | 244,124 |
| Unused Fiscal Stimulus funding returned to the Consolidated fund | 3,600,000 |
| Remaining Fiscal Stimulus Project Contingency (June 2011) | 376,076 |
| TOTAL | 44,000,000 |

2.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOUSING REGARDING THE ASSISTANCE PROVIDED TO ISLANDERS WHO WISH TO BUY THEIR OWN HOME:

Question

Would the Minister provide a full list of initiatives led by the government which are currently in place to assist the people of Jersey onto the property ladder, stating whether, in comparison with the former States loan scheme, they have improved the position? Would the Minister also advise whether consideration would be given to re-introducing such a scheme?

Answer

Building more homes is the key to improving affordability and ensuring that there is a sufficient supply of affordable homes is my primary focus in the Housing Strategy. The Strategy identifies affordability as a major challenge and sets out a series of actions that must be taken to tackle the problem. Over the lifetime of the Strategy, we plan to have delivered:

- 300 new affordable homes for purchase on States-owned and re-zoned land, e.g. the former JCG and Summerland sites in accordance with the revised 2011 Island Plan.
- 25 sales a year of existing properties through the Andium Homes deferred payment scheme.
- Working with Andium Homes, a substantial increase in affordable homes for sale through the redevelopment of existing housing sites and newly identified land.

We must also offer more financial support to help first-time buyers get on the property ladder. There have been a number of examples over the years, including the States loan scheme, rezoning land specifically for first-time buyers, and the deposit loan scheme. An affordable housing policy paper is being developed and will draw on these examples as well as new initiatives to support home ownership such as changes to the immovable property law to allow for a shared equity scheme.

Although interest rates are currently very low, accessing a mortgage has been tightened-up considerably through stricter bank stress testing and lenders requiring more rigorous evidence of household income and expenditure. These rules were put in place for a good reason: to prevent a repeat of the loose lending practices common before the financial crisis. However, this approach is denying perfectly good applicants a loan and we would like to be able to develop schemes that help these households to obtain the finance to get on the property ladder.

However, such schemes require funding. An extension to the deposit loan or creation of a new States loan scheme would be challenging in today's financial climate and will require alternative funding sources to be developed or found. In this regard, I am working closely with the Minister for Environment to review Policy H3 in the 2011 Island Plan, which sought to develop affordable homes through private developments. Such sources could fund future affordable housing for those wishing to get on to the property ladder for the first time.

This is clearly set out in the Housing Strategy and is a high priority, which the Strategic Housing Unit will be working towards over the next few months.

2.5 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DEFENCE OF DEFAMATORY STATEMENTS:

Question

Will the Chief Minister set out the policy of the Council of Ministers, if any, regarding the defence of defamatory statements, both oral and in writing, published by officers of States Departments and Ministers?

Will he further explain whether he thinks it acceptable that those responsible for making defamatory statements should be defended by the Law Officers Department, Crown Advocates or other advocates at public expense when legal aid is not available for such causes of action and most ordinary individuals cannot afford the legal costs of such action?

Would the Chief Minister also advise whether he agree that all Ministers and States employees should defend at their own cost legal actions brought against them for any alleged defamatory statements made during the course of their employment?

Answer

Any actions for defamation are considered on their own merit.

The Law Officers' Department does not act for individual officers or Ministers in relation to claims which arise from statements made in their private capacity.

If a claim is made against a Minister or officer in respect of a statement made when exercising his/her ministerial or professional functions then the Law Officers' Department may decide to assist, but their decision would depend on the facts of the case. The Law Officers' Department would only consider assisting in respect of statements made in the course of their official duties and that decision would depend on the facts of the case.

2.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CONSUMER SATISFACTION RANKING OF J.T:

Question

Further to the report of the Channel Islands Competition and Regulatory Authorities which ranked JT last among telecom providers for consumer satisfaction, will the Minister, as shareholder representative, state whether this is acceptable, and explain to Members what action, if any, he proposes to take to ensure that this situation is not allowed to continue?

Answer

As shareholder representative for JT the Minister wishes to ensure that they achieve and maintain high levels of customer satisfaction at all times. There have been challenges faced in this area in recent years, however the Minister is re-assured through discussions with both the Board and the executives that JT are now putting in place improvements and processes to address these past challenges.

The Minister is assured that JT takes the results of these surveys seriously although it does have some concerns with the methodology used in this instance. It is also unfortunate that the reporting in an article in the Jersey Evening Post on 11th March 2016, dealing with 1 of the 6 CICRA annual surveys ignores some key statements in regard to the significant progress being made by JT and the levels of customer satisfaction now being achieved.

In a presentation to which all States' Members were invited on 18 January 2016, JT provided an update regarding progress on major programmes of work and the results of an improved focus on customer experience. While performance on key programmes such as the fibre rollout and billing experiences

improved dramatically during this period, it will take some time for such performance to feed through to customer satisfaction reports.

One of JT's 2016 key objectives relates to customer experience and the Minister will be maintaining a keen focus on this during his regular meetings with company executives. The Minister is also pleased to see that JT is actively progressing the type of initiatives that he would hope and expect to see, which include publication of the customer promises outlined in Appendix 1.

A further performance update will be provided to all States' Members following the Annual General Meeting in June 2016 and this will include an up-to-date assessment in regard to customer experience.

In the meantime, JT remains available to bring individual States Members' up to date on progress in this area.

| If you..... | Our promise is.... | Our guarantee.... |
|---|--|---|
| <p>Purchase any product or service from us</p> | <p>To offer you a great service, value for money and a 'no quibble' return policy.</p> | <p>Any item purchased from us in one of our retail stores and returned in the same condition, including the packaging, your receipt of purchase and documentation, within 7 days will be refunded fully.</p> <p>If you are not totally satisfied with the service you have ordered, you will have 14 days to cancel it and you will not be charged.</p> |

Appendix 1 – JT Customer Promises

| | | |
|---|--|--|
| Order a landline and / or broadband service | <p>To connect your landline or broadband service within 15 Working Days.</p> <p>To switch your broadband connection from copper to fibre in no longer than 12 weeks from the date of your first appointment.</p> | <p>If we take more than 15 Working Days to connect your landline or broadband service, we will pay you £10 for every day we are delayed, up to the value of £100.</p> <p>If we take longer than 12 weeks from the date of your first switchover fibre appointment, we will pay you a £50 one-off refund.</p> |
| Have a service affecting fault on your landline, broadband or mobile service | <p>To fix your service affecting fault within 2 Working Days after the day of it being logged and reported.</p> | <p>If we take more than 2 Working Days to fix your fault, we will pay you £10 for every day up to the value of £100, where it is proved to be JT service fault.</p> |
| Have an enquiry, complaint or compliment | <p>To respond to you within 2 Working Days if you send your enquiry via email, on JTHelp Facebook page or @JTGlobalHelp Twitter feed.</p> <p>To acknowledge your complaints or compliments within 2 Working Days.</p> <p>We aim to answer 75% of calls within 40 seconds.</p> | <p>We will actively monitor our call answering and call back service, our inboxes and JTHelp channels during working hours / or at times our contact centre is open.</p> <p>Our Customer Services team will do all they can to resolve your complaint.</p> <p>If you let us know when you receive great service, we'll pass it on to the member of staff concerned and their Manager.</p> |
| Are experiencing higher bills than normal | <p>To monitor your usage and alert you if you have used more than £40 worth of usage in one day on your mobile service.</p> <p>To provide a JT Mobile App so you can actively monitor your usage.</p> <p>To offer you a free call barring service.</p> <p>To work with you to discuss and offer you a repayment plan which will allow you to split payment over several months.</p> <p>We will do everything possible to avoid disconnecting your telephone service.</p> | <p>If you do incur unusually high usage charges, we will investigate each individual case and will advise you of a tariff more suitable to your usage if applicable.</p> <p>We may provide a one-off credit, at our discretion, if the charges relate to your previous bill (but not bills predating this) and you have not received a credit previously for a similar occurrence.</p> <p>If payment is not received and there is no history of previous non-payment, we will try to contact you by phone before we restrict your services/account in any way.</p> |

2.7 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE RENEWAL OF THE FUEL FARM LEASE:

Question

With regard to the renewal of the Fuel Farm lease, will the Chief Minister set out for Members a detailed chronology of the key actions, decisions and events from January 2012 which led to the renewal of the lease, identifying the Ministers and officers (by title) who were involved at each stage?

Answer

This answer has been compiled in the time available since the question was notified to the department (five working days). Because the fuel farm involves seven individual areas of the States of Jersey, it is not possible in the time allocated to research and prepare a written answer to guarantee that records of every key action, decision and event since January 2012 have been identified.

It is, however, a high level chronology of the known key events, meetings and discussions during that time.

If any further key events are identified they will be notified to members in due course.

Chronology – Lease Renewal of LC03 Public to La Collette Terminal Limited (LCTL)

Following an assignment of the lease from Shell UK Limited and Esso (the Assignors) to Esso and La Collette Terminal Limited (LCTL) on 26 July 2009, at 1 January 2012 the Fuel Storage site LC03 was subject to a lease from the Public to Esso and LCTL.

The lease was due to expire on 31 January 2016.

The option to buy the fuel farm equipment required notice to be served no later than 18 months before the lease expired (i.e. 31 July 2014)

Below are Jersey Property Holdings (JPH) key actions, decisions and events from January 2012 to September 2015.

| Date | Event | Action/Decision | Officers/Minister |
|------------------|--|---|--|
| February 2013 | Email correspondence discussing matters relating to the lease and options for regulation | Following a question from a back bencher discussions re ground lease between JPH & fuel consortium. JPH stated that regulation of fuel pricing were issues outside the role of landlord & should be progressed by EDD/CICRA | JPH EDD Ports of Jersey Assistant T&R Minister |
| October 2013 | Email correspondence discussing future lease and regulatory matters | JPH asked for discussions at ministerial level. | JPH EDD Assistant T&R Minister CICRA TTS |
| 25 November 2013 | States and CICRA meeting re LCTL acquisition of Esso interest | JPH and EDD to consider use of ground lease for imposing throughput conditions after proposed | Assistant Minister T&R Chief Officer EDD Chief Officer TTS Fire Service Group Commander |

| | | | |
|--------------------------|---|---|--|
| | | acquisition by LCTL of Esso equity | Director of Estates JPH Head of Property Ports of Jersey |
| 16 January 2014 | States and CICRA meeting re 'letter of commitment' to CICRA from Rubis | JPH, EDD and CMD to work with CICRA to consider how to impose throughput conditions after proposed acquisition by LCTL of Esso equity | Officers from EDD , JPH and CMD |
| June 2014 | Outstanding Rent Review finalised on existing lease with Esso and LCTL | Review implemented by JPH – notification issued | JPH Principal Property Manager |
| 24 July 2014 | Officer working group established to consider future options for fuel farm, including Oxera advice on strategic options | No action agreed | Officers from ED, JPH, Ports of Jersey, CMD |
| Period to September 2014 | ED process begun to review competition issues in Fuel Market due to merger | JCRA advised (April 2014) that ED were engaging with the States' Economic Adviser and Oxera to produce formal response to initial CICRA findings on LCTL acquisition of Esso equity in LC | EDD officers CMD Officers |
| September 2014 | CICRA issue Decision on re LCTL acquisition of Esso interest | Report issued re Proposed Acquisition by LCTL of ESSO assets at Fuel Farm (M885/12F) – including terms and conditions for policing CICRA agreement | CICRA |
| 29 October 2014 | States of Jersey approached by Ogiers (LCTL legal representatives) to resume discussions on renewal of lease | | |
| 21 November 2014 | Meeting called by ED to discuss position prior to engaging further in discussions to renew the lease | No actions arose. Meeting to update on CICRA's conditions of LCTL's acquisition of Esso equity and how they | Invitees (newly appointed ministers): EDD minister IM ACM Competition |

| | | | |
|------------------|---|--|---|
| | | would be enforced | Ports GCEO Ports officers EDD officers CMD officers JPH officers |
| January 2015 | Officer working group re-formed under Chief Executive to progress fuel farm lease | | Chief Executive and Officers from ED, JPH, Ports of Jersey, TTS, CMD, Fire and Rescue Service |
| 15 January 2015 | Meeting Public and LCTL | LCTL set out its preferred route new lease to be concluded as soon as possible, but that in the event that any delay is anticipated in concluding the new lease, an assignment would be needed in order to release Esso from the head lease. LCTL reiterated its commitment to investing in this essential piece of Island infrastructure, thereby ensuring continuity of service and supply to the population. | Infrastructure (TTS) Minister Infrastructure (TTS) Assistant Minister Director of Estates JPH Head of Property Ports of Jersey |
| 28 January 2015 | Officer Meeting | | CEO CO TTS CO Ports CO ED CMD Officer Director of Estates |
| 4 February 2015 | Officer and Political Meeting | | |
| 12 February 2015 | Officer group meeting | | CEO CO TTS CO Ports CO ED CMD Officer Director of Estates |
| 2 March 2015 | Officer and Political | Officer meeting to | meeting schedule attendees: |

| | | | |
|---------------|---|---|--|
| | Meeting | consider terms of lease and operating agreement | CM TRM ACM (Competition) Infrastructure Minister ED Minister CMD officers Home Affairs Chief Officer JPH officers Fire and Rescue Chief Officer ED Chief Officer Infrastructure Chief Officer Environment Chief Officer |
| 10 March 2015 | Officer and Political Meeting | | Meeting schedule attendees: Infrastructure Minister Environment Chief Officer Chief Executive ED Chief Officer Infrastructure Chief Officer Ports of Jersey Fire and Rescue chief officer JPH officers CMD officers |
| 12 March 2015 | Officer and Political Meeting with Rubis | | Meeting schedule attendees: Infrastructure Minister Infrastructure Chief Officer JPH officers Law Officers Department Rubis legal adviser Fire and Rescue Chief Officer |
| | Development of Operating Agreement | | |
| 18 March 2015 | Travelling Draft Lease Heads of Terms | E-mail LoD to Ogiers | LoD instructed by Director of Estates JPH |
| 21 April 2015 | E-mail received from ATF indicating their interest in operating the Fuel Farm | | Email from ATF to JPH |
| 2 June 2015 | Consent to the assignment of Esso interest to LCTL | Ministerial Decision under delegated authority (DD-PH-2015-0005 refers) | Director of Estates JPH |
| 12 June 2015 | Assignment Esso interest to LCTL | Court | n/a |
| July onwards | Discussions on lease | States of Jersey continue | LoD instructed by Director of |

| | | | |
|-----------------|--|---|--|
| | terms – particularly rent and length of term | negotiation on terms of lease and development of an Operating Agreement alongside the lease | Estates JPH |
| September 2015 | Political Oversight Group formed to oversee lease renewal | | Chief Minister, TTS Minister, Both Assistant Chief Ministers, Home Affairs Minister Chief Executive and Officers from ED, JPH, Ports of Jersey, TTS, CMD, Fire and Rescue Service |
| January 2016 | Ongoing negotiations for lease/operating agreement with existing operator | | |
| 13 January 2016 | Council of Ministers asked to approve proposals to lease Fuel Storage Site at La Collette to La Collette Terminal Limited for 10 years from 1 February 2016 in the terms set out in the draft Lease and accompanying Operating Agreement | First full briefing re fuel farm with full COM. Ministers & AMs raised a number of questions. | Council of Ministers* Known absences included CM, TRM (minutes confirm actual attendance & any assistant minister substitutes) ACM (Competition) States Greffier Attorney General & other law officers Chief Executive CMD officers Grefe officer Chief Fire Officer Infrastructure officers |
| 27 January 2016 | Council of Ministers were updated on progress with negotiations on the renewal of the lease for the La Collette Fuel Terminal | Update on fuel farm questions & clarification of legal issues | Council of Ministers (minutes confirm actual attendance & any assistant minister substitutes) ACM (Competition) States Greffier Attorney General Chief Executive CMD officers Grefe officer |
| 3 February | Council of Ministers considered further the proposed renewal of the | Further update on fuel farm negotiations & update on latest questions | Council of Ministers Apologies from – EDD Minister & ACM (Competition) |

| | | | |
|---------------|--|--|--|
| | lease of the Fuel Farm at La Collette to La Collette Terminal Limited (“Rubis”) for a period of 10 years from 1 st February 2016. | previously posed | States Greffier Attorney General Chief Executive CMD officers Grefte officer |
| 5 February | Council of Ministers considered further the proposed renewal of the lease of the Fuel Farm at La Collette to La Collette Terminal Limited (“Rubis”) for a period of 10 years from 1 st February 2016. | Urgent meeting to discuss fuel farm lease, including oral update | Council of Ministers Apologies from – Environment Minister, External Relations Minister, HSS Minister, Home Affairs Minister, ACM (Competition) States Greffier Law officers Chief Executive CMD officers Grefte officer |
| 24 February | Council of Ministers considered the renewal of the lease of the Fuel Farm, La Collette to La Collette Terminal Limited (“Rubis”) for a period of 10 years from 1 st February 2016. | | Council of Ministers Apologies from ACM (Competition) States Greffier Attorney General Chief Executive CMD officers Grefte officer |
| 4 March 2016 | Approval of renewal of Lease and accompanying Operating Agreement | Ministerial Decision (MD-PH-2016-0011) | Minister for Infrastructure |
| 9 March 2016 | States Members Briefing | Officer briefing at St Paul’s Centre | Minister for Infrastructure Various ministers & assistant ministers ACM (Competition) for a time Chief Executive CO Dfi Chief Fire Services Officer ED Chief Officer JPH Director of Estates CMD officers Law officers States Members (c.20) |
| 11 March 2016 | Lease passed in Court | | |

2.8 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE QUALIFICATIONS OF THE UNEMPLOYED:

Question

Using the latest information available will the Minister advise members of the age, occupation/last occupation and academic and professional qualifications of all those who have been unemployed for one year or more?

Will she further advise members of the number of persons who have been unemployed for one, 2, 3, 4, 5, 6, 7, 8, 9 or 10 years as well as those who have repeatedly been in and out of employment for whatever reason between 2008 and 2015 after training, work experience and self-employment?

Answer

Individuals who have been registered as Actively Seeking Work (ASW) with Social Security for more than twelve months are classified as long term unemployed. It should be noted that this group includes individuals who:

- are working in part time jobs, but required by the terms of their Income Support claim to seek additional hours. This individuals are classified as 'Underemployed'. *For example: an individual claiming Income Support has been working 15 hours a week for over a year. Although they are employed, they are required to be working 35 hours a week and therefore will have remained ASW throughout the time they had this part time job. They would be receiving Back to Work support to find another job that brings them up to 35 hours, or to gain additional hours with their current employer.*
- have worked for short periods of time (up to 28 days – but potentially more than once in different months). These short periods of employment do not break their unemployment 'duration'. *For example: a long term unemployed individual secured a 3 week full time temporary job which they completed successfully. There is no opportunity for further work with that employer as they were just covering sickness absence. That individual returns to ASW upon completion of this temporary job, and their 'ASW duration' remains over a year and they are still considered to be long term unemployed.*

Analysis of those registered as actively seeking work is published on a monthly basis on the gov.je website. This includes data on long term unemployment and age distribution. The most recent published statistics relate to 29th February 2016.

There are 236 people registered as ASW for more than twelve months at the end of February 2016. 92 (39%) of these 236 are currently working part time and therefore classed as 'Underemployed'. As noted above, some individuals in this group will have also undertaken short periods of full time work during their current registration as ASW.

This group is made up of the following age groups:

| Age | Working part time (, Underemployed?) | Unemployed | Total |
|------------|---|-------------------|--------------|
|------------|---|-------------------|--------------|

| | | | |
|--------------|------------|------------|------------|
| 16 - 19 | 4 | 14 | 18 |
| 20 - 24 | 4 | 5 | 9 |
| 25 - 29 | 5 | 6 | 11 |
| 30 - 34 | 7 | 6 | 13 |
| 35 - 39 | 13 | 13 | 26 |
| 40 - 44 | 14 | 10 | 24 |
| 45 - 49 | 19 | 20 | 39 |
| 50 - 54 | 15 | 22 | 37 |
| 55 - 59 | 22 | 17 | 39 |
| 60 - 64 | 11 | 9 | 20 |
| Total | 114 | 122 | 236 |

The industry sector of the last employer (or current if working part time) is as follows:

| Industry Sector | ASW Category | | Total |
|---|---|------------|------------|
| | Working part time (, Underemployed') | Unemployed | |
| Agriculture and Fishing | 3 | 4 | 7 |
| Recruitment Agency, Banking, insurance | 2 | 41 | 43 |
| Construction | 1 | 8 | 9 |
| Engineering | 0 | 2 | 2 |
| Medical services | 7 | 7 | 14 |
| Misc professional (Legal, accountancy, IT, etc) | 5 | 7 | 12 |
| Misc services (Hairdressing, cleaning, etc) | 9 | 10 | 19 |
| Misc trades (Glass, timber, printing, etc) | 0 | 1 | 1 |
| Private domestic service | 2 | 1 | 3 |
| Public sector | 17 | 11 | 28 |
| Retail, wholesale | 36 | 27 | 63 |
| Tourism, leisure, catering | 9 | 15 | 24 |
| Transport, communications | 1 | 1 | 2 |
| No Previous Contributions History | 0 | 9 | 9 |
| Total | 92 | 144 | 236 |

This analysis of registered individuals is based on the classification of the individual's last or current employer for contribution purposes. It should be noted that employers in each category will employ a wide range of workers. For example, employers in the "construction" category will have employees who work as construction site workers, administrators and in sales. Social Security industry sectors recorded for the collection of social security contributions are separate to the industry sectors published by the States Statistics Unit.

The 2011 census on gov.je provides an analysis of the educational qualifications in respect of all individuals classified as unemployed. On an individual basis, this information is maintained as part of the personal record of each jobseeker and is not stored on a database that can be queried in report format.

The table below illustrates the duration of unemployment for the 236 individuals who have been registered as either unemployed or underemployed for more than 52 weeks. The figures include

- individuals who may have secured short term employment but for varying reasons this length of employment had not been sustained for periods greater than 28 days.
- 17 individuals who are receiving specialist support from the Jersey Employment Trust
- 5 individuals who are self employed
- 28 individuals who are on specific work activity programmes such as Foundations where they work up to 32 hours every week on community projects such as enhancing the Island Games venues and the Railway Walk. These individuals are classified as ‘Unemployed’ rather than ‘Underemployed’

| Duration Years | Working part time (. Underemployed’) | ASW Unemployed | Total |
|-----------------------|---|-----------------------|--------------|
| 1 Year + | 58 | 114 | 172 |
| 2 year + | 15 | 15 | 30 |
| 3 year + | 7 | 12 | 19 |
| 4 year + | 10 | 2 | 12 |
| 5 year + | 1 | 1 | 2 |
| 6 year + | 1 | 0 | 1 |
| Total | 92 | 144 | 236 |

Back to Work has dedicated Employment Advisors who work with these individuals on a 1 – 1 basis, using a tailored action plan to provide the right support and training to meet their individual needs. As mentioned above, these figures include people who have had short term employment of up to a month. Back to Work encourages short term contracts that can act as a stepping stone into more permanent work, but also has a strong focus on in-work Advisor support to keep people in work, once they find a job.

2.9 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE CATEGORISATION OF THE DEPARTMENT’S WORKFORCE:

Question

Using data based on how the Department categorises its workers (eg. manual, clerical, technical and professional), will the Minister provide members with the total number of workers in each category, together with their starting, average and likely end salary and provide a table breaking down the number of employees in each category according to age (20-30, 31-40, 41-50, 51-60, 61-65)?

Answer

The below table shows the breakdown of staff within the Department for Infrastructure, by pay group, as of 29th February 2016:

Department for Infrastructure Staff Analysis - 29/02/2016

| By Pay Group | Headcount | FTE | Average Basic Pay |
|----------------|------------|--------------|-------------------|
| Civil Servants | 150 | 147.5 | £51,767 |
| Manual Workers | 325 | 307.5 | £26,563 |
| Total | 475 | 455.0 | £34,531 |

| 16-19 | 20-29 | 30-39 | 40-49 | 50-59 | 60 + | Total |
|-------|-------|-------|-------|-------|------|-------|
| | 7 | 26 | 46 | 60 | 11 | 150 |
| 3 | 19 | 44 | 98 | 117 | 44 | 325 |
| 3 | 26 | 70 | 144 | 177 | 55 | 475 |

We are unable to provide the starting and likely end salary, due to each individual having a varied career path within the States of Jersey, however, a list of the public sector pay scales, which shows the grading structure for each of the pay groups, is available on www.gov.je.

2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE EFFECT OF THE OUTSOURCING OF PUBLIC SECTOR JOBS ON DEPARTMENTAL BUDGETS:

Question

Is the outsourcing of public sector jobs requiring redundancies likely to place significant demands on the Minister's departmental budgets for Income Support and Social Security contributory benefit schemes, and if not, why not?

Answer

It is premature to seek to establish an estimate for Income Support costs arising from any potential outsourcing of public sector jobs requiring redundancies. The Income Support system is designed to support any worker who is made redundant and a significant number of claims are opened and closed each year as employers across the island contract and expand their workforces. Any organisation considering the impact of redundancies can receive support for its employees from Social Security advisers. This is standard practice and the Department has significant experience in dealing with workers in this situation over the last few years, for example following the loss of Low Value Consignment Relief. Staff at Department For Infrastructure have already received support in this area and Social Security will also be offering an outplacement service to any States employee made compulsorily redundant, to assist them in finding new employment.

In the event of a compulsory redundancy, the individual will normally be eligible to apply for Income Support but the value of any award will depend on a range of household circumstances, including the salary of any partner. It should be noted that the average Income Support award in 2015 was approximately £215 per week.

In the same way that there is a significant churn in Income Support claims, there is also a constant movement in terms of individual contributors moving in and out of employment and contributing to the Social Security fund. To identify the impact of potential future job losses, it would be necessary to have information regarding the change in each individual's earnings. Any individual who is made compulsorily redundant and satisfies job seeking requirements will receive contribution credits to protect their pension entitlement but the contributory benefit system does not include an unemployment benefit. This support is available through Income Support.

2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING REDUNDANCY ESTIMATES:

Question

Following revised estimates for the number of potential redundancies through outsourcing from 150 to between 30 and 50 posts, what are the Minister's new estimates for savings (previously £2 million) and severance payments (previously £1.8 million)?

Answer

In a presentation by the Chief Officer to the Council of Ministers in November last year and then shortly thereafter to Unite, it was advised that up to 147 employees would potentially be affected by the Service Reviews in Parks and Gardens and Cleaning Services. This reflected the total number of employees working in those areas at that time.

The department is not able to accurately advise on how many employees may be affected by the proposals and the reasons for this are as follows:

- The total number of employees is changing weekly, employees are applying for Voluntary Redundancy, some are retiring, others have left to work in other departments such as the Health & Social Services department or have secured a role in other parts of DfI and some have secured jobs in the private sector.
- Employees will have the opportunity to engage with the employer during a period of consultation and the department's proposals may change. This consultation process may inform our overall organisation structure and more specifically the numbers of employees required in the future.

Only once we have completed the Employee Consultation and tendering processes will the department know how many employees may be at risk of redundancy.

Our estimate for savings is still in the region of £2 million per annum for the States of Jersey, however this is simply an estimate and this cannot be confirmed until we have concluded the procurement process.

Based upon the number of employees in post in November 2015 and the potential changes to organisational structures it was estimated that severance payments of up to £1.8m could be payable. This figure was provided as part of the department's business case to support the transformation programme.

2.12 DEPUTY J.M. MAISON OF ST. SAVIOUR OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE TIMETABLE FOR PROPOSALS FOR WORK-BASED PENSIONS:

Question

Will the Minister outline the timetable for proposals for work-based pensions to include –

- Green paper stage
- White paper stage
- Scrutiny review period
- Amendments post scrutiny review
- Lodging for debate
- Debate

Answer

As set out in the MTFP approved by the States last year, a review of the Social Security Fund is currently in the preliminary planning stage.

The MTFP (page 129) also confirms that:

During the course of this MTFP, the Social Security Department will also work with the Treasury and Resources Department to promote financial independence in old age, and to encourage a higher proportion of workers to take up occupational pensions. For example, this could be achieved through changes in income tax or benefit rules, as well as the promotion of work-based pension schemes aimed at lower earners.

The theme of income in old age will be a key component of the Social Security review and the two strands of work will proceed in parallel.

The Health and Social Security Scrutiny Panel were given initial details of this work at the quarterly hearing held on 3 March 2016. Engagement and consultation will start later this year and, depending on the outcomes, proposals will be reviewed by the Scrutiny Panel and then brought to the Assembly for approval.

2.13 DEPUTY J.M. MA^QON OF ST. SAVIOUR OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE TIMETABLE FOR PROPOSALS TO ASSIST THE SELF-EMPLOYED:

Question

Will the Minister please outline the timetable for proposals to assist the self-employed, to include –

- Green paper stage
- White paper stage
- Scrutiny review period
- Amendments post scrutiny review
- Lodging for debate
- Debate

Answer

The review of the Social Security Fund (SSF), as set out on P.129 of the MTFP report published last year, is currently in the preliminary planning stage. As noted in that report:

This review will consider the level at which the States Grant should be set in future. It will also consider all aspects of the current scheme, including the level of contributions collected and the eligibility for, and the value of, pensions and benefits payable.

The review will consider options for:

- *increasing the liability for contributions from higher earners,*
- *reviewing the level of the standard earnings limit and the upper earnings limit,*
- *increasing the percentage rate for contributions,*
- *reviewing the balance between employer and employee contributions,*
- *reviewing the liability of self-employed contributors,*
- *reviewing the method for uprating pensions and benefits,*
- *increasing the state pension age,*
- *reviewing the eligibility for pensions,*

- reviewing the range of working age benefits available.

The review will be supported by an actuarial review of the SSF as at 31 December 2015. This review will be undertaken by the UK Government Actuary and is likely to be published in the second half of 2016.

During the course of this MTFP, the Social Security Department will also work with the Treasury and Resources Department to promote financial independence in old age, and to encourage a higher proportion of workers to take up occupational pensions. For example, this could be achieved through changes in income tax or benefit rules, as well as the promotion of work-based pension schemes aimed at lower earners.

The Health and Social Security Scrutiny Panel were given initial details of the review at the quarterly hearing held on 3 March 2016. The review will include a specific examination of Class 2 contributions which are paid by self-employed workers. Engagement and consultation will start later this year and, depending on the outcomes, proposals will be reviewed by the Scrutiny Panel and then brought to the Assembly for approval.

2.14 DEPUTY J.M. MAON OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROPOSED INTRODUCTION OF A HEALTH TAX:

Question

Will the Minister outline the timetable for proposals to introduce an additional health tax to include –

- Green paper stage
- White paper stage
- Scrutiny review period
- Amendments post scrutiny review
- Lodging for debate
- Debate

Answer

In P.82/2012 Health and Social Services: A New Way Forward, the States Assembly approved the redesign of Jersey's health and social care services and requested the Council of Ministers to bring forward proposals for a sustainable funding mechanism for health and social care. Accordingly, growth funding has been allocated in the MTFPs 2013-2105 and 2016-2019.

The Council of Ministers will include their proposals for any additional charges within the MTFP Addition. In accordance with the Finance Law, this will be lodged on 30 June 2016, for a twelve week period before debate, giving States Members and Scrutiny sufficient time to consider the proposals in detail before they are debated at the end of September 2016. Provided proposals are approved, subsequent legislation will need to be brought to the Assembly, which will be subject to the normal process of review by Scrutiny.

2.15 DEPUTY J.M. MAON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING PROPOSALS FOR AN ADDITIONAL WASTE CHARGE:

Question

Will the Minister outline the timetable for proposals for an additional waste charge to include –

- Green paper stage

- White paper stage
- Scrutiny review period
- Amendments post scrutiny review
- Lodging for debate
- Debate

Answer

The MTFP has outlined the need for raising £3m in 2018 and £10m in 2019 on waste charges. To achieve the income the Department for Infrastructure have developed a range of options which are enclosed in a Strategic Outline Business Case Document which has just been produced. A summary of this Document has been presented to the Council of Ministers and has been shared with the Environment scrutiny panel.

We are arranging a workshop with states members to discuss the report findings, possible funding options and timescales. This is to be organised as soon as practicable.

The Council of Ministers will include their proposals for any additional charges within the MTFP Addition. In accordance with the Finance Law, this will be lodged on 30 June 2016, for a twelve week period before debate, giving States Members and Scrutiny sufficient time to consider the proposals in detail before they are debated at the end of September 2016. Provided proposals are approved, subsequent legislation will need to be brought to the Assembly, which will be subject to the normal process of review by Scrutiny.

2.16 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING PLANE JOURNEYS TAKEN BY SENIOR CIVIL SERVANTS:

Question

Could the Minister provide a breakdown of plane journeys costing over £1,000 taken by senior civil servants in each States department over the last 5 years?

Answer

An initial search of travel system has indicated more than 200 flights.

However, the figures show combined costs for officers and ministers travelling together, as well as refunds. So further work is required to separate senior civil servants from other travellers and to verify the information.

We will undertake to publish the information for the next States sitting.

2.17 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE NUMBER OF MEETINGS BETWEEN THE MINISTER AND UNITE THE UNION:

Question

Since taking office, how many face to face meetings have taken place between the Minister and Unite the Union representatives to discuss the current outsourcing policy?

Answer

I can confirm that no meetings have taken place between the Minister and Unite the Union to discuss service reviews, this is the role of Officers from both the DfI and the Chief Minister's department.

The proposed organisational changes, should they be implemented, would be undertaken in accordance with the States of Jersey's Human Resources policies and procedures. These policies were approved in the last 12 months by all the unions as part of the workforce modernisation programme.

2.18 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING ECONOMIC GROWTH:

Question

Can the Minister advise whether there is a correlation between economic growth forecasts, which indicate that economic growth in Jersey will slow down each year over the next 3 years, and the government's plan to take £145 million out of the economy in the form of tax rises and redundancies?

Answer

The latest economic assumptions provided by the FPP in their letter to the Treasury and Resources Minister on 11 March 2016 do show economic growth slowing in 2015 and 2016 but this reflects a number of factors. Firstly, the fact that the finance sector grew much more sharply than expected in 2014 as factors that were previously holding profits down were reversed. Secondly, the FPP highlight the risks to the global economy and that they have increased since their last report.

In terms of what their latest analysis means for the approach to the MTFP the FPP stated that:

In the light of this updated analysis of trend growth and the economic outlook, the FPP reiterate their previous advice that the focus of the MTFP should be to address any structural imbalance in States finances by 2018/2019 whilst ensuring that the range and timing of the measures minimises the risk to the economic recovery.

The FPP have previously confirmed that the approach set out in the MTFP is in line with their advice to support the economy in the short-term and address the structural position at the right time. This is because the significant investment that is being made in health, education and infrastructure supports the economy in the short-term. In the medium-term addressing the structural position is necessary to provide Islanders and businesses with the stability and confidence conducive to future economic growth.

2.19 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION OF SERVICES TO THOSE WITH MENTAL HEALTH ISSUES:

Question

Can the Minister provide a list of the services available to those with mental health issues, or the top 5 most common mental health issues, detailing –

- how an individual can access these services;
- how long the waiting list is for both the initial appointment/assessment and how long patients wait for the subsequent course of treatment/therapy appointments after the initial assessment; and

- advise whether there have been any changes in these services and waiting times over the past 5 years, and set out what targets there are for the waiting times for each service?
- Can the Minister also provide an update on the measures proposed within the Mental Health Strategy for the prevention of mental health issues, detailing whether any prevention initiatives have been implemented or outlining the plans for this area?
- Can the Minister also advise what public health messages or campaigns, if any, are being implemented to deal with mental health stigma and to aid in the prevention and identification of mental health issues?

Answer

Health and Social Services provides a number of services to people with mental health issues. These services are listed below with information on how people can access them, and on waiting lists. We do not collate information on the most common mental health issues as these are often age related, however, academic articles define the most common mental health problems as:

- Depression
- Anxiety Disorders which include phobias, panic disorder, obsessive compulsive disorder, post-traumatic stress disorder etc.
- Dementia including Alzheimer's, vascular dementia, Lewy bodies etc.
- Psychosis including schizophrenia and bi-polar disorder
- Personality disorder
- Substance abuse

Mental health practitioners will also be asked to support people with non-specific diagnoses such as self-harming behaviours.

Psychology and Jersey Talking Therapies

- *How does an individual access these services?*
-
- Primary Mental Health services for Jersey include the H&SS Psychological Assessment and Therapy service and the newly-developed Jersey Talking Therapies (JTT) service. Individuals can access these services once they have been seen by either their GP or a healthcare professional who will then either send a written referral to the service or provide the individual with a leaflet explaining how they can make contact and register by phone.

How long is the waiting list for both the initial appointment/assessment and how long do patients wait for the subsequent course of treatment/therapy appointments after the initial assessment?

Initial Assessment Waiting Times:

| | | |
|--------|------------------------|---------|
| Step 2 | (JTT mild problem) | 3 weeks |
| Step 3 | (JTT moderate problem) | 5 weeks |

Therapeutic Intervention Waiting Times:

| | |
|--------|----------|
| Step 2 | 12 weeks |
|--------|----------|

| | |
|-------------|---|
| Counselling | 8 weeks |
| Step 3 | 16 weeks |
| Step 4 | (specialist intensive multi-disciplinary services) 29 weeks |

- *Have there been any changes in these services and waiting times over the past 5 years, and set out what targets there are for the waiting times for each service*

With the implementation of JTT in October 2014, there has been a major positive impact on waiting times for both assessment and therapeutic interventions. Prior to JTT becoming operational, the waiting time at Psychological Assessment and Therapy service was as follows:

Initial Assessment Waiting Times:
4 months

Therapeutic Intervention Waiting Times:
Counselling 2 months
1:1 Therapy 9 months

Older Adult Mental Health Services

How does an individual access these services?

Our older adult mental health services currently provide in-patient assessment for people with a dementia or a functional mental health condition such as depression or psychosis and continuing nursing care for people with dementia. These services are accessed through either GP referral or referral from other secondary care specialist services such as the emergency department.

The memory service and older adults community mental health team is also provided by the older adult mental health service and referrals can be made by GPs or secondary care specialist services.

How long is the waiting list for both the initial appointment/assessment and how long do patients wait for the subsequent course of treatment/therapy appointments after the initial assessment?

Historically, the community mental health team did not have a waiting list. However, in May 2015, due to an increase in referrals of 40% over the previous 3 years, a waiting list had to be introduced with priority given to those referrals with the greatest risk. All referrals are assessed within 6 weeks and since the introduction of increased funding as part of P82 this year, the waiting list has begun to reduce.

The memory service has a wait for initial assessment of up to 10 weeks. Following assessment, if a care package is indicated, this will be arranged at the end of the assessment process. The wait for initial assessment has increased from 6 weeks in 2013 due to a 35% increase in referrals.

Have there been any changes in these services and waiting times over the past 5 years, and set out what targets there are for the waiting times for each service

Waiting times have increased over the past 5 years and the number of referrals is predicted to continue to rise. This was recognised in the 'Caring for each other, caring for ourselves' White Paper and an extra £1.8 million is being invested into older peoples' community mental health services. This will have a direct impact on waiting times, reducing the time for a memory service appointment (back) to 6 weeks and eradicating the waiting time for referrals to the community mental health team. A liaison service to the general hospital will also be introduced along with improved mental health support to GPs.

Adult Mental Health

How does an individual access these services?

The adult mental health service provides in-patient assessment and treatment, community care packages and a liaison service to the general hospital, the police, courts, prison and the Shelter Trust. Services are accessed through either the GP or specialist secondary care services such as the emergency department. In certain situations, the police have authority under the Mental Health (Jersey) Law 1969 to access a mental health assessment.

How long is the waiting list for both the initial appointment/assessment and how long do patients wait for the subsequent course of treatment/therapy appointments after the initial assessment?

Access to adult mental health services is via a number of routes. A routine referral will be received by the team and a questionnaire will be sent to the client asking for relevant detail to help the assessment process. Once this has been received, an appointment will be offered by the appropriate mental health professional (doctor, nurse, social worker psychologist etc.) within 3 weeks. Urgent appointments will be assessed within 24-48 hours, dependent on risk, and emergency responses within 30 minutes via their liaison service and will be seen at the Emergency Department.

Have there been any changes in these services and waiting times over the past 5 years, and set out what targets there are for the waiting times for each service

The response times for access to adult mental health services have not changed over the past 5 years. Liaison services to the criminal justice services are a recent addition to service provision. There will be further improvements to service provision following the launch of the Mental Health Strategy at the end of last year (see below).

Child and Adolescent Mental Health Services (CAMHS)

How does an individual access these services?

CAMHS can be accessed through referral from GPs, specialist secondary care service providers and partner children's services including schools and youth services.

How long is the waiting list for both the initial appointment/assessment and how long do patients wait for the subsequent course of treatment/therapy appointments after the initial assessment?

CAMHS offers 3 types of access for initial assessment:

- Routine – 28 days
- Soon – 14 days
- Urgent – 2 days

The trend in waiting times has seen a reduction over the last two years. Following the Scrutiny review of 2013, a Lean rapid process improvement plan in 2014 has led to a headline reduction in routine initial assessment waiting times from 14 weeks to under 3 weeks. The figure for 2015 has fluctuated, but the average waiting time across all urgencies during the year was 17.8 days, compared to 60.7 days in 2014. We are unable to make comparisons prior to 2014 as the criteria for access to CAMHS has changed.

During 2015 the average time from referral to initial assessment was:

- Routine – 20.6 days
- Soon – 11.3 days
- Urgent – 3.6 days

Following the initial appointment, each client will be prioritised according to risk. Those who are assessed as risk 1 (highest risk) will have a clinical appointment within a week, risk 2 will have a clinical appointment within 2 to 3 weeks, and low risk, risk 3, within 4 months.

Have there been any changes in these services and waiting times over the past 5 years, and set out what targets there are for the waiting times for each service

Waiting times and thresholds for access to services have been reviewed over the past two years. The mental health strategy supports the improvement of mental health services for children and young people and colleagues in education are working closely with us in developing service improvements (see below).

Alcohol and Drug Services

Health and Social Services provides alcohol and drug services directly and also has a service level agreement with Silkworth. The responses below are in two parts, with part 1 representing the HSSD service and part 2 Silkworth services.

How does an individual access these services?

Part 1 (HSSD) People with alcohol or substance abuse problems can access services either through self-referral or through a GP or specialist service referral. An arrest referral officer is also employed to support people who have addiction problems to access appropriate treatment following arrest as there is good evidence to show motivation to change behaviours is higher at this time. A liaison service is also provided to the general hospital.

Part 2 (Silkworth) Access to a residential treatment programme at Silkworth Lodge can be made via self-referral, D&A, GP or any other agency. Silkworth also now has a Community Day Programme for those that suffer with drug and/or alcohol issues, the purpose of which is to give a wider audience the information and tools that they need in order to make a balanced informed choice about their next steps into recovery, whether that be through the D&A service, Silkworth Lodge or other methods of recovery.

How long is the waiting list for both the initial appointment/assessment and how long do patients wait for the subsequent course of treatment/therapy appointments after the initial assessment?

Part 1 (HSSD) The initial assessment will take place within 2 weeks. Following assessment, if further treatment is indicated, those who have alcohol problems will commence treatment within 2 weeks. Those who require substance misuse programmes will be able to access the methadone programme within 3-4 weeks or the subutex programme where the wait is up to 6 months.

Part 2 Silkworth can see a potential client for initial informal assessment for the residential services within 48 hours. However, if a particular case requires urgent action, the client may be seen on the same day if possible. A client accessing the Community Day Programme can be seen on the same day.

Have there been any changes in these services and waiting times over the past 5 years, and set out what targets there are for the waiting times for each service

Part 1 (HSSD) There have not been significant changes to the waiting times for alcohol and methadone services, however, the wait for subutex has increased recently due to financial pressures. Work is ongoing to

introduce shared care treatment programmes for methadone and subutex with GPs, which will have a positive impact on reducing waiting times.

Part 2 (Silkworth) There have not been any changes in the service waiting times over the past 5 years.

Mental Health Strategy/Public Health Messages

The implementation of the Mental Health Strategy is led by a number of different service providers, including Public Health, Community Social Services, Education Department and the community and voluntary sector.

An engagement day is planned in May to share the progress made to date. In addition, delegates will also be collaborating to collectively identify the key outcomes areas, with specific focus on 'recovery'.

Progress to date on the 2016 priorities includes:

Recovery College: The Jersey Employment Trust is leading the work on developing a Recovery College. An initial workshop took place on the 23rd February with representatives from statutory services, the private sector, the community and voluntary sector and people who are experts through experience. A project worker is now in place and future visits are planned to similar services in the UK to see how they run. As a result of the workshop, a number of people have been identified as willing and able to support this work going forward.

Older Adult Mental Health Services: New job roles and job descriptions are being written to fit with the redesigned services which include Memory Assessment, Community Mental Health Team, Hospital Liaison, Rapid Response and Primary Care Services. Meetings with clinicians and professionals are scheduled to develop service pathways and protocols that support the service specifications. These will be tested with patients and carers during April. Recruitment to posts is scheduled for May / June with the ambition of services going live in July.

Children and Young People: A stock take of current school-based services that support young people's mental health and wellbeing has been completed. A workshop with Education and Health and Social Services leads is planned to agree the focus for joint planning and service redesign ahead of investment for early intervention services.

Dedicated Awareness Events: Four dates have been identified as key opportunities to raise public awareness of mental health – Public Health along with other agencies will lead this work. The key dates include: 16th-22nd May – Mental Health Awareness Week; 10th September – World Suicide Prevention Day; 10th October – World Mental Health Day; 4th February 2017 – Time to Change.

Understanding Public Attitudes: Questions about respondents' perceptions of mental illness have been included in the next Jersey Annual Social Survey. Once this survey reports on findings in December 2016, a baseline understanding of self-reported public attitudes to mental illness will be known for the first time. This information will be used to shape future awareness campaigns.

Building Capacity: A series of evidence-based training on issues relating to suicide prevention is being conducted during 2016. This training is supported by senior clinicians and practitioners and will target front-line workers in different statutory and community and voluntary sector services. During 2016 the training will focus on responding to self-harm, managing risk and promoting emotional resilience.

Help Seeking: During 2016, the Jersey On-Line Directory is being reviewed and key search terms improved so that details of mental health services can be easily found by those seeking assistance from mental health

services. Promotional materials raising the awareness of the On-Line Directory will also be circulated to front line workers and carers alike.

Benchmarking: Following the recent visit from the Director of the National NHS Benchmarking Network, plans are in place for Jersey to become a network member. This will enable local mental health services to benchmark themselves to similar UK and OECD countries for similar areas of service provision. This will give a focus for future service improvement activity.

2.20 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE PREVENTION OF MENTAL HEALTH ISSUES:

Question

Can the Minister advise what work is undertaken in schools to prevent mental health issues? Can the Minister further state what his plans are to develop and improve this work, including any targets, and advise how this ties in with the commitments made in the new Mental Health Strategy? Can the Minister also advise how he works with the Minister for Health and Social Services in this area?

Answer

Positive mental health and well-being is recognised as an important issue for children and young people and it is addressed in a range of ways in school. The focus is on education, prevention and early identification of potential difficulties. A range of support services is in place to help young people if necessary and these range from school-based pastoral teams to central services coordinated by the Educational Support Team at the Education Department.

Education, and in particular the Principal Educational Psychologist (PEP) has been and is a key participant in developing the new Jersey Mental Health Strategy, which was launched last November. This will ensure closer working and collaboration across States departments and other agencies. The PEP is responsible for co-ordinating the delivery of the strategy for 5 to 19 year olds so the actions taken by the Education Department are aligned with, and part of, the strategy.

Current provision

1. **Learning:** The issue is addressed through the Personal Social and Health Education (PSHE) curriculum, which is compulsory in all Jersey schools (unlike the UK). It is designed to help students acquire the skills, language and strategies they need in order to live healthy, safe fulfilling, responsible and balanced lives. This curriculum specifically states that pupils should be taught 'how to maintain physical, mental and emotional health and wellbeing'. Each school has a member of staff who leads in this subject and they meet through a central PSHE working group to discuss issues and share best practice.
2. **Staff training:** This is coordinated by the Education Support Team (EST), which provides general training for staff to raise awareness and more specific training for those who are directly involved in pastoral care and likely to deal with children who are experiencing difficulties. This is already established and becoming more integrated with Health and Social Services and the third sector.
3. **Wellbeing Team:** Peripatetic staff work with all primary schools specifically to promote the positive well-being that underpins successful learning. They focus on positive emotional health, emotional literacy and resilience and work with schools to identify and support pupils with social and emotional needs. This would typically include pupils who have low self-esteem or confidence, anxiety or

emotional needs. They deliver sessions to small groups or one-to-one for individual pupils and help them learn coping strategies that will help in all areas of their life.

4. **School-based Counselling:** All secondary schools have a school counsellor, either full-time or part time. The Youth Service also provide the Youth Enquiry Service (YES) for young people who prefer not to go to a counsellor at their school.
5. **Emotional Literacy Support Assistants (ELSAs):** 56 teaching assistants from our primary and secondary schools have been trained over the past year to assist in this area. ELSAs are a key component of how a school responds to children and young people who have well-being needs.
6. **Third sector initiatives:** The Education Department and individual schools work with local charities, including MindJersey to promote awareness of mental health issues. Training for ‘Mental Health First Aid’ is being offered to teachers for the first time next term to improve understanding of mental issues and teach practical skills to help staff identify signs of mental health in young people. A two-day conference focussing on mental health in young people is planned for later in the summer term, the first event of its kind.
7. **Educational Psychology:** The EP team provide all schools and school communities with consultation, casework support and training. Responding to pupils with emerging mental health and well-being needs is a central role of the service provided by this team. They also oversee the governance and clinical supervision of the school-based counselling service.
8. **Multi Agency Support Teams (MAST):** These include representatives from the Education, CAMHS Social Services, Police, Parenting Support and the Jersey Youth Service. Representatives work together in secondary schools to help young people and their families who are dealing with difficult circumstances, including mental health issues.
9. **Early Help:** This approach has been successfully launched over the past six months and is now a key mechanism to ensure that departments and agencies work together and formulate a central plan to support families in a cohesive and co-ordinated way if more than one organisation is involved.
10. **MASH:** Education staff are an integral part of the Multi Agency Safeguarding Hub, which provides a co-ordinated approach to situations where there are concerns about the welfare of any young person, either as a result of mental health problems or other factors.

New initiatives

1. **Primary Mental Health Workers:** The creation of a new team within 12 month whose role will be to link schools, the EST and CAMHS to ensure appropriate support is available at all levels for young people.
2. **Anti-bullying research:** Because of the link between bullying and mental ill health, the EST will be leading a two-year project into the extent, causes and remedies for bullying in Jersey.

3. **FRIENDS approach:** Staff training will begin in this new kind of training (not dissimilar to a curriculum), which is being introduced to enhance early intervention and gives staff a structured programme to follow as they support young people.
4. **Information:** Work is under way to improve the information available so that parents and staff are fully informed of services available and how to access them.
5. **Also:** Additional posts are being developed in conjunction with H&SS in this area specifically to support children and young people.

The Education Minister principally works with the health and Social Services Minister through the Child and Vulnerable Adults (CAVA) group in relation to this issue. Targets in all areas relate to improvements for individuals and families.

2.21 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE PROFILE OF THE DEPARTMENT'S WORKFORCE:

| Area | Length of Service | | | | | | | | | Total | Age Group | | | | | Total |
|-------------------|-------------------|-----------|-----------|-----------|-----------|-----------|----------|----------|----------|------------|-----------|-----------|-----------|-----------|-----------|------------|
| | 0-05 | 05-10 | 10-15 | 15-20 | 20-25 | 25-30 | 30-35 | 35-40 | 40 + | | 20-29 | 30-39 | 40-49 | 50-59 | 60 + | |
| Cleaning | 21 | 18 | 17 | 9 | 13 | 9 | 2 | 1 | 2 | 92 | 2 | 8 | 31 | 38 | 13 | 92 |
| Parks and Gardens | 7 | 5 | 3 | 15 | 4 | 10 | 4 | 4 | 3 | 55 | 2 | 11 | 15 | 21 | 6 | 55 |
| Total | 28 | 23 | 20 | 24 | 17 | 19 | 6 | 5 | 5 | 147 | 4 | 19 | 46 | 59 | 19 | 147 |

Question:

Will the Minister give a profile of the cleaning and Parks and Gardens workforce by age and length of service?

Answer

The below table shows the length of service group, and age group of staff within the Cleaning division, and Parks & Gardens, the information is as at the 29th February 2016:

Please note the above length of service relates to the duration the employees have worked within the States of Jersey, not specifically within their respective divisions (although this may, in some instances, be the case).

2.22 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE SOCIAL AND ECONOMIC COST OF THE PROPOSED OUTSOURCING PROGRAMME:

Question

Can the Minister advise whether the proposed programme of outsourcing will cover severance costs in its first year, and state whether there are wider social and economic costs which need to be considered?

Can the Minister provide estimates for those additional costs and, if not, will he undertake to produce those figures for the Assembly as soon as practicable?

Answer

The department is still within the early stages of the transformation programme and it cannot therefore confirm whether the severance costs will be covered in its first year.

In agreeing the 2016 – 2019 MTFP this States Assembly has required the Council of Ministers to make funding measures, totalling £145 million. The Department for Infrastructure's budget is set to reduce by £4.6 million by 2019. Over the years any easier savings have been taken and met which means that the savings now are more challenging and we have to take a more radical approach. Every attempt is being taken to minimise compulsory redundancy.

The social and economic impact of the £145 million will be considered by the Economics Unit. At this stage the social and economic impact cannot be easily assessed as we are still working through service reviews and do not know how individual employees will be affected.

2.23 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE ESTIMATED IMPACT UPON INCOME SUPPORT OF REDUNDANCIES:

Question

Given that up to 50 cleaning and gardening posts could be made redundant from the Department for Infrastructure, what estimates does the Minister have for any additional Income Support costs, based on a normal distribution by marital status among the workforce and an average claim of £450 per week?

Furthermore, what estimates does the Minister have for any impact on Social Security contributory funding? Can the Minister outline how much less each employee would provide in Social Security contributions if paid at the minimum wage of £7 per hour in alternative employment, and state what additional supplementation would be required and whether this would have a negative annual impact on Social Security contributory funding?

Answer

It is premature to seek to establish an estimate for Income Support costs arising from any potential compulsory redundancies from the Department For Infrastructure (DFI). The Income Support system is designed to support any worker who is made redundant and a significant number of claims are opened and closed each year as employers across the island contract and expand their workforces. Staff at DFI have already received guidance from Social Security advisers. This is standard practice and this type of support is also provided to private sector employees. In addition, the Department will be offering an outplacement service to any States employees made compulsorily redundant, to assist them in finding new employment.

In the event of a compulsory redundancy, staff will be eligible to apply for income support but the value of any award will depend on a range of household circumstances, including the salary of any partner. It should be noted that the average income support award in 2015 was approximately £215 per week. Any individual who is made compulsorily redundant and satisfies job seeking requirements will receive contribution credits to protect their pension entitlement.

In the same way that there is a significant churn in Income Support claims, there is also a constant movement in terms of individual contributors moving in and out of employment and contributing to the Social Security Fund. To identify the impact of potential future job losses, it would be necessary to have

information regarding the change in each individual's earnings. However if, for example, an employee were to currently earn £27,000 per year, and then move to a lower paid job of £15,000 per year, the contributions received for that employee would reduce from £3,305 per annum down to £1,875 per annum, a reduction of £1,500 pa.

The value of the States Grant has been fixed at £65.3 million per annum during this MTFP. This is not affected by changes in contribution numbers or value and will next be set in 2020. A major review of the Social Security Fund is being undertaken as the current level of contributions will not sustain the current level of pensions and benefits in the medium to long term.

[9:45]

3. Oral Questions

3.1 Deputy J.A. Martin of St. Helier of the Minister for Infrastructure regarding the use of the site of the current police station as a temporary solution for car parking:

Further to the Minister's statement during the States sitting on 8th March 2016 that parking could be improved in the Rouge Bouillon area because the site of the current police station could be used as a "temporary solution" for car parking, could the Minister advise for how long this "temporary" solution would be in place?

Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):

The new police H.Q. (headquarters) and station is due to be completed by January 2017. A 3-month period is allowed in the programme to relocate the police to their new premises. Therefore by Easter 2017 the building on the Summerland site and the former St. Helier Girl's School will be vacant. Jersey Property Holdings is in discussion with Andium Homes regarding the potential to dispose of the Summerland site for development as affordable housing. The former St. Helier Girl's School site, adjacent to the fire station, will be vacated and would be able to be demolished. An ongoing feasibility study to be completed prior to the site is vacated will determine the future requirements for the fire and ambulance services and what area could be used to provide temporary additional parking and for how long. Naturally proposals to demolish the building and change of use would be subject to the planning process.

3.1.1 Deputy J.A. Martin:

The Minister knows the urgency of housing in the area. On a P.A.C. (Public Accounts Committee)... Andium Homes do not have any money for this site for housing and the Minister, himself, pushed by myself last year, said: "There is no money in the capital M.T.F.P. (Medium Term Financial Plan) for this site for housing." Where is the money coming from? The temporary solution, he never said how temporary.

Deputy E.J. Noel:

Andium's financing is a matter between Andium and the Treasury. I am not party to that. They have a £207 million bond or up to £250 million bond to carry out such works. It is up to them to prioritise their services. What we will be doing is making that site available to them. If they do not want to proceed with that site for whatever reason then it would be available and we would naturally offer it to the other housing associations to see if they can develop it for affordable housing sooner. With regards to the timetable, that is dependent on the feasibility study of what we would use the former St. Helier Girl's School site for and how long that site will become available and as yet we do not know how long a temporary car parking site will be available.

3.1.2 Connétable A.S Crowcroft of St. Helier:

Much as we welcome the possibility of housing on this site, does the Minister not agree with me that the area is already densely built-up and that there is also a need for permanent parking facilities for the community as well as generous provision of open space? Will he undertake to talk to the Parish about the mix as plans develop?

Deputy E.J. Noel:

I am quite willing to talk to the Parish and, indeed, the Constable. We both sit on the Future St. Helier Steering Group and this obviously will be a topic that will be discussed at that group.

3.1.3 Deputy A.D. Lewis of St. Helier

Plans to renew the States of Jersey Police Headquarters have been in place for many years and of course in the last 3 years they have been brought to fruition. At what point, could the Minister explain, was there a proper project plan put in place so that you knew exactly what was going to happen with this site when you agreed the building of the new police station? Did it form a fundamental part of the project plan to do something with that asset upon completion of its replacement?

Deputy E.J. Noel:

Certainly for the western side of the police station, which is the Summerland site, and eventually the ambulance site, that has been earmarked for many years now as a site for affordable housing. On the eastern side, which is the old granite police station, the fire station, and the old St. Helier Girls' building, the long-term view is that the fire service will stay there and it was the view that the ambulance service would move across the road to there as well. But that may change depending on where the new hospital is built and the specification for the new hospital. So until that is decided we will not know whether or not the ambulance service will be joining the fire service on that particular site. Until those matters are addressed we do not know how much land we have available for perhaps a temporary car park or an extension to the play area for Rouge Bouillon School or for any other community.

3.1.4 Deputy A.D. Lewis:

Is the Minister therefore saying that there was not a plan for that part of the site, i.e. where the current fire station is, before they commenced work on the new police station?

Deputy E.J. Noel:

No, I am not saying that at all. I am saying that the plan changed because we are looking at the opportunity of moving the ambulance station to be at the new hospital, wherever that may be.

3.1.5 Connétable J. Gallichan of St. Mary:

Following on largely from the Constable of St. Helier's question: does the Minister not acknowledge that there is a lack of general parking in that area for commuters coming in from the north of the Island and that the quality of life and of air quality, particularly for St. Helier residents, could be dramatically improved if a permanent solution was found for them to stop them having to traverse town to the existing car parks?

Deputy E.J. Noel:

As I said 2 weeks ago, I completely agree with the Constable of St. Mary in this aspect. What we have to do is balance the other potential needs for that site. For example, I know that Rouge Bouillon School needs some additional external space. It is a balance about what community needs

are greater but, as I have already said previously, I do favour trialling a car park in that area for the very reasons that the Constable has said.

3.1.6 Deputy J.A. Martin:

It is quite disappointing. The Minister stated definitely the police, we know, will be moving in January to April 2017 and, following on from Deputy Lewis, when will they start this feasibility study? When the place is empty? Surely it should be starting now or at least 3 years ago. The Minister keeps moving the goalposts. This was sold to move the police station because of the actual need for extra housing and this was going to be the site.

The Deputy Bailiff:

A concise question please, Deputy.

Deputy J.A. Martin:

When will the Minister start this feasibility study?

Deputy E.J. Noel:

Deputy Martin probably did not hear me in my answer to her first question. The feasibility study is ongoing and it has been for a period of time now. It will be completed by the time this site is vacated.

3.2 Deputy C.F. Labey of Grouville of the Chief Minister regarding the work of the Channel Islands Competition Regulatory Authorities:

Does the Chief Minister have full confidence in the work of the Channel Islands Competition Regulatory Authorities and their reports, especially their report on the fuel farm at La Collette?

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

Could I ask Senator Ozouf to answer this question as he has delegated responsibility for these matters?

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

As I think the Deputy will be aware, it was more than a decade ago when I brought - and I think she supported - the setting up of the J.C.R.A. (Jersey Competition Regulatory Authority), which was of course so many years after - almost 100 years after - other places had introduced such regulation. I commissioned immediately on taking the responsibilities for the competition and regulatory area a report overseen by Professor Sir John Vickers, to assess how we could build on the achievements, and they have been achievements, since the establishment of the Jersey Competition Law in 2005, which built on the establishment of the organisation in 2002. Professor Sir John Vickers stated that: "Conducting competition policy is hard but the economic benefits can be substantial" and he put forward 23 recommendations. It is important that all stakeholders, including C.I.C.R.A. (Channel Island Competition Regulatory Authorities), recognise that we all have a role to play in ensuring that we raise the profile of how competition can work in Islands' interests. That includes also, if I may say, Government to be more resourced. We have started on the action plan and it is clear that C.I.C.R.A. has also indicated we have said that there must be more work done on the fuel market review and they will continue to work with my team to establish the next steps on the fuel farm. Having regard to the statement that I issued to Members on Friday, with the new lease which covers significant new powers and safeguards, the review that C.I.C.R.A. will undertake will be on the effectiveness of the conditions imposed by C.I.C.R.A., which were following the approval of La

Collette and Esso, and all those recommendations in the 2015 C.I.C.R.A. determination. I have been very clear. I am determined there will be no hiding place for anti-competitive behaviour. The existing Competition Law, a strengthened C.I.C.R.A., new powers, better communication will make sure that I do not have to answer a question about whether or not there is confidence in C.I.C.R.A because it is a wider issue and it is more about the organisation than individuals, if I may say.

3.2.1 The Deputy of Grouville:

I am not sure that entirely answered my question. The question was: does the Assistant Chief Minister have full confidence in the work of C.I.C.R.A.? That is not quite the same as determined that there is going to be no hiding place for anti-competition. Would he not agree with me that some of the reports that have been produced by C.I.C.R.A. - J.T. (Jersey Telecom), the taxi and cab industry and now the fuel farm - have been somewhat wanting?

Senator P.F.C. Ozouf:

The Deputy will know, and I think most Members will know, that this is almost a political passion of mine. It is virtually the reason I stood for politics in 1999. In order to get regulators, who will never be loved but they must be respected, they must have a very clear context in which they operate. I think that with 10 years of benefit we realise that we have not been as strong enough in terms of giving C.I.C.R.A. the appropriate policy framework to operate within. That has meant, for example, my good friend the Minister for Treasury and Resources has challenges in relation to how they deal with J.T. What I would like to say to the Deputy is: I want to have and am confident in C.I.C.R.A., the organisation, and the implementation of the recommendations. There is work to be done but that would not indicate that I am not recognising the fact that they have a difficult job to do, they have not been supported perhaps with other priorities within government to the extent that they are now, and that I look forward almost in a world where in 2 years' time there is enough confidence and trust in C.I.C.R.A. as today I think we have in the J.F.S.C. (Jersey Financial Services Commission).

3.2.2 Deputy M. Tadier of St. Brelade:

I am getting more confused listening to this. The Assistant Minister is presumably answering on behalf of the Chief Minister and the question is whether the Chief Minister has confidence in C.I.C.R.A. I thought I heard the Assistant Minister say he wants to have confidence in C.I.C.R.A. Can he not just give a simple yes or no answer on behalf of the Chief Minister and the department; does he have confidence in C.I.C.R.A.? Perhaps more importantly does he have confidence in the Chairman of C.I.C.R.A. to carry out that role?

Senator P.F.C. Ozouf:

If pushed, yes, I do have confidence in the institution. It is right and proper for us to say in the twilight of the Chairman's, particularly, role as discharging the function of chairman, who made it very clear from the start that this would be his second and final term, that he is to be congratulated for the work that he has done overseeing what has been effectively a merger of both the Jersey and Channel Islands Regulatory Authorities. That has not been easy. I think that the Chairman and I, who know each other well, we have full and frank discussions, and I think that he would say that from a C.I.C.R.A. point of view there is communication to be improved. But also that they need a stronger support from within government. That is why we brought it in to the Chief Minister's Department. That is why I hope that all of the Members of Reform Jersey will recognise how important this work is into delivering consumers better transparency and better value. I believe that

we can get back some of that inflation that went up in Jersey over and above that of the U.K. (United Kingdom) by 15 per cent in the period in time until we had a competition law. I am not going to rest until I drag some of it back.

3.2.3 Deputy M. Tadier:

This is not of course a Reform Jersey question, and I think Reform Jersey is just trying to act as a translator between the words that the Minister is saying and that people on the radio outside are hearing, which they cannot understand.

The Deputy Bailiff:

If you could focus that into a particular question please.

Deputy M. Tadier:

The question is: it does not sound like a ringing endorsement when the Minister says: "If pushed he has confidence in the institution of C.I.C.R.A." What more ambiguous answer could he give?

The Deputy Bailiff:

Is that the question, Deputy? "What more ambiguous answer could he give?"

Deputy M. Tadier:

That is rhetorical, Sir, so I do not think that is the question.

The Deputy Bailiff:

Could you please come to the question? We are running out of time.

Deputy M. Tadier:

Does the Assistant Minister acknowledge that that in itself is not a ringing endorsement of C.I.C.R.A. and that if he does have confidence in C.I.C.R.A. and the Chairman now is the time to say that in a yes or no answer for clarity?

Senator P.F.C. Ozouf:

I think it is really unfair because what effectively has been the case is that C.I.C.R.A. has been faced with an enormously difficult task. C.I.C.R.A. was born out of a merger of the Competition Authority in Guernsey and Jersey with frankly meagre resources, with entities such as particularly... and I know I am probably going to get another strong letter from the tobacco sector.

[10:00]

There are some sectors of the Jersey economy that do fight hard. Petrol companies and oil companies are some of them. So it is almost difficult to say. I understand Members' frustration with the C.I.C.R.A. reports which could be better communicated. C.I.C.R.A. welcomed the report by Professor Sir John Vickers but this is a partnership between Government and an independent regulator which perhaps we have not merged with at this present moment, but we are going to get it and we are going to get those 23 actions implemented on an action plan and we are going to get, hopefully, an organisation in which people can have trust and confidence. The suggestions of making it work more closely with the Consumer Council ... I think competition is not the most interesting of subjects for many people but translating that into what really matters for consumers, which is working with the Consumer Council which I know, I have been talking to the Minister for Economic Development and his 2 excellent Assistant Ministers, will make a real difference. So I think we will get a C.I.C.R.A. that is going to be understood to driving down prices.

The Deputy Bailiff:

I am sorry we have run out of time for this question really. Final supplementary.

Deputy G.P. Southern of St. Helier:

We ran out of time because the Minister was allowed to waffle on ...

The Deputy Bailiff:

Well, the general answering time is 90 seconds for an answer and it should be as concise as possible.

Deputy M.R. Higgins of St. Helier:

He was asked yes or no and he came up with a long rambling answer. In fact we have to take it that it was a no.

The Deputy Bailiff:

Well, the Minister will inevitably be judged on the answer that he has given. Final supplementary.

3.2.4 The Deputy of Grouville:

The Assistant Minister's answer said: "People can have trust and confidence in C.I.C.R.A." So I shall take it from that the Minister does not, at this moment in time, have trust. "Can have" is future. May I suggest to the Minister, and ask him if he agrees with me, that the respect from the public will come when the reports command that respect. When the Assistant Minister says "stronger support from Government"; what does he mean by "stronger support from Government"? More money? Because I would suggest that it is the chicken and the egg? I would like to have confidence first before giving any more money and that is confidence in the reports which I, for one, do not have at the moment and it would suggest, by the Minister's answers, that he believes the people do not have yet.

Senator P.F.C. Ozouf:

I have enormous sympathy and I know the Deputy has asked me some questions about a particular telecoms issue, which I know has been a longstanding constituent's issue, which has properly represented her constituent on. The J.C.R.A. has to improve their communication with stakeholders and they have to explain what they are doing better. Resources in government effectively mean, probably, an increased resource by an economist who concentrates on working out policy for competition and regulation. In the same way, and I would translate the experience we have seen with the J.F.S.C., we have a financial framework which sets out the Island's policy on financial services. The J.F.S.C. then operates and regulates within that. We do not have that with C.I.C.R.A. so it is really difficult to say to C.I.C.R.A. "Well, you are not doing the job that we want you to do but we have not set the policy framework." Now, these are the learnings that you get. C.I.C.R.A. is a young organisation. It has a cross-Channel Islands issue but we are going to get there and we are going to get consumer advocacy, clarity of purpose and we are going to get ... even George Osborne announced new measures of petrol price comparison on the M62 where there is a 3 pence margin on a litre of petrol compared to 18 pence in Jersey. Now it is improvement and I am on an improvement path and I look forward to working with Members, engaging with them, engaging with C.I.C.R.A. so that I can give them my full support knowing that they have got the right resources, support from Government and powers to go and do the very difficult job that they have got to do and I thank C.I.C.R.A. for working ...

The Deputy Bailiff:

If you could bring this to a close please, Minister. Could I just say to Members in the light of the last exchange, Standing Orders provide that questions and answers must be concise: that applies to all of the supplementary questions. Standing Orders also provide as a guideline that the first answer to the main question should be limited to 90 seconds. So I would ask Members to abide by that.

3.3 The Connétable of St. Helier of the Minister for Environment regarding action to be taken under Her Majesty The Queen's Commonwealth Canopy project:

What action, if any, does the Minister propose to take under Her Majesty The Queen's Commonwealth Canopy Project and can the Minister advise what is being done to protect and increase the Island's tree cover and whether he considers this action to be sufficient?

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

The Queen's Commonwealth Canopy Project is primarily a forest conservation initiative and not therefore particularly applicable to Jersey as the Island does not have any woodland which is sufficiently large to be classified as a forest. Nevertheless, principles of protecting indigenous plants, trees and woodlands in the Island are of particular concern to me and I am undertaking a number of initiatives in support of them. First, in the urban environment where trees are relatively scarce and perhaps assume a greater value as a consequence I am working in partnership with Jersey Trees for Life, the Department of Infrastructure and the Parish of St. Helier to undertake a tree survey of the town. Secondly, throughout the Island the Jersey Biodiversity Action Plan Strategy seeks to inform how we might best protect and care for our most threatened species and habitats. Finally, where trees either individually or in groups are under threat of damage or loss as a consequence of development proposals I am able to protect them using powers available to me under the Planning Law and I have done so very recently in 2 specific instances. So my department is active in this area but, as always, we could do more and I am keen to work in partnership with other States departments, the Parishes and the committed and enthusiastic voluntary sector to ensure that Jersey and particularly St. Helier has a greener future.

3.3.1 The Connétable of St. Helier:

I thank the Minister for his answer and it is perhaps a sad reflection of where we are in this matter that we do not have anything that could be termed a forest, although I would hope we do have woodlands in Jersey. The Minister referred to town trees and I agree with him that they are scarce. The recent compensatory offer of an extension to the Millennium Town Park as part of the hospital proposal for People's Park would provide the opportunity for quite a large area of woodland in the heart of town. Would the Minister think that is worth pursuing?

The Deputy of St. Martin:

I do not particularly want to comment specifically about the plans for the future hospital or Gas Place site but what I will say to the Constable is I will pursue every opportunity I can to make St. Helier greener. I have instructed officers recently that I want them to take more of an effort with a greener St. Helier and that will involve green roofs, green walls and greener areas for residents and visitors to our capital to enjoy.

3.4 Deputy R. Labey of St. Helier of the Minister for Home Affairs regarding any arrangements between any government agency and ex-offenders or re-offenders with regard to offenders being accommodated in hotels and guest houses:

What arrangements, if any, exist between any government agency and ex-offenders or reoffenders with regard to such people being accommodated in hotels and guest houses?

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

With regard to the Community and Constitutional Affairs Department there are no formal agreements or arrangements that I am aware of related to ex-offenders or reoffenders being accommodated in hotels or guest houses. However, the chaplaincy team at La Moye Prison supported by the Freedom for Life Ministry do assist offenders in finding accommodation on release at the end of a prison sentence and guest houses are often the only option. I am not in a position to respond on behalf of any other government agency other than to say that I know the Jersey Probation and After Care Service also assists offenders to find accommodation on release from prison and again guest houses are frequently the only option available.

3.4.1 Deputy R. Labey:

I thank the Minister for that. I wonder if she knows if the police are aware of instances where there are high concentrations of ex-offenders or reoffenders in guest houses and do they have a policy for keeping an eye on C.C.T.V. (closed circuit television) for extra patrols, *et cetera*?

The Deputy of St. Peter:

That is not information that I have.

3.4.2 The Deputy of Grouville:

It is one thing assisting offenders to find accommodation but if there are a few of them put into one particular area should the authorities not have some certain responsibility to ensure that that will be a safe area both for the current residents and the offenders themselves?

The Deputy of St. Peter:

I thank the Deputy for the question. I am not aware of a concentration of offenders being in particular areas. I am aware that there are a variety, as I have expressed in my previous answer, of guest houses that may be used but I am not aware whether this causes some concentration in any particular area and it is something that I am happy to look into a little further.

3.4.3 Deputy J.A. Martin:

I think the Minister has sort of answered my question. I think there is a concern that if there is a concentration or even one large guest house is accommodating rehabilitation of offenders or anything like that the community around is not informed and we do not wish to say to the Minister, she should know, but there should be work with the Honorary Police in the area, the Constable of the area, and especially the residents so they know who is living next door and if it is something to do with probation or people who have just come out of prison. Obviously as long as they are getting the right help there is not every guest house in one road being occupied, these schemes could work but the Minister said she does not know. Will she find out and will she try to push this forward so people in the areas do know and they can work together?

The Deputy of St. Peter:

There has to be a balance struck here in relation to data protection, of course, of these people and also we need to encourage our offenders to progress in life and to enjoy stable accommodation so that they can go out and return to a good and wholesome lifestyle. It is important to remind Members that our reoffending figures in Jersey are much lower than they are in the U.K. That is something that we can always improve upon of course and we most certainly will, I hope, in

forthcoming years. It is also important to remind Members while I have the opportunity that in the case of sex offenders there are processes in place, particularly with the M.A.R.A.C. (Multi Agency Risk Assessment Conference), who keep a very close eye on these people and monitor their wellbeing.

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

Does the Minister agree with me that the potential for putting convicted sex offenders into guest houses or hotels is wholly unacceptable? There will be families come into the Island who would have absolutely no idea that they are sharing space with guests who are convicted sex offenders. Does she agree with me that this is absolutely unacceptable?

The Deputy of St. Peter:

Perhaps that was an unfortunate example as I may have drawn the Deputy to reach that question. I am not suggesting that this is common practice. What I was merely trying to suggest to the Assembly was that through the processes that we have in place that safeguarding measures are there for the community and that these decisions are taken with those parameters in place. So it would not be acceptable for members of the community to be put at risk by the placement of certain sectors of our community.

3.4.5 Deputy J.A. Hilton:

Supplementary. Does the Minister agree with me, regardless of what steps are put in place to supervise sex offenders, that the idea of putting sex offenders into guest houses and hotels where the public are coming on holiday with children is unacceptable?

The Deputy of St. Peter:

So what I was trying to express was that I am not sure that this occurred, and I will happily look at the rules and the regulations, but I am confident that we have adequate safeguarding measures in place for this group of people.

3.4.6 Deputy R. Labey:

I am grateful for the Minister and her statement that she will look into this. Could she bear in mind while doing so that the situation now coming up to Easter might be very different from the situation a month ago? There is a seasonal element to this. I do not want her to be fooled by it.

The Deputy of St. Peter:

I note the comments.

3.5 Connétable C.H. Taylor of St. John of the Minister for Infrastructure regarding charges levied when the fuel farm was built:

Can the Minister confirm that when the fuel farm was built the public of Jersey were charged an extra penny a gallon to pay for it? Could the Minister explain what exactly was purchased with the funds raised?

Deputy E.J. Noel (The Minister for Infrastructure):

Unfortunately I am unable to confirm or deny any links between the building of the fuel farm and an increase in the cost of fuel in the late 1970s. The details of the funding of the fuel farm is beyond the retention records for my department and so unfortunately I cannot provide the Constable with more detailed verification at this time.

[10:15]

However, I have just recently this morning received an email from the Assistant Chief Minister, Senator Ozouf, on this matter and once I have verified the contents of that email and with his approval I will be able to circulate it to States Members.

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

Does the Minister accept when the fuel farm was built the buildings put on it were documented as being in public ownership?

Deputy E.J. Noel:

From the records I have from external legal advice to the States it indicates that the buildings on that site were owned by the operators of the fuel farm.

3.5.2 The Deputy of St. Ouen:

Supplementary. Can I therefore ask the Minister why it was that the 2006 lease recorded buildings and other equipment in public ownership and that situation was accepted by both the tenants who took that lease?

Deputy E.J. Noel:

That is a good question but we have found that lease to be deficient in some areas, hence the new lease, since the renewal of the lease has substantially been rewritten, but our records show that the buildings, as well as the chemistry set on the site, were owned by the operators of the fuel farm and not by the States.

3.5.3 Deputy J.A. Martin:

Just a question for the Minister. The Minister has just said that the last lease was deficient in many areas and they have now produced a new lease. We were led to believe at the last States sitting this was not a new lease, it was an extension. How can it be one or the other? Is it a duck or is it not a duck. Would the Minister explain please?

Deputy E.J. Noel:

The lease that was passed through the Royal Court a couple of Fridays ago was a renewal. It was a substantially rewritten document compared to the original lease but it was a renewal as the Chair opined at the last States sitting.

3.5.4 Deputy J.A. Martin:

Yes. Well, that is another question which may come back to bite the Chair but the question is, is it not only a renewal on the day. The lease is nothing like the other lease was. Will the Minister admit this? The date follows on because they moved the date, the lease, as rewritten, is not the same lease? It does not just change the date, it changes the whole wording.

Deputy E.J. Noel:

It is a renewal of the lease. It is not a new lease. It is a renewal. The wording is substantially different and that is normal in a number of property transactions when you get a renewal of the lease on different terms to the lease that has expired.

Deputy J.A. Martin:

Last time the Chair ...

The Deputy Bailiff:

No, Deputy, you have had ...

Deputy J.A. Martin:

Well, I would like a ruling from the Attorney General because the last time the Chair ...

The Deputy Bailiff:

No, I am sorry, Deputy, the Attorney General ...

Deputy J.A. Martin:

Okay. Well, maybe someone else will ask.

The Deputy Bailiff:

The Attorney General is not available to advise during question time. This is questions for the Minister and the Attorney cannot be asked.

Deputy J.A. Martin:

We had a legal ruling from the Chair last time, so it should have probably come from the Attorney General. I would really like to push for this. I am sorry. I mean I know it is your ...

The Deputy Bailiff:

I am sorry. This is question time and this is not a matter that needs to be resolved by way of a point of order. Final supplementary.

3.5.5 The Connétable of St. John:

What is absolutely clear is that the current lease is substantially different to the previous lease. It is absolutely clear that the previous lease contained properties specifically described, which this lease does not. Will the Minister agree that it is not a renewal and that it was therefore a new lease because it is quite plain to any common sense person that that is the case?

Deputy E.J. Noel:

I cannot give this assurance to the Constable because the advice I have received is that the lease is a renewal. What I will give an undertaking to is to speak to my legal advisers to see if they can issue a document to States Members explaining why the lease is a renewal under Standing Order 168.

Senator P.F.C. Ozouf:

May I raise a point of order?

The Deputy Bailiff:

If it is a point of order, yes.

Senator P.F.C. Ozouf:

A point of order is that it is a clarification of the standing of the point of order. The Minister is being asked as to whether or not it is a renewal or a lease. The Connétable asked at the time what this ruling would be from the Chair about whether or not it was a renewal or a lease and certain things came as a result ... the consequences flowed from that. Will you just confirm, what is the status of a ruling of a point of order and that Members may well question the Minister but ultimately a ruling from the Chair is a ruling from the Chair? Have I not got that correct? Could you confirm that a point of order overrides everything?

The Deputy Bailiff:

I am afraid I am not familiar with what happened on the last occasion. I was not in the Chair as Members will be aware. However, under Standing Orders the ruling from the Chair is final and definitive and cannot be challenged during the course of that by Members. As a general principle that is the case, a ruling on the point of order.

3.6 Deputy M.R. Higgins of the Attorney General regarding the department's cooperation with the Napier review into the suspension of the former Chief Officer, States of Jersey Police:

I apologise to the Attorney General. I have got to turn my back on him so the microphone picks it up. Will Her Majesty's Attorney General advise whether his department fully co-operated with the Napier Review into the suspension of the former Chief of the States of Jersey Police and whether the then Attorney General's letter of 11th November 2008 to the then Chief Minister advising that the former Chief of Police should not be suspended until the full Metropolitan Police Report was received was forwarded to Mr. Napier and if not, why not?

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

Yes, my department provided Mr. Napier with access to all legal advice given in connection with the suspension of the former Chief Officer of Police including the advice given on 11th November 2008 by the Solicitor General to the Director of Human Resources. The advice, the subject of the question, is referred to specifically by Mr. Napier in his report at paragraphs 45, 67, 72 and 90. He quotes from the advice in terms at paragraph 67 and indicates he strongly agrees with the contents of the advice.

3.6.1 Deputy M.R. Higgins:

Supplementary. The Attorney General referred to the advice of the Solicitor General when, if I am not mistaken, that is where the comments in the Napier Report referred to the Solicitor General's advice. Will the Attorney General state quite categorically whether the letter of 11th November from the Attorney General to the Chief Minister was supplied to Mr. Napier.

The Attorney General:

I do not believe I have a copy of that letter before me and I will make further enquiries. I understood the question was directed to the earlier correspondence I am aware of, namely the advice given on 11th November referred to by Mr. Napier in his report.

Deputy M.R. Higgins:

Well, if the Attorney General will go away and come back and advise us I would appreciate it because it is quite key; the letter was from the Attorney General to the Chief Minister and that is the one I was asking for in the question.

The Deputy Bailiff:

Well, I understand, Deputy, the Attorney's answer is that he does not have it before him and he is not able to answer that part of the question. He had assumed it was referring to a different matter.

Deputy M.R. Higgins:

Well, I take it he will come back to us with the correct answer. Thank you.

The Deputy Bailiff:

That will be a matter for the Attorney, of course.

3.7 Deputy G.P. Southern of the Chief Minister regarding legislating for the publication of financial information by multinational companies registered in Jersey:

Given Jersey's commitment to support the O.E.C.D. (Organisation for Economic Co-operation and Development) Base Erosion and Profit Shifting Project, will the Chief Minister legislate for the publication by multinational companies registered in Jersey for the amount of revenue, profit before tax and income tax paid and accrued, total employment, capital, retained earnings and tangible assets for each jurisdiction in which they do business and ask the U.K. Chancellor of the Exchequer to do likewise for U.K. registered companies?*

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

I am answering the question because the Deputy has asked me to but just so the Assembly is aware these matters are delegated to the Assistant Chief Minister. In accordance with our declared support for the O.E.C.D. B.E.P.S. (Base Erosion and Profit Shifting) Programme we are progressing with developing legislation to provide for country-by-country reporting in consultation with the finance industry. In drafting the legislation regard will be had for the Island's established policy of compliance with relevant international standards on transparency and information exchange in tax matters. At present the publication of C.B.C. (country-by-country) reports made to the tax authorities is not the international standard. However if this should change in the future I would expect that consideration will be given to following any such standard in its global application.

3.7.1 Deputy G.P. Southern:

Once again the Chief Minister instead of taking a lead in this area is playing wait and see. Why will the Minister not promote the publication of a register of beneficial owners of companies registered in Jersey as a starting point for further movement in this area?

Senator I.J. Gorst:

I know the Deputy enjoys playing politics but once again he is absolutely wrong. When it comes to the registration of beneficial ownership, we are leading. We are waiting for ... the Deputy is trying to say not far enough. He seems to be making up standards off the top of his head as he sits in this Assembly. We are leading in this regard. Other jurisdictions, members of G10, 20 and countries around the world, are only now thinking about how they can create a central register of beneficial ownership following the model that we already have in place and have had in place for many years. Our policies always consider what the international standard is. That is a right and responsible thing to do and we will continue to do that. So when other jurisdictions around the world catch up with our leading position then we will consider whether the international standard needs to change further.

3.7.2 Deputy M. Tadier:

I think the point my colleague was getting at was the publication of this information, so will the Minister inform whether or not that will be made available? Will it be a public registry which anybody can inspect and if not why not?

Senator I.J. Gorst:

The international standard does not say that it should be that. The Fourth Anti-Money Laundering Directive coming out of the European Union does not say that it should be that. We have one or 2

countries who are suggesting, because of the size of their country, because of the fact that they do not regulate trust and company service providers like we do and therefore cannot have confidence in the information that they are providing and putting into a central register, they suggest that making it open might have a similar effect. We should be proud of what we do. If the Members opposite who are members of Reform Jersey understood what happened in the financial services sector in our jurisdiction they would not be asking such questions because they would know that the standard that we apply to regulation of trust and company service providers is second to none. They would know that we have had a central register of beneficial ownership for many years and that many jurisdictions are now following up. They would know that the international standard does not say that this information should be public. The point of creating central registers of beneficial ownership is so that that information can be provided to competent authorities and law enforcement agencies in a timely manner. Our system already allows for that. Other countries are scrambling around trying to develop systems that meet the standards that we already meet.

3.7.3 Deputy M. Tadier:

I am sure the industry will be very grateful for the Minister's blustering support and I am sure he is glad that he answered the question in the end and not his Assistant Minister. The point remains that this is secret. It is shrouded in secrecy and the Minister says that we do not provide it publicly because we do not have to provide it publicly. I thought the Minister said that Jersey wanted to be leading in this, not a follower, and if Jersey genuinely wants to lead on transparency should he and the industry not be pushing for a fully public register of beneficial ownership so that Jersey can be seen to have its words matching the practice.

Senator I.J. Gorst:

America, Germany, Japan; many countries around the world disagree with the point of view put forward by Reform Jersey. Why would we support the view put forward by Reform Jersey rather than the view put forward by the international standard setters of the O.E.C.D. and the I.M.F. (International Monetary Fund) and of the European Commission in the Fourth Anti-Money Laundering Directive? We absolutely accept. The important thing is that trust and company service providers are regulated. They have the accurate information. Some of those who are suggesting that there should be a public register cannot even confirm that the information that will be on such a register is accurate and is being updated in a timely fashion. On our register the way we regulate we can be certain that any information provided to competent authorities, to law enforcement agencies, to help in the fight against crime and the financing of terrorism and ... I was on a roll there and I have ... and tax evasion and money laundering needs to be accurate. Our system already provides that. Are Reform Jersey really suggesting that we should stop regulating trust and company service providers, that we should stop having accurate information on who the beneficial ownership of these companies are so we that we can simply have a public register that does not give confidence to anyone and does not help in these important fighting ... what the international community want us to fight and provide accurate information.

[10:30]

Is that what they are really suggesting?

The Deputy Bailiff:

Final supplementary, Deputy Southern.

Deputy S.Y. Mézec of St. Helier:

I have had my light on. Do I not get an opportunity to?

The Deputy Bailiff:

Yes, you have but we are well over the time and I am conscious of the fact that the Chief Minister also has questions without notice coming up.

Deputy G.P. Southern:

I shall be making a complaint to P.P.C. (Privileges and Procedures Committee). I think the way you are running this question session is absolutely not in the Back-Benchers' interests at all and that is the second time I have been cut short.

The Deputy Bailiff:

Actually you have been invited to do a supplementary. Deputy, if the Chair is speaking Members stop speaking. Deputy, you have been invited to make your final supplementary question. The reason that the Chair has taken the view that it has is that we have already run more than 7 to 8 minutes for this question. I am conscious that we wish to give the opportunity for everyone who has asked a question to have it answered and I am conscious that the Chief Minister also has questions without notice so there will be a possibility of expanding this later on. That is the reason for the Chair's decision. Would you like to ask your final supplementary?

3.7.4 Deputy G.P. Southern:

Yes, and questions without notice can be used to develop answers which we receive in this particular session. So I asked the Chief Minister, instead of asking us whether we want further secrecy, why does he want to preserve the secrecy that already exists there and what has he, and the industry, got to hide? So why not publish?

Senator I.J. Gorst:

We have got absolutely nothing to hide and that just goes to the very heart of the misunderstanding that Reform Jersey has about what is an important pillar of our economy. Of course, client confidentiality and security of information and ensuring that data protection legislation is appropriately in place is important to many people who use Jersey as a jurisdiction. But we are transparent. We provide the information when it is requested. We have signed up to the Common Reporting Standard. We have signed up to the U.S. (United States) F.A.T.C.A. (Foreign Account Tax Compliance Act). We have signed up to U.K. F.A.T.C.A. so that the information that we hold appropriately and securely and accurately about who owns the companies in this jurisdiction can be provided to other countries when they have got concerns, legitimate concerns, about that information and it can be provided appropriately and we can be assured that it is absolutely accurate. I have sat on panels with N.G.O.s (non-governmental organisations) and other people around the world discussing this very issue and the Members opposite do not even understand why it is that they might want this information to be public. They do not understand that the issues that are ...

The Deputy Bailiff:

Chief Minister, as I said, exactly the same to Deputy Southern. If the Chair speaks then Members stop speaking. It is incumbent upon Members to respect the timing that the Assembly has lodged through Standing Orders for questions without notice. Now, we have a number of questions to get through. It is really important to keep questions concise and answers concise. So that if you have a further sentence or so in your answer, Chief Minister, then feel free to deliver it otherwise we will move on to the next question.

Senator I.J. Gorst:

That is part of the problem. The Deputies opposite ask what appears to be a simple question but these are extremely complex issues involving the international communities and it is incumbent upon me when misinformation or misinformed questions are asked in this Assembly that I set the record straight.

Deputy M. Tadier:

May I ask a point of order?

The Deputy Bailiff:

If it is a point of order.

Deputy M. Tadier:

It is a point of order. It seems to me that we are told that when we have debates it is not question time. When we put questions to Ministers we do not expect to be asked questions back especially when we do not have a chance to reply. I know there is a fine line between rhetorical questions and genuine questions but it seems to me that unless we are going to change question time so that the opposition Members are asked questions then it should be an opportunity for Ministers to be held to account not for the opposition.

The Deputy Bailiff:

Well, it seems to me that how a Minister answers a question is entirely a matter for that Minister. If the Minister answers it with reference to rhetorical questions then they are judged or not judged on the basis of the answers that they are giving. Now, clearly it cannot turn into a question time, put back in the direction of the original questioner, but I am not sure that was a point of order on which a ruling was required.

Deputy M.R. Higgins:

Can I just ... point of order as well?

The Deputy Bailiff:

Well, a point of order is a question on which the Chair needs to make a ruling. Is this a question on which the Chair needs to make a ruling?

Deputy M.R. Higgins:

Yes, it is. Previous Chairs have told us that the answers should be given in 90 seconds. The answers that are being given by the Ministers today are just stonewalling and waffle. So, can you hold them to the 90 seconds?

The Deputy Bailiff:

Well, it may be surprising, 90 seconds is quite a long time and I have been measuring the 90 seconds and it has been exceeded on one or 2 occasions but not regularly.

3.8 Deputy J.M. Maçon of St. Saviour of the Minister for Home Affairs regarding the number of Jersey Police Authority meetings she has attended since her appointment:

I certainly hope this will not exceed 90 seconds. How many meetings has the Jersey Police Authority held since the Minister became Minister and how many has the Minister attended?

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

I am grateful to the Deputy for his question. The Jersey Police Authority operate independently and schedules its own meetings as the Authority judges necessary. I am therefore only able to comment upon ministerial meetings with the Authority. I hold meetings regularly with the chairman of the Authority and for example have met with the chairman on 4 occasions over the past 10 months. Further meetings are scheduled for April, June, October and December of this year. In addition, I was pleased to attend a joint meeting with the Chairman of the Authority and the States of Jersey Police Force in December last year in order to review a proposed new operating model for the police. A follow-on joint meeting with the Authority and the police took place in February and was attended by the Assistant Minister for Home Affairs in my absence. Further joint meetings of the Authority and the police at which either the Assistant Minister or I are due to be present are scheduled for July and October this year. I continue to keep in regular contact with the Police Authority. Indeed I have a meeting with the Authority scheduled to take place later today.

3.8.1 Deputy J.M. Maçon:

I thank the Minister for her response. Given then how long the Jersey Police Authority has been in operation, given that it is to be the bridge between the Minister and the police force and the way that it operates, can the Minister please explain to the Assembly how well she thinks that it has been going given the small amount of meetings that she has attended with the full authority?

The Deputy of St. Peter:

I have never heard the description of a bridge between the police force and the Minister. The work of the Jersey Police Authority is to ensure that the police force is run effectively and efficiently and we are each independent bodies doing our own work. I have been very pleased to meet with the chairman of the Authority and to discuss matters with other members of the Authority individually and I am very satisfied by the relationship.

3.8.2 Deputy M. Tadier:

Can the Minister confirm when she meets with the Chairman whether the meetings are formal, informal, whether they are public or private or whether they are minuted or not?

The Deputy of St. Peter:

These meetings have been private meetings with a full note taken.

3.8.3 Deputy M.R. Higgins:

Could the Minister tell us how many meetings she has had with the Chairman alone and how many meetings she has had with the Authority because her answers seem to fudge the issue? I would like to know whether the private meetings are the only meetings she has had with the Authority. In fact just specify how many you have had with the Authority and the Chairman separately.

The Deputy of St. Peter:

I think I did express that in my original answer but perhaps it was difficult as there was quite a long list. Essentially, personally I have not attended a meeting with the full Police Authority simply because those meetings have not been scheduled on days when I have been able to attend. The Assistant Minister has attended one, as has the Chief Minister in my absence on one particular occasion, and indeed we have worked with the executive officer of the Police Authority to find suitable dates in the future whereby I will be able to attend.

3.8.4 Deputy M.R. Higgins:

Supplementary. Can the Minister tell us again how many private meetings she has had with the Chairman and if she thinks that is a satisfactory arrangement for controlling the police or enabling the Police Authority to control the police?

The Deputy of St. Peter:

I have had 4 meetings with the chairman over a period of 10 months and I am satisfied with that frequency.

3.8.5 Deputy J.M. Maçon:

Thank you, and if the term “the bridge” has not come to the Minister beforehand may I ask her to go and read the Hansard when this was originally presented to the Assembly by Senator Le Marquand who made it quite clear that the point of the Authority was to separate the operational aspects of the police and the Minister in order to separate some of the pressure and maintain the independence between all the different estates as it has been going forward so that she is able to fully understand the role of the Minister of the Jersey Authority and of the Police Force.

The Deputy of St. Peter:

I thank the Deputy but I am rather satisfied that I understand my role.

3.9 Deputy K.C. Lewis of St. Saviour of the Minister for Infrastructure regarding the reasons for the decision not to put the La Collette fuel farm lease out to tender:

For what reasons was La Collette fuel farm lease not put out to tender?

Deputy E.J. Noel (The Minister for Infrastructure):

The lease of the fuel farm site is a ground lease. The fixtures and equipment do not belong to the landlord. Unless the public acquire these physical assets there is no fuel farm to tender. As the Chief Minister or the Assistant Chief Minister will explain in the response to a separate question by Deputy Wickenden, the public did not take up its option to purchase the tenant’s fixtures and fittings.

3.9.1 Deputy K.C. Lewis:

I have been reliably informed that you purchased the infrastructure from the previous tenants, which I believe were Shell Esso. We are talking in the region of £600,000 or £700,000. If the States had brought the infrastructure of the fuel farm then we would be better off at the end of the 10-year lease by between £25 million and £30 million. This would be enough money to pay the wages for all the infrastructure workers that are about to be fired for the next 7½ years. Does the Minister not agree?

Deputy E.J. Noel:

No, I do not agree and I believe that Deputy Kevin Lewis’s figures are woefully inaccurate. We know that the current operator of the fuel farm has invested in excess of £10 million on that site so to come up with a figure of £700,000 is not credible.

The Deputy Bailiff:

Very well, that brings us on to question 10 that Deputy Mézec will ask of the Chief Minister. I am sorry, did you have a final supplementary?

3.9.2 Deputy K.C. Lewis:

Final supplementary, yes. Caught me on the hop there a little bit. I thought people would come in on that one. The new throughput charge from the fuel farm has gone up. So instead of the throughput charge of 1 pence per litre, which is the industry standard, the people of Jersey will be paying 3.4 pence per litre as a throughput charge. Does the Minister believe this represents good value for the people of Jersey?

Deputy E.J. Noel:

Again, I must say that unfortunately, Deputy Kevin Lewis's figures are incorrect. The figure of 1 pence throughput charge has not been charged at our fuel farm. I believe that the current charge is 3.4 pence throughput and that is based on what is on the parameters that I believe C.I.C.R.A. put a cap on the percentage of the amount invested in that plant.

3.10 Deputy S.Y. Mézec of the Chief Minister regarding alternative plans to eliminate any public spending deficit following public sector redundancies:

What work, if any, has the Council of Ministers done to develop alternative plans to eliminate any public spending deficit in the event that tax receipts do not match current projections as a result of further public sector redundancies and reduced economic growth?

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

We were clear in our Medium Term Financial Plan that there were significant global uncertainties that could affect our economy; economic power shifting, rapidly changing technology affecting businesses and government, population ageing. The plan sets out how Jersey should respond to these challenges and of course it follows the advice of our independent economic experts. Their plan is flexible, a balance of £20 million in our current account; adequate central contingencies, growth in capital spending allocated annually so we can adapt to changing circumstances. The plan addresses the challenges ahead and enables us to invest in our priority areas without changing the fundamental building blocks of our tax system.

3.10.1 Deputy S.Y. Mézec:

Following up from that answer, can we then take it that if circumstances do arise where projections are not met as were envisaged under the M.T.F.P. that it is therefore possible in future that we could see further spending cuts than are already planned and further tax rises that are already planned if it does transpire that economic growth is not as predicted?

Senator I.J. Gorst:

The Deputy will have seen, I hope, the updated letter from the independent economic experts and it reiterates that we need to maintain flexibility in both directions and that is what the plan does, as I have just explained, maintains £20 million in the Consolidated Fund to give flexibility, it maintains central contingencies, and the Minister for Treasury and Resources and myself have been clear in this Assembly and before Scrutiny that we are allocating growth on an annual basis which also gives flexibility.

[10:45]

3.10.2 Deputy G.P. Southern:

Can the Chief Minister point to anywhere in the economic advice that he has been given that cutting the staffing of the public sector is a way to maintain or improve growth in our economy?

Senator I.J. Gorst:

The Deputy will never agree with government policy in this regard; I understand that. He takes a wholly different political view that controlling government expenditure, limiting the growth of people employed by the Government is not a policy that he would pursue. I do not accept that. I think a part of preparing ourselves for the future is reforming the public sector, is trying to limit the future growth of the spend that we make on behalf of the public and is reducing employment in some areas that we can employ in other areas. The plan is not simply about overall reduction of staff, as the Deputy well knows. It is about employing more people in Health and Social Services, it is about employing more people in Education, it is about delivering services differently with technology. It is just one part of a plan. The Deputy also seems to forget, and the questioner seems to forget, that an important part of the plan is also growing the economy which gives further upside flexibility which is not currently factored-in to the M.T.F.P.

3.10.3 Deputy G.P. Southern:

Will the Chief Minister answer the question? What advice has he received from economists - this is an economic question, not a political question - that cutting public expenditure will grow the economy? Where has he got that from?

Senator I.J. Gorst:

Once again, because people have said it, it has been reported in the media, and the Deputy keeps saying it, that we are cutting public expenditure. When he looks at the actual numbers, he will see that public expenditure in 2019 will have slightly grown in actual cash terms than it was in 2015. What we are doing is reprioritising and trying to restrain the growth in public expenditure that we have seen in previous years.

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

Should there be a downturn during this term of office, would the Chief Minister reconsider the Council of Ministers' aim to balance budgets by 2019?

Senator I.J. Gorst:

If things should worsen, the first thing that we would do is have our own economists look at it, and they are extremely capable individuals in a unit. The second thing we would do is ask for advice from the independent economists and we would probably factor what we did largely on the advice of those 2 bodies of economists. If we look at what they have advised us in the past, then we might suspect that their advice would be along the lines that the Deputy is suggesting.

3.10.5 Deputy M.R. Higgins:

Talking of the Fiscal Policy Panel, the Fiscal Policy Panel is constrained in the advice that they give the Government by the terms of the Fiscal Policy Panel. The policy reinforces the fact of a low tax environment and if that remains in there, they will never be able to give proper advice about if there is a need to raise the taxes. Will the Chief Minister change the terms of reference for the Fiscal Policy Panel so they can make their recommendations on the economy without reference to low tax?

Senator I.J. Gorst:

The Deputy knows that the remit that the Fiscal Policy Panel works to is now a statutory remit and I think that is important. It was more informal previously but it is important that this Assembly has input into what that remit is. Again, we come to a political difference. We believe in growing the economy to help everyone. We believe in creating jobs for all members of our community to

improve their lot. We do not believe in necessarily that simply increasing expenditure, increasing taxes is the best way to prepare our Island for the future.

3.10.6 Deputy M.R. Higgins:

A supplementary? The Chief Minister is the one who is making the political points. I am just pointing out that if you have advisers and you want them to give correct advice ...

The Deputy Bailiff:

No, Deputy, could you just make this a question, please? We have a number of other people who wish to ask ...

Deputy M.R. Higgins:

Will the Chief Minister change the terms of reference for the Fiscal Policy Panel so they can recommend anything that it is in the interest of this Island and not be constrained to the political dogma of the Chief Minister?

Senator I.J. Gorst:

The Deputy, I hope - I hope; I cannot recall exactly but I am pretty sure he has - has met the eminent economists that sit on the Fiscal Policy Panel. It is slightly disingenuous of him to suggest that those eminent individuals would be constrained from giving advice if they felt that the right thing for our economy was to raise taxes in the way that the Deputy is suggesting. In the past I have known them, when I was Minister for Social Security, to make comments about areas that were not strictly within their remit but were within my remit at Social Security. They did not feel constrained in any way whatsoever from making recommendations about those areas that were not directly in their remit, so I see no reason why all of a sudden, because the Deputy suggests, they should feel constrained. I do not believe they are.

3.10.7 Deputy M. Tadier:

The Chief Minister talked about these cuts helping everybody but does he not recognise that this austerity programme most affects the vulnerable, the disabled? Will he not, as a good self-confessed English Tory, perhaps take a leaf out of the book of his political counterparts in the U.K. where even some of those most hard-nosed and well-known austerity proponents have reneged or done a U-turn on some of those pernicious cuts, particularly those which affect disability and the most vulnerable on Social Security?

Senator I.J. Gorst:

I was looking forward to that question. I am not sure how at all it relates to the opening question, just like, Sir, when you ruled and asked me to sit down from answering a question about B.E.P.S. Every single question arising after that was about central registers, nothing to do with B.E.P.S., but there we are. Let us be quite clear, the changes that we have made in the Social Security system are about restraining and maintaining the level of the budgeted spend throughout the period and not cuts, as the Deputy is suggesting. It is wholly, wholly inappropriate to even start to suggest that the changes that the U.K. Government have made to their system bears any correlation to the restraint of growth in expenditure, of income support that the Minister for Social Security and department and Council of Ministers have brought forward. It is not correct. If anything - if anything - the former Secretary of State for Work and Pensions, one of the points he has made, anyone who has listened to his interviews since Friday evening, was that he wants to move more firmly to a system like ours. His whole political career has been based upon creating a one-stop benefit system like we have in Jersey. He is saying that he has not been able to do that because of some of the changes

proposed by the Treasury. We have a system that we can be proud of. We cannot let it continue to grow, it has to be managed appropriately, and that means you have to restrain the growth in the cost of benefits and that is exactly what the Minister for Social Security is doing.

3.10.8 Deputy S.Y. Mézec:

I thank the Chief Minister for his answer there. I will be going back to my constituents on L.T.I.A. (long-term incapacity allowance) who are now over £600 a year worse off because of his cuts and telling them that they are imagining it, there are no cuts. But following on from the Deputy of St. John's question, I would like to ask the Chief Minister - and since he said that there is flexibility then he will have thought about this and will presumably have an answer ready for it - in the event that the projections are not met, in the event that the appropriate savings that they are looking for cannot be found, what is his ... I do not know why I am even bothering to ask if he is not listening. Is he listening now? Can I go? Is that fine? Thank you. In the event that the savings are not able to be made or an economic downturn which means the projections are not reached, what is his political preference? Is it to accept that we continue to run deficits for several years longer and take a slower approach to restoring public finances or would he prefer then to cut deeper and raise even more taxes on middle-earners? Which is his political preference in that event?

Senator I.J. Gorst:

I am pleased he got to the question at the end, that is why I was not listening earlier. It is quite clear that this Council of Ministers - this Council of Ministers - will listen to the best eminent economic advice and that is what we have done in bringing forward the Medium Term Financial Plan and that is what we will continue to do. We cannot second-guess what they will recommend but, as I said in answer to the Deputy of St. John, if we look at their previous recommendations during economic downturn and difficulty, they have recommended that we support the economy and that we continue to support the economy as we are doing in the Medium Term Financial Plan. The Deputy tries to say that there is this great big political ideology that is driving us, but he forgets that even during the term of the M.T.F.P. we are taking money out of reserves to support the economy in line with the best economic advice. I see no reason why we would not continue to accept that best economic advice in the way that we have done in the past. Alongside all of that - alongside all of that - we are putting £20 million into growing the economy. Some of the questions that Senator Ozouf has been answering about competition, about innovation, even this morning, are fundamental to making sure that we have got markets that are working so that people feel that they have more money in their pockets as the effect of good competition, and that we are looking at new innovative products and new areas that we can market ourselves to so that we grow our economy to everyone's benefit. It is not an either/or.

3.11 The Deputy of St. John of the Minister for Education regarding notification to parents of changes to the curriculum:

Could the Minister advise why only in the last week the department have notified parents of the change to the curriculum and produced an online document specifying the new requirements which were implemented in September 2015?

Deputy R.G. Bryans of St. Helier (The Minister for Education):

Thank you to the Deputy for raising this important fact. The recent leaflet that went out to parents has basically been a tying-up of loose ends. It brings together in one place the information about all the changes that are happening in primary and secondary schools. As the Deputy knows, there was

an unprecedented change in England over a very short period of time and we have reacted to this and informed parents as soon as we have confirmed what will be happening in Jersey. Every primary school parent received a letter from the Director of Education last summer before September 2015 and an online link to this booklet, which has been available in schools too. Individual schools have also been working directly with the parents to make sure they understand the changes.

3.11.1 The Deputy of St. John:

I thank the Minister for his answer but what worried me in his answer was the fact he said that the department “reacted” to the change in the National Curriculum and in fairly short period, so I ask the Minister what support his department is providing to the teachers and head teachers with the significant pressure that has been placed, not only on them but on the children, in meeting the demands of this new curriculum to ensure that the children do not feel like failures?

Deputy R.G. Bryans:

They get full support from the department and have done since the changes were revoked. To give the Deputy a more fulsome answer, I can give an example of one of the town primaries that she may be aware of and what they have done since this happened. The head teacher has given a presentation to explain the changes, the parents’ guide to the new curriculum has been available in the school reception area since it was produced last summer, the changes and new expectations have been explained directly to parents at face-to-face parental consultations, 4 during the academic year where parents have had a chance to ask questions. There have been parental workshops to inform about developments and explain how parents can help. They were held each term last year over a week, with one workshop in the morning, one at lunch and one in the evening so that as many parents as possible can attend. Parents have been invited to achievement assemblies on the last day of each term to find out what the children have been working on. There are drop-ins 2 days a week where parents can watch the children in class and then chat informally with the head teacher over refreshments, in this particular case called Thursday Treats and Friday. Lastly, mostly importantly, all of our schools have an open-door policy. I would absolutely urge any parent who has concerns to speak to their teacher and their head teacher if necessary, and get the advice and support they need. We want all children to succeed and I know our staff do whatever they can to make that happen.

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

Could I ask the Minister if the full version of the Jersey curriculum is available to parents and where is it available? Is it on the department’s website, please?

Deputy R.G. Bryans:

Yes, I believe it is on the website. If it is not, then I will make sure that it is but I believe it is to be found there. Once again, I would just say that if anybody has any particular concerns ... and as a department we have had no concerns relayed to us by parents at all about the particular changes at the moment. I know there are some concerns in relation to the timings but it was imposed on us in a sense by what happened in the U.K. and we have dealt with it as efficiently as we possibly could.

[11:00]

3.11.3 The Deputy of St. John:

I respect the fact that the Minister, the teachers and the head teachers are doing the best they can with what has been, as he has just stated, imposed upon him. My concern particularly is around the

time that is available to add in an extra year's curriculum, especially primary school children's daily work, and the ability for the parents to support, especially when both parents are working. So what work is the Minister doing with Social Security to encourage flexible working for parents so that they can support their children in this particularly difficult time?

Deputy R.G. Bryans:

I think there are 2 separate issues there. In terms of the pressures on teachers and staff relating to the schools, we are working very closely with the schools. In fact, I have been on my annual tour of all of the schools just recently and head teachers have said they welcome the challenge of raising this. This is not a separate curriculum; this is just the raising of the standards within the curriculum that we already have in place and we have changed the curriculum in some respects with regards to making it 'Jerseyfied.' With regard to the Minister for Social Security, we have meetings but we have not had meetings about this particular aspect. Thank you.

3.12 Deputy S.M. Wickenden of St. Helier of the Chief Minister regarding the decision not to exercise the 18-month infrastructure buyout option clause within the previous fuel farm contract:

Could the Chief Minister explain when the decision was taken not to exercise the 18-month infrastructure buyout option clause within the previous fuel farm contract with Rubis, who took the decision and under what authority, and the reasons for the decision?

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

I just want, before I ask Senator Ozouf to answer this question, to offer my apologies to Deputy Mézec. In the heat of the previous questions, I think my first riposte to him in his final question was inappropriate and I apologise but could Senator Ozouf answer this question on my behalf? Thank you.

The Deputy Bailiff:

Thank you, Chief Minister.

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

I have put my stop watch on. The Chief Minister has asked that records are reviewed into all the relevant meetings that took place around that time that the Deputy is asking. Indeed, there is a written question by Deputy Higgins that sets out a chronology, although it has got a health warning that the time allowed has been limited in order to find a full review of what happened when. I think it is important to say - and of course this is perhaps with the benefit of hindsight - that the notice to buy the fuel farm in July 2014 would have needed effectively to happen much earlier. Funding would need to have been agreed by the Assembly in the 2013 Budget and that could have been substantial. In fact, at the time, there were no other companies that were interested and expressed an interest in owning a fuel farm; that came later, as Members are aware. Now, in fact what is, I think, a positive way forward we are now, and almost in a sense that issue is old, is that the new lease gives effectively antecedent precedents that if there is a non-conformance with the obligations of the merger, that is a termination event which would come to the Royal Court, irrespective of who owns the fuel farm. In a competition sense, it should not matter. If we fail, we should nationalise it. If we do not, if we get fair and non-discriminatory access for it, then it should work. That is 90 seconds, Sir.

The Deputy Bailiff:

Slightly under, I think, in fact, Senator.

Senator P.F.C. Ozouf:

I can have a few more seconds if you want.

The Deputy Bailiff:

A supplementary, Deputy Wickenden?

3.12.1 Deputy S.M. Wickenden:

I understand that obviously we would have had to have looked at this much earlier, so it was missed out by the previous Council of Ministers, is that correct?

Senator P.F.C. Ozouf:

I think that what is emerging from the discussions is that there were discussions, as is clear from the correspondence that is being documented, within both the then Economic Development Department and Property Holdings and those are really the issues that are there. Where we are today is that I am content. Members will know how much I think ... perhaps Members do not see sometimes the forthright discussions that happen with Ministers. I totally respect my good friend the Minister for Infrastructure. He has got to deal with property issues; the Minister for Home Affairs on safety and security. Competition came third but, my goodness me, with the help of the Law Officers and others, we have got some pretty strong new provisions in that lease and I am determined to make them work.

3.12.2 Deputy A.D. Lewis:

I wonder if I can ask the Assistant Minister, was there a full valuation of the equipment on the site undertaken and, if not, why not? How could any informed decision be made as to the future of that site without that valuation?

Senator P.F.C. Ozouf:

I do not mind making a statement about this so Members can interrogate me for 15 minutes at some point on it because it is quite complicated; as always, these things are not simple. The fact is, is that there was a tricky clause which I argued for, as the Deputy will know, in 2002 and caused chaos. The then Harbours and Airports Committee, because it did not have a non-discriminatory fuel farm, it was not basically sufficiently open and opaque with transparency, and basically it did not meet the muster of what I wanted as a competition thing without the Competition Board being in place and I blatantly blocked it with members of the Industries Committee. What I can now say is because of the decisions and because of the work that went on in Council to get an agreement which has got some real teeth, which has got antecedent precedents, a single breach of the merger conditions is going to result in, if it happens - I do not know; that is a matter for C.I.C.R.A. to sort out - but if it does happen, an application to the Royal Court will be made effectively to bind. For me, nationalisation would be failure. I want competition to work and that is what I seized upon the agenda of 23 actions overseen by Professor Sir John Vickers. But he says it is hard but the benefits can be substantial, and I agree.

3.12.3 Deputy A.D. Lewis:

The Minister has not answered the question. Was a valuation done of the equipment on the site in order that the Government could make an informed decision on whether to nationalise it or not?

Senator P.F.C. Ozouf:

No, I do not think there was but we would have to check all the records. But what we do know, of course, is that the parties which were then engaged in a merger ... I made my views, as did my good friend the Minister for Economic Development, Tourism, Sport and Culture, to C.I.C.R.A. at the time and I think that we have all learnt quite a lot about that whole situation. The fact is, is that we were faced with a merger of Esso and Rubis which itself had bought the Shell controlling interest some time earlier which some of us said might happen, then effectively you would have been faced in a right old battle ground. What I want is effectively what I wanted in 2002: a non-discriminatory fuel farm operated fairly so that fuel companies can bring in their fuel at an efficient cost, a throughput agreement which has got new arbitration procedures in it, tough sanctions. I am going to be looking into it, I will do a 64 request under the Competition Law in case there is any absence of understanding within the Competition Regulatory Authority of my determination to understand what the issues are and we are going to get a fuel market that is going to work in the interests of consumers because we can cut fuel prices. We are seeing it in heating oil. Hooray! That is going to give more Jersey people more money in their pockets.

Deputy M. Tadier:

Have the clocks gone forward yet or is it next week? It is just that we seem to be stuck in a time warp here where the Minister seems to be allowed much more than 90 seconds to answer.

3.12.4 Deputy G.P. Southern:

I thought my watch had stopped. The Minister says that it is a very complicated thing but for me it is very simple. The Minister for Infrastructure has said that it was not anyone in his department responsible for missing this opportunity, so it must have been someone in E.D. (Economic Development). The question was: who and when was this opportunity missed; was this decision made? By whom?

Senator P.F.C. Ozouf:

That will come out of the review. But in a sense, I have to say to Deputy Southern, that it is almost a wasted endeavour to kind of pinpoint the fact that when you think about it ... and my thinking on this is blurred because of the benefit of the excellent discussions I have had with C.I.C.R.A. and their advisers and Oxera and the Oxera review. Nationalisation and regulation always has to be the second choice. Making markets work by effective competition with throughput arrangements which are fair, non-discriminatory and transparent with appellate reasons is the way you get effectively fuel markets to work. I am going to be working with my good friend the Minister for Economic Development, Tourism, Sport and Culture and Deputy Norton in order to get more transparency. I declare an interest; I own a garage. I have no particular pecuniary interest in it but effectively more transparency on prices, just like George Osborne said on the M62 last week.

3.12.5 Deputy G.P. Southern:

The question still remains, who failed to take this decision back then? Was it the Assistant Minister or was it the Minister?

Senator P.F.C. Ozouf:

I have said, the Chief Minister has asked for this to be reviewed and we will get there. The facts always come out and I cannot answer that question. But effectively where we are now, I say again, it does not matter who owns it, whether or not is Bloggs, Shell or Rubis. If the fuel farm is operating on a non-discriminatory basis that plays fair, that there are appellate procedures in relation to the throughput price on which of course there has been an interchange, it is not fair really to push Deputy Noel on these competition issues. I will take the flak for the competition

issues and I do not mind standing accountable for those issues. My goodness me, I was irritating, and I did get some additional safeguards into the lease but the good Minister and the Assistant Minister had to deal with safety and security because we would not be and wanting to be in a position where we would basically have chaos which was threatened in relation to our fuel market.

3.12.6 Connétable J.E. Le Maistre of Grouville:

Would the Assistant Minister concede that the 3.4 pence throughput charge at the fuel farm covers the purchase price of the plant and buildings, the depreciation of the same and indeed gives a return on the investment, so the cost to the States, having decided to purchase the plant and buildings at the time 18 months ago, would have been, at worst, cost neutral?

Senator P.F.C. Ozouf:

I do not think that is right because the fact is, is that we do not know what the valuation would be. We have got another experience in the fuel farm issue and that is what happened with the fuel farm at the airport. My goodness me - and I am not going to abuse parliamentary privilege - but the players in this market play hard. They want their pound of flesh. Now making markets work is about having strength, standing up to the strong and standing up to companies that want to basically use their dominant position, if that is the case. I want C.I.C.R.A. to be shining the torch into this area and to get to the truth. I believe fuel prices and energy prices we can do better but I need consumer support to do that. They need to vote with their feet rather than be, if I may say, slightly lazy and just accept high prices. We need consumer advocacy and consumer action. That is an issue that we can all agree on.

3.12.7 Deputy S.M. Wickenden:

Obviously the P.A.C. have just written-up terms and conditions today to look into this, so I look forward to that review. My question is, obviously at the end of a contract or lease, going out to tender is the best way to get value for money, would the Minister agree? If we would have taken the point to buy this infrastructure we would have had more options at the end of the current lease, does the Assistant Minister agree?

Senator P.F.C. Ozouf:

I think I did agree that a month ago but where we have got to is effectively now a lease which gives what I sought with the former Deputy Dubras and my colleagues on the Industries Committee way back in 2002 which is a non-discriminatory fuel farm. It does not matter who owns it. If I fail, if C.I.C.R.A. fails - and they are jolly well not going to because I am confident in their ability with their new powers and their new support that they have got - we are going to basically not worry about who owns it because it is going to be fair and consumers are going to get a better deal. It is a favourite specialised subject of mine and I look forward to examination. I could talk about it for hours but I do not think Members want me to.

3.13 The Connétable of St. Helier of the Minister for Housing regarding whether there would be merit in restarting the Housing Forum:

Does the Minister think there would be merit in restarting the Housing Forum?

Deputy A.E. Pryke of Trinity (The Minister for Housing):

The Housing Forum was set up in 1997. It involved the main States committees, departments, agencies, professionals and other bodies and groups associated with a housing provision. Its purpose was to provide industry-wide feedback to the States of Jersey on a wide range of housing

matters. This group, useful in its day, was disbanded as it was considered to be rather unwieldy and difficult to administer. However, I do believe that there is merit in the concept of using a Housing Forum to provide some expert and specialist feedback to help me, my officers, the States of Jersey on the policies that are coming from the Housing Strategy. Indeed, some feedback has already been provided by some focus groups.

3.13.1 The Connétable of St. Helier:

I perhaps should have been more direct in my question to ask whether the Minister would consider restarting the Housing Forum, given the fact that several obvious sites have either taken many years to progress: J.C.G. (Jersey College for Girls) what, 15 years?

[11:15]

No progress on South Hill that we are aware of. Will she commit to restarting the Forum so that we can keep everyone's feet to the fire, knock heads together as necessary, and try and get some of these sites into building?

The Deputy of Trinity:

Yes, and I am happy to discuss the makeup but also I am aware that the Constable is on the Future St. Helier Group and he is very well within his right to press forward. I indeed will be giving him that support to press forward with sites that need to come forward for housing because, as we all know, there is a great need for housing, especially 2-bedroomed owner-occupier affordable housing.

3.13.2 Deputy M. Tadier:

Does the Minister agree that a Housing Forum would ultimately be a waste of time because if Andium, the largest social housing provider in Jersey, and the Minister herself, will not even listen to the democratic will of this Assembly? I give as an example the democratic decision in favour of Deputy Russell Labey of St. Helier on La Collette, which is currently on the Order Paper. If that cannot even be listened to, what is the point in the public having a forum and then expecting notice to be taken of that? Does the Minister agree?

The Deputy of Trinity:

I do not, and we will have the debate on La Collette later so I will not go into that, but housing is needed. As the Housing Needs Survey came out last week and everyone received a copy, you can see there the great need for affordable housing. A forum is desirable but it needs to be focused on specific issues which have really worked that are set out in the Housing Strategy.

3.13.3 Deputy G.P. Southern:

What specific measures will the Minister be taking to guarantee that the rate of building, particularly social rental homes, is increased and that the waiting list for priority 1 and 2 comes down markedly in her time?

The Deputy of Trinity:

The Housing Needs Survey which was done and fed into the Island Plan saw that 1,000 homes were needed and some of the sites were rezoned but also to make full use of States-owned property, and that feeds in well. Where we are where the housing has been delivered is a report that is going to come out in the next couple of months so Members will be able to see that. But, as I said, housing is needed. We know with the Housing Needs Survey that came out last week that 2-

bedroomed owner-occupier affordable housing is very much needed. In the Island Plan, all the sites there and the States-owned sites and Andium Business Plan it sets that out.

3.13.4 Deputy G.P. Southern:

What measures specifically will the Minister take to bring down the waiting list for category 1 and category 2 urgent cases in the next 12 months?

The Deputy of Trinity:

I cannot make houses happen overnight. I wish I could but we need more supply; it just comes down to that.

3.13.5 The Connétable of St. Helier:

I am still slightly unsure about whether this sub-forum does receive the support of the Minister. She referred to the Future St. Helier Group but clearly not all of the housing that we are going to see is going to be in St. Helier. Does she not think that the smaller developers, in particular one who approached me on this matter, deserve to have their voices heard? Andium is not the only game in town; there are some small developers of excellent residential developments wanting to get more involved and will she give serious consideration to convening a meeting of the Housing Forum to see whether we can knock some heads together and get some building started on certain sites?

The Deputy of Trinity:

Yes, as long as it is a small focus group or Housing Forum and I am very happy to listen to anybody as long as we have an outcome to that and can really get things moving and get houses built.

3.14 Deputy S.Y. Mézec of the Minister for Infrastructure regarding value for money following the outsourcing of Infrastructure services to the private sector:

When outsourcing infrastructure services to the private sector, what efforts will be made to ensure that contracts retain sufficient flexibility to cope with extra demand when unforeseen circumstances occur, such as damage caused by bad weather to roads and homes, without incurring extra cost to taxpayers, and what safeguards will be implemented to ensure that contracts can be terminated without significant penalties if they provide poor value for money?

Deputy E.J. Noel (The Minister for Infrastructure):

Yes, of course we would and why would we not? Where appropriate, tender specifications will include the requirement for the potential contractors to provide emergency working cover. The cost of providing this cover will be required to be identified in a manner appropriate to the type of service being tendered. Any outsourced services will have sufficient flexibility to cope with extra demand when unforeseen circumstances occur. The department will ensure that the contracts can be terminated without significant penalties if they provide poor value for money. Emergency cover does come at a cost no matter who provides it and therefore budget provision is and will continue to be made for it.

3.14.1 Deputy S.Y. Mézec:

Is the Minister aware that when these sorts of outsourcing projects in the United Kingdom have failed, it has often been down to the fact that the contracts that they have signed-up to have sometimes been contracts of over a decade long and when they have realised a few years into them

that they are not providing good value for money that they either have to pay millions and millions of pounds in penalty fees to get out of it or they simply have to carry on and just put up with the bad value for money for several years before they can take it back into being run by the public where it provides better value for money? Is he aware of these precedents which have been set there and will he undertake to not sign-up to any contracts close to a decade long which would provide too much insecurity for the financially-prudent approach he has indicated he wishes to take?

Deputy E.J. Noel:

I am also aware, by the Deputy's colleague 2 weeks ago, that many of the contracts, almost three-quarters of the contracts over the last 15 years, have been successful in the U.K. This is not new business for us. Jersey Property Holdings has been outsourcing such contracts for a number of years now. Those contracts are flexible; they do provide emergency cover for unforeseen eventualities so this is usual. We will ensure that any contracts that we offer are flexible and are in the public's best interests.

3.14.2 The Connétable of St. Helier:

The question refers specifically to the need for flexibility during inclement weather. Would the Minister acknowledge that it is not only the Department of Infrastructure's staff that are called out at these times to help but also members of other public sector organisations, the Parish of St. Helier to name but one, and also the Honorary Police?

Deputy E.J. Noel:

The Constable of St. Helier is completely correct. It is not just staff from the Department of Infrastructure that gets called out on such emergencies. The Emergency Services themselves get called out, as do other Parish workers and indeed the Honorary Police and other volunteer sectors, and we are grateful for that as a community.

3.14.3 Deputy M. Tadier:

I am glad the Minister referred to Property Holdings having already outsourced. I know from experience that currently with T.T.S. (Transport and Technical Services) if there is a problem, there is a phone number, you pick up the phone whether it be a small pothole in the road or a sign that needs changing and that gets done very quickly. It does not seem to be the case when things are being outsourced and then outsourced again, it becomes very difficult to find who is responsible for maintaining certain areas and, secondly, for getting things done. So does the Minister share my concern that the consumer, or rather the citizen in this case, will be short-changed by this move to privatisation and what assurances can he give us that service will not decline?

Deputy E.J. Noel:

Absolutely not will Island citizens be short-changed. We are endeavouring to make sure that the level of service is maintained and some areas improved. The points of contact will remain the same. It will be the department; it will not be the sub-contractors. It will be up to the department to manage their contractors, not for the public to engage with the contractors. So the situation is no different to the situation we currently use within Property Holdings for maintenance of buildings and for the cleaning of buildings and for the maintenance of green areas that my area of responsibility looks after.

3.14.4 Deputy M. Tadier:

Can the Minister give a categorical assurance to the user, the member of the public, who picks up a phone, has an issue, that the response time will be exactly the same as it is now, the efficiency will be the same and perhaps confirm how many levels of bureaucracy that individual will need to go through before the actual command is given for works to be done in any one instance?

Deputy E.J. Noel:

I cannot give that assurance. In fact, I would like to give the opposite: I hope that the service provisions and response times will improve as opposed to become ... I have lost the words.

3.14.5 Deputy S.Y. Mézec:

I agree with the sentiment expressed by the Constable of St. Helier and in the answer from the Minister about the excellent job that the workers in the Parish of St. Helier do alongside for some of these services. Would the Minister agree with me that one of the reasons that these workers are able to do such a good job is because they have proper contracts, proper terms and conditions, proper pay, proper security in their lives so those workers know they are able to do a good job? If he does accept that point, would he therefore undertake that if he is going to pursue this outsourcing project, to do everything he can to ensure that the pay and terms and conditions for those workers remains at the highest standard possible rather than just flogging them off to the lowest bidder which seems to be the plan at the moment?

Deputy E.J. Noel:

That certainly is not the plan and I answered questions about that 2 weeks ago. We will be working with any potential contractors and ensuring that they meet our requirements to be responsible contractors and treat their staff in a way that we would expect them to.

3.15 Deputy R. Labey of the Minister for Economic Development, Tourism, Sport and Culture regarding the safety issues which resulted in a detention order being served on the Condor Liberation on 15th March 2016:

What action, if any, does the Minister intend to take to establish whether the safety issues which resulted in a detention order being served on the Condor Liberation on 15th March 2016 were picked up by the Condor-commissioned seaworthiness review of the same vessel last year and, if they were not, would this be a cause for concern?

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

The technical review conducted by Houlder and released publicly in October 2015 was for a different purpose on normal mechanical and safety monitoring which happens periodically to all vessels. The Houlder review was commissioned as part of Liberation's inaugural year to review the safety, suitability and performance of the vessel. As with all shipping companies, Condor and the Condor fleet are subject to a rigorous regime of safety monitoring. This is based on international standards that are monitored by a world-class classification society and highly-regarded red flag state, the Bahamas. These standards are also checked on a regular basis by port states which include the U.K., France, Guernsey and Jersey. The joint E.U. (European Union) and U.K. Port State Control inspection conducted last week by the M.C.A. (Maritime and Coastguard Agency) and Affaires Maritimes identified a number of issues which needed to be corrected. As of Friday evening, 18th March, the vessel was cleared to resume operations. The M.C.A.'s re-inspection of the Liberation on Friday evening followed clearance by both flag state and classification society and was also attended by Port State Control inspectors from Guernsey and

Jersey who subsequently confirmed that they had no concerns with the vessel. I would like to add that I too am completely satisfied that the vessel is safe and seaworthy and that appropriate controls are in place, as have been proved by these issues being detected and dealt with quickly and effectively.

3.15.1 Deputy R. Labey:

I would like to thank the Minister for that assurance and for that information. Reliability and customer service relations of course still remain a major concern. The Minister said he is going to get tough, what advice has he taken on a Plan B?

Senator L.J. Farnham:

This has been an extremely challenging situation, not just politically, but for the company and very testing for the travelling public. The Chief Ministers of both Jersey and Guernsey and my counterpart in Guernsey met with Condor last Friday and agreed a comprehensive review of their procedures and we are going to continue to meet monthly to monitor progress and receive detailed updates. Both governments at that level are looking at Plan Bs. When I say "Plan B", they at the moment revolve around resolving the problems and challenges faced by Condor.

3.15.2 The Connétable of St. Helier:

I asked a question of the Minister a few sittings ago about whether he feels this uncertainty is affecting tourism bookings. Is the Minister as confident as he was that the problems with Condor are not affecting the bookings of tourists who want to come to Jersey?

[11:30]

Senator L.J. Farnham:

No, I am not as confident as I was but I am still confident that Condor will find a solution. As Members will know, I have spent most of my political career championing tourism, which makes this especially frustrating for me, but I am in close communication with the Ports of Jersey and Visit Jersey and travel and tour operators. Although it is considered there is an impact now on tourism, it is still very small, but all of the visitor economy and all of the sectors are committed to working with Condor to getting this right.

3.15.3 Deputy M. Tadier:

I think, like many members of the public, I find myself wondering how poor the service needs to get with Condor before some change is brought about, so the question to the Minister with that in mind is: could he envisage a scenario where a different service provider would be engaged in the near future and, if so, what would that scenario look like?

Senator L.J. Farnham:

It is very hard to say at this stage because to put in place something that looked like what the Deputy is suggesting would require - and I know it is hard to understand - a lot more disruption to the Condor fleet. I have made no bones about it that, in my view, the only Condor-based medium to long-term solution to this problem is a reconfiguration of the fleet. Because the fleet in its current format, when it works, works well, but when there is a problem it lacks the number of ships to be able to provide the proper contingency and back-up, and that is the number one challenge for Condor. I just wanted to say, at the risk of being repetitive, the comprehensive service review, which is now underway and has been brought forward by a year, will address those problems and hopefully provide the solutions and the answers to enable Condor to invest in the fleet further.

3.15.4 Deputy M. Tadier:

Sorry, I should have probably asked a more concise question: can the Minister confirm what latitude the contract allows and what circumstances the contract signed with Condor allows for the contract to be broken and a new service provider engaged?

Senator L.J. Farnham:

Either party can break the contract at any time and there will be a financial penalty for doing that. That financial penalty, as I stated before, is up to £20 million, but that was certainly not in the Island's best interests, and my main priority, in the short term at least, is to ensure that the Islands have a fit-for-purpose, reliable ferry service that the public has confidence in. But it is not just that; I would like to say thankfully the lifeline freight side of the business has been very stable, and that is arguably more important than the passenger service.

3.15.5 Deputy R. Labey:

The Minister has said there is, and will be, an impact on tourism; at the moment it is very small but would he agree that a very small impact on tourism could be catastrophic for smaller guest houses and restaurants, *et cetera*? Are we going to continue to monitor this and measure this and how bad does it have to get before we take drastic action?

Senator L.J. Farnham:

I am not sure that drastic action, although available to us, would be to the benefit of the hospitality sector. We could take drastic action, we could say to Condor: "That is it, we have had enough" but then we literally would not have any more boats in the near future. Fortunately, we have very strong air links and the airlines most certainly are benefitting, if that is the word, from this problem because a lot more people are choosing to fly at the moment. I want to reverse that trend and I want to see our visitors and our people getting more confidence in the boats and getting back on the boats coming to and from the Island and its neighbouring countries.

3.16 Deputy G.P. Southern of the Minister for Social Security regarding the potential impact of the redundancies of employees in the cleaning and Parks and Gardens services on the budget for Income Support and on Social Security contributions:

What discussions has the Minister had with the Minister for Infrastructure concerning the potential impact of the redundancies of employees in the cleaning and parks and gardens services on the budget for income support and on social security contributions and supplementation costs and, if none, why?

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

The Minister for Infrastructure and his officers are currently exploring options to reduce the overall cost of the services they provide as part of the wider programme of public sector reform. So far, progress has been made through voluntary redundancy measures and there has been no significant impact on income support or contributions. Comparing 2015 with 2014, preliminary figures show a decrease in the number of households needing income support and an increase in the number of workers contributing to the fund. We are, however, planning for the possibility that compulsory redundancies may be needed in some areas and the Social Security Department advisers have already provided support to the Department for Infrastructure staff. Our Back to Work teams are also ready to offer an outplacement service to any public sector employee subject to compulsory redundancy in the future. The value of the States grant into the Social Security Fund has already

been fixed for this medium-term financial period at £65 million per year. The income support system and the Social Security Fund are both designed to deal with short-term fluctuations in demand. If compulsory redundancies do become necessary in the future we are well prepared to identify the overall financial impact on public funds at that time.

3.16.1 Deputy G.P. Southern:

Has the Minister seen the figures produced in response to question 22 which show that well over half of the workforce are over 50? Over 50s, largely unskilled or with very limited skills, are the hardest people to place in new employment, I believe, does she not agree? Even if all of the 50 redundancies were to find low-paid unskilled work, these family households will be some £7,000 a year worse off than they currently are. This is likely to lead to tremendous demand on income support, of the order of at least £330,000 and maybe £500,000 per year. Does she accept that that sort of impact is likely?

Deputy S.J. Pinel:

As I said in my first answer, the outplacement service, which is under the auspices of Back to Work, has been set up as a dedicated resource to support States of Jersey staff made compulsorily redundant, and there is a significant difference between voluntary redundancy, which is very much encouraged not to pursue on the basis that there may be a reliance on income support, and compulsory redundancy.

3.16.2 Deputy M. Tadier:

The Minister talks about there may be a need for compulsory redundancy, but can she confirm that in her department the advice is for staff not to take voluntary redundancy because, if they do so, they will be making themselves redundant and therefore they will be sanctioned if they try and claim? Is there not a tension here between the advice that the Minister is giving out for her department and the overall desire of her government to encourage people to take voluntary redundancy?

Deputy S.J. Pinel:

No, that is not quite what I said. There have been 5 sessions to date with the Back to Work teams and the outplacement service with the Department of Infrastructure, and the advice is not to take voluntary redundancy, but not to take it if one is going to then assume a reliance on income support.

3.16.3 Deputy M. Tadier:

Is it not the case that, at the point of taking voluntary redundancy, one does not know whether in the future one will end up on income support because one cannot know about the mortgage situation, the housing situation and the likely future employability, especially in the absence of disability and age discrimination legislation? So can the Minister perhaps comment on that and what advice is given by her department in that regard?

Deputy S.J. Pinel:

Yes. Of course, the whole essence of the Back to Work and outplacement services and Advance to Work services are to get people back into work, and of course there is no surety of future for people who have taken voluntary redundancy; all the department advises on is that they should not do this and expect income support automatically, because it works very differently with voluntary redundancy and compulsory redundancy, which is a different issue altogether and in which case income support does step in.

3.16.4 Deputy J.A. Martin:

Yes, just a clarification, really: can the Minister say whether this happens in all departments? I thought the decision to accept voluntary redundancy was to accept whether the job the person was doing was still needed. The Minister I think has just said: "Is still needed and will not end up on income support." Is this across all departments or just issued in her department?

Deputy S.J. Pinel:

No, it is across all departments: it is the difference between voluntary severance and voluntary redundancy as to whether the job is maintained or the job then no longer exists.

3.16.5 Deputy G.P. Southern:

When the Minister says that her department has contingency plans for what might happen in the future is she including in that the fact that these 50 redundancies are to save £2 million, and that the overall aim of this Council of Ministers is to save between £60 million and £70 million? Does she have that in her contingency budget if it should come to pass in the next 3 years as the Council of Ministers seeks to achieve their targets?

Deputy S.J. Pinel:

What we have in the budget is the flexibility to deal with the rise and fall of the demands on income support, which can happen from a day-to-day, week-to-week basis depending on the current situation. We had anticipated at Social Security a big demand on income support when the packing system was in operation that we had over here - I cannot remember the name of it now ... L.V.C.R. (Low Value Consignment Relief); that is the one, thank you - was in operation and, in fact, there was not the demand that we had anticipated. So you can put in contingencies for things that are not required in the end.

3.17 Deputy M.R. Higgins of the Chief Minister regarding defamation by civil servants of members of the public:

What steps will the Chief Minister take as Chairman of the States Employment Board to deal with public servants who have defamed members of the public, whether in writing or orally?

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

Consideration would need to be given to whether the statements were made in the course of an individual's employment or otherwise and, in the latter case, whether it affected their ability to carry out their duties. A decision would have to be made based on the facts of the individual case, having regard to the nature of the statements, the role of the maker and the maker's contractual obligations.

3.17.1 Deputy M.R. Higgins:

The Chief Minister should be aware that I am aware of 4 cases of where individuals have been defamed by officers in the employ of the States. To give one example ...

The Deputy Bailiff:

Well, Deputy, if you can put this into question; this is not a statement about what you are aware of, these are questions to the Chief Minister.

Deputy M.R. Higgins:

Very well, Sir. Does the Chief Minister think it is correct that defamatory statements should go unpunished because at the present time most people who are faced with a defamation claim will not get legal aid and will not be able to fund it? The Chief Minister looks puzzled; I will explain again: I am saying should defamatory comments go unpunished? If people cannot deal with it through the legal course of action, does he think there should be another remedy through the States?

The Deputy Bailiff:

The question is - and Deputy, correct me if I am wrong - that if members in public employment have defamed someone else, should that defamation go unpunished, was that question?

Senator I.J. Gorst:

Surely they should be treated in the way of any member of the public. The first point I want to make is that Deputy Higgins is saying in his opinion that defamation has been either written or spoken. That is his opinion; ultimately, that can only be challenged in a court process. If there are complaints that the Deputy wishes to raise then, of course, the States Employment Board would consider them, but we have to be extremely careful not just to put our personal opinion upon a single piece of correspondence without knowing all the facts of a particular case.

3.17.2 Deputy M.R. Higgins:

For the benefit of the Chief Minister I have also consulted a lawyer on it and again it is their opinion that the comments are highly defamatory. In fact, I have given some documents to the Chief Minister this morning by electronic mail on one case, but there are others. The point is officers are hiding behind defamatory statements and the public do not know what is being said about them. Something needs to be done with this; I am asking the Chief Minister what he would be prepared to do?

[11:45]

Senator I.J. Gorst:

It is not possible to deal with individual cases across the floor of the Assembly, it is not appropriate. The information that the Deputy has forwarded to me this morning is a copy of a correspondence from an officer, which seems appropriate to me, and a copy of a letter from him to that officer. Areas like this, particularly in the area in which those officers are dealing, are extremely complex and difficult, and judgments have to be made. The Deputy is shaking his head; it is his opinion that information in such a letter is defamation, without him knowing all the facts of an individual case. He has to provide a much stronger case if he wants the States Employment Board to consider taking any further action in this regard.

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

4.1 Deputy M. Tadier:

Can the Minister say whether he acknowledges that income inequality is an important indicator of economic performance?

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

Yes.

4.1.1 Deputy M. Tadier:

Does he acknowledge that under his time in Government income inequality has got much worse? We have seen an increase in the number of millionaires in Jersey but we know that the poorest in society are worse off and that the gap between the 2 has widened. Does this concern him?

Senator A.J.H. Maclean:

In principle I think it would concern everybody in this Assembly. I think if the Deputy in particular is referring to the household survey which raised some issues in this regard, it is interesting to note within that survey that, if you take out housing costs, incomes are preferential here compared to the in U.K.

4.2 The Deputy of St. John:

The Minister's department spent £60,000 on producing a Green Paper and a consultation on property tax. Would the Minister advise States Members at any point in time whether we will be getting the responses from that consultation, as we have already been promised it twice and been let down?

Senator A.J.H. Maclean:

The short answer is yes. I did give an update, as the Deputy and Members will remember, at the time of the Budget, and the final published result will come out very shortly.

4.2.1 The Deputy of St. John:

Does the Minister really think it is acceptable that we have had to wait until now to get some form of response from that consultation?

Senator A.J.H. Maclean:

There are very many moving parts with regard to this consultation and the outcome from it; as I have said, I gave an update at Budget time to Members, which I thought was appropriate, and further consideration has been made and put into this particular consultation. As I said, it is going to be reported on, and I think it is right that we do it in a proper fashion.

4.3 Deputy L.M.C. Doublet:

Could the Minister please inform the Assembly if the Council of Ministers is considering following the U.K. in introducing a sugary drinks tax and, if they are, could he tell us whether the revenue from that tax would be ring-fenced to go towards programmes to help with health issues such as obesity and possibly dental issues in children?

Senator A.J.H. Maclean:

I have noted, as other Members will have done, the recent announcement in the U.K. Budget in this regard. I note that they have intended to ring-fence some of the revenues raised for specific purposes of sport in schools. All I can say at this stage with regard to Jersey is that the Health Department have for some time, particularly the Medical Officer of Health, been stressing that a similar move here would be beneficial. From a Treasury perspective we have asked Health to work up a paper to look at other jurisdictions, and at the point that we get that we will put in some time to give some consideration to the possibility. I cannot say any more than that; we have not made a decision yet, we are waiting for Health to come back with more information about the possibilities of such a tax being introduced in the future, but no decision is taken.

4.3.1 Deputy L.M.C. Doublet:

I wonder if the Minister could give a commitment here and now that, if that tax would be introduced, at least some of the revenue would be ring-fenced towards Health and children with health issues?

Senator A.J.H. Maclean:

We do not typically hypothecate taxes for specific purposes; however, I have seen the move made in the U.K. All I can say to the Deputy at this stage is if - and there is a big if - we were to introduce a similar tax here in Jersey, first of all I would not imagine the revenue raised would be particularly significant, it would not be intended to be a revenue-raising exercise. The cost of collection would be quite high probably, but any excess revenue I am sure would be put to good use, and fair consideration of the points raised by the Deputy, I am sure, would be made.

4.4 Deputy G.P. Southern:

The Minister mentioned at the last session that he was considering funding the hospital, in part at least, by the issuance of a bond. Where would he charge and what revenues would he use in order to service that bond, should it occur?

Senator A.J.H. Maclean:

I stress again that no decisions have obviously been made in this regard, but I did give an indication that the department has been looking at, as Members would expect, a number of different options for funding a hospital. Part of what I described I think as a blended solution is the possibility of a bond. One way in which that could be paid for from a revenue perspective would be from excess returns on the Strategic Reserve. That is some of the advice that we have received from an independent external expert adviser.

4.4.1 Deputy G.P. Southern:

Surely, if that is the case, then it is far simpler and cheaper to use the Strategic Fund *per se*, in and of itself, rather than to mortgage our future paying back seemingly in, I do not know, 30 or 40 years?

Senator A.J.H. Maclean:

Not necessarily, and as I have said, this is not an opinion that I am putting forward as my own opinion; we have had independent external advice which suggests that excess returns on the Strategic Reserve could indeed pay for the interest payments, known as the coupon, on a bond of that nature. Of course, I hasten to add, that would depend on the level of the bond, and for that we need to know, first of all, a site and therefore the final configuration and cost of the hospital.

4.5 Deputy S.Y. Mézec:

When the Minister stood for election he said that raising taxes was going to be a last resort, and we found out very shortly afterwards that it was a first resort and that plans for a health tax were being considered. Could I ask him to update the Assembly on how much progress has been made for these plans for this health tax, what format he envisages it will take, how much the average Jersey family will be paying in extra tax as a result of it and, specifically, what will be done to help shelter the lowest earners from the effects of this tax?

Senator A.J.H. Maclean:

First of all, to correct the Deputy, this is not a first option that was presented, and he knows that; it was quite simply a package that was put together to deal with the situation that we have found ourselves in that we need to deal with in terms of ensuring that we have sustainable public finances

for the future, for the long term - for our children and our grandchildren - and that is what we have set out to do. Charges, potential charges, such as the one referred to by the Deputy, are in the latter part of the Medium Term Financial Plan. We are one of those governments that plans in the medium term and in the longer term not just short term. In terms of the detail that the Deputy asks, those options are being considered at the moment and will be brought forward. I am not going to offer up speculation here in the Assembly as to a number of potential ways in which a charge of that nature could be funded.

4.6 Deputy S.Y. Mézec:

If it came as part of a package then it was a first resort because the package all came together in one piece, so it is simply not accurate what the Minister said before. Will the Minister give an undertaking then in the discussions about the form of this health tax that he will personally make it a priority to make sure that he will not endorse any proposals which come forward which have a regressive effect of the taxation levels of the poorest in society and which shelter those in the middle? Would he agree that to do so would be appropriate given the potential effect on economic growth that it could have to reduce the spending power of the people who proportionately spend most of their income in the local economy?

Senator A.J.H. Maclean:

We have a principle with taxation to ensure that we keep it low, broad, simple and fair, and I think what the Deputy is referring to is the latter point there, which is fair. I am sure that both myself and the Council of Ministers and all Members of this Assembly in approving any form of future charge or tax would be considering and focusing very clearly on the element of fairness.

4.7 The Connétable of St. Mary:

It is often said: "Take care of the pennies and the pounds will take care of themselves." With that in mind, does the Minister think it was necessary to include a full reprint of R.67/2011, a document running to 70 pages and already in the public domain, when answering written question number 3 this morning? Does he not think he should be taking the example of the Minister for Social Security, for example, in answering question 2, who just put a hyperlink to the document?

Senator A.J.H. Maclean:

Yes.

4.8 Deputy A.D. Lewis:

Does the Minister consider an individual with an annual income of over £130,000 to be a high earner and, if so, does he not think that such an individual should be paying the full rate of 20 per cent income tax? Otherwise this simply is not in the spirit of the concept of 20 means 20.

Senator A.J.H. Maclean:

The Deputy has been interested in this subject for some time and he is referring, of course, to the marginal rate system that we have in the Island. I have to say that, to be fair, the system has worked very well over quite a number of years. What it seeks to do is have a gradual increase in the burden of tax paid. Of course, it includes very generous exemptions to support some priorities this Assembly set, which is to support local families, in particular. So you can have a single person who can be earning £61,000 and be on a standard rate of tax at 20 per cent. As the Deputy says, you can have other individuals that perhaps go up to £120,000 or £130,000, depending on circumstances: numbers of children, mortgage and so on. But what we do see is the effective rate is the rate that one needs to concentrate on. You may have an individual or a family on a rate of

19 per cent and earning £120,000 a year but, if their circumstances include a number of children and other things, that is supporting the policies of this Assembly. I think, overall, it is reasonable.

4.8.1 Deputy A.D. Lewis:

Could the Minister, though, tell me does he think somebody earning £130,000 a year is a high earner or not, yes or no?

Senator A.J.H. Maclean:

For many people, when you look at the average earnings list, you would say that £130,000 is somebody who is earning a good salary, without any question of doubt, but it is impossible to have a discussion that is meaningful without knowing the circumstances of the individual in question, as I have said, the number of exemptions that are available to them, the number of children and so on. The system is generally fair; no tax system is perfect but I think overall we have a pretty good one.

Deputy A.D. Lewis:

I will take that as a yes.

4.9 Deputy J.M. Maçon:

Further to my written question to the Minister today, which appears to be abandoning the principle of the Green Paper stage, how will the public be able to influence the development of the new health tax and charge?

Senator A.J.H. Maclean:

Through their elected representative, including the Deputy, who I am sure will make his views very clearly known.

4.10 Deputy G.P. Southern:

Will the Minister follow the indicator of the Chancellor of the Exchequer in the U.K., who has been reducing or limiting the ways in which business can offset tax to pay less tax, and operating similarly here: reducing the amount that businesses can offset against tax?

Senator A.J.H. Maclean:

Having reference to the recent news I am not sure following the Chancellor would be necessarily a wise decision. That said, there have been a number of amendments in the Budget and proposals in the Budget, which is a budget to support business, because the U.K. Chancellor recognises that supporting business ultimately leads to more jobs, greater job opportunities, greater tax receipts. Some of the new initiatives that have therefore been presented, I can assure the Deputy, will be looked at to see if opportunities do exist. Of course, we have a very welcoming and useful tax system currently with our zero rate, which is very supportive of businesses in any event, but we will always look at initiatives that help to support the economy generally.

4.10.1 Deputy G.P. Southern:

When he has examined these mechanisms, will he bring a short report to the States to inform us as to what he is considering?

Senator A.J.H. Maclean:

That is a possibility, yes. I would say that quite often at Budget time matters that are considered are indeed brought out in, and as part of, that particular process.

4.11 Deputy L.M.C. Doublet:

Could the Minister tell us whether other Ministers will be encouraged or permitted to submit further growth bids for their departments in the next round of the M.T.F.P.?

Senator A.J.H. Maclean:

It is not for the Minister for Treasury and Resources to encourage Ministers to spend money [**Laughter**]; one might say quite the opposite. I can assure the Deputy, however, that Ministers are never slow in coming forward where genuine opportunities present themselves, and that leads to some quite robust dialogue within the Council of Ministers to ensure that only the best projects are indeed supported financially.

[12:00]

5. Questions to Ministers without notice - The Chief Minister

5.1 Deputy M. Tadier:

The Chief Minister said earlier that he wanted to grow the economy to benefit everybody. Does he admit though that, contrary to that statement, under his model the gap between the rich and the poor in Jersey is widening and that, in making cuts and privatising jobs, he is making the working people poorer? Far from helping everybody, is his Government a Government for the rich which is more than happy to target cuts at single parents, the poor, the disabled, the elderly and the vulnerable; have I left anybody off there? Oh, yes, let us add the young to that as well, rather than admitting that their tax and spend model is broken?

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

No, I do not and I do not think they would expect me to. The Deputy has asked me similar questions, as have his 2 colleagues in the back row, on a number of occasions. I can reiterate my answers that I gave on that occasion, if you so wish. The Deputy knows that the priority that we have been delivering on over the last 4 years is supporting people to get into work, because that is a fundamentally important part about securing every individual's economic future. The gap between the wealthiest and the poorest might be an interesting thing that we can spar over across this Assembly, but for us the important thing is not whether the wealthy are wealthier but it is whether we are creating jobs for the most vulnerable in our community to get into work to become economically self-sufficient.

5.1.1 Deputy M. Tadier:

Does the Minister not accept that we would not need to support people into work if we were not firing them from decent jobs and putting them into either unemployment or poorly-paid jobs? More to the point is does he acknowledge, like his Minister for Treasury and Resources has just acknowledged, that in fact income inequality is a key indicator in an economy, but also in a society as to how it is faring morally? Should he perhaps agree with his Minister for Treasury and Resources and have a discussion about how it is not simply about creating more money out there but how that money is divided up throughout its constituent parts in society?

Senator I.J. Gorst:

It is fun to discuss with the Deputy a revisionist view of the economic downturn that we have experienced since 2008 and suggest that, simply because of the introduction of the M.T.F.P. and the restraint that we are placing on the growth of the cost of government, everything that has happened since 2008 is a result of the M.T.F.P. that we introduced only at the start of this year, which is what the Deputy seems to be doing. The Deputy knows that the economic advice when we lost L.V.C.R. - and we fought to retain it, and over 1,000 people lost their jobs in our community - that

we have put tens of millions of pounds into helping people back into work that were put out of work as a result of the economic downturn. That has been successful, because we have seen fewer people unemployed than we expected, we have seen greater levels of employment. This latest indicator shows that we are the greatest number of employed in our community ever; it is something like 59,000. We are putting more effort into getting people into work; that is fundamentally important to create economic security for the most vulnerable in our community. It was a long question and I appreciate I have only got 90 seconds to answer, so I will sit down.

5.2 The Connétable of Grouville:

Later in the sitting we will be debating Deputy Labey's proposition regarding the La Collette low-rise development. Despite 4½ months elapsing since it was lodged, once again the Council of Ministers' comments paper came in late with the lame excuse that the decision to develop the briefing note was taken relatively late but it was considered important to help Members better understand the sequence of events and site issues, including the previous decisions of the Assembly on La Collette. Could the Chief Minister tell us why the decision was taken late and why the proposition was not taken seriously in the beginning, and when was the decision taken to produce a brief for Members?

Senator I.J. Gorst:

I am not aware that the actual comment was late under Standing Orders; if it was then I apologise for that. The decision made to finalise a comment was in the normal process of business. We look at forthcoming business as a Council of Ministers and we agree the basis of a comment and then that is delegated to the relevant Minister to issue those comments. I am not aware that it was ... okay, people are nodding their heads and saying it was; if that is the case, I apologise, but I still stand by the comments.

5.2.1 The Connétable of Grouville:

It was late in the Order Paper, I understand, and it is not the first time, otherwise I probably would not have mentioned it. Would the Chief Minister accept that continued late tabling of comments papers is unacceptable and will he make sure that deadlines are adhered to?

Senator I.J. Gorst:

I do not have the statistics for the amount of late papers there have been in relation to the entire number of papers that we lodge in this Assembly but I expect that it is extremely few and there are legitimate reasons why that is the case. Sometimes it relates to other decisions that may be being made on a particular issue. As a general rule, we try to ensure that we meet the Friday deadline, where we do not, we apologise and we always try to improve our performance.

5.3 The Connétable of St. Helier:

On 3rd November 2014 when the Chief Minister stood for his position he was asked about the possibility of an elected speaker of the States and he said as follows: "We need to start a conversation with our community about how we can deliver the separation of powers and yet how at the same time we can respect the historic role of the Bailiff." I wanted to ask him how that conversation was going.

Senator I.J. Gorst:

The Connétable may not be aware, but I have written and attended upon P.P.C. and discussed these matters, and P.P.C. is the appropriate body to take these issues forward, and I understand that they are doing so.

5.4 Deputy G.P. Southern:

At a recent high-level meeting in Brussels, why was the Island represented by an officer and not by the Minister for External Relations when discussing and answering questions, in a very broad sense and not in a technical sense, on our policies and our good-neighbour relations?

Senator I.J. Gorst:

I cannot agree with the Deputy. It was an extremely technical hearing before the Taxe 2 Committee. When I met the Chairman of the Taxe 1 Committee over 12 months ago, while that committee was still in existence, we spoke about the matters that the committee were considering and I offered then to send officials over to appear before the committee and to answer any questions they might have about Jersey, about its financial services sector, about our compliance with international standards. I gave that undertaking and that undertaking was met with the appearance, not only of a Jersey official but a Guernsey official, on the 14th of this month, answering questions on our behalf. They did an excellent job. That was not a dissimilar model that other small countries made before that same committee the following day.

5.5 The Deputy of St. Ouen:

The Chief Minister has previously stated that the *Higher Education Report* would be issued in the first quarter of this year. Can the Chief Minister confirm the precise date on which it will be issued?

Senator I.J. Gorst:

Yes, the Treasury Department and the Education Department leading have done a lot of work on this. It was started of course by the former Assistant Minister for Treasury and Resources and I thank everyone who has been involved. I understand from the Education Department that they will be providing me with a copy before the end of this month and therefore I will not quite have it ready for the Assembly by the end of the month, but it will be ready for the Assembly after the Easter break, by the end of April.

5.6 Deputy L.M.C. Doublet:

I want to follow up on a question that the Deputy of St. John asked the Chief Minister about improving the public's trust in the Government, and he said that he was going to be trying to involve the public in decision-making at an earlier stage. Could he outline any progress on this; how is he planning to do that? Also, I was thinking earlier that the Chief Minister apologised for something - a comment I did not hear - and I thought that was a very noble demonstration of leadership. Does he agree with that: that being able to apologise is part of good leadership? Does he think that the Government does that enough when things go wrong and is that something that the Council of Ministers needs to look at possibly in improving the public's trust in Government; simply being able to say: "Look, we are human. Sorry, we made a mistake, we will not do it again, we are willing to do this to make it better"?

Senator I.J. Gorst:

I suppose my personal view is I think that apologising, while it is difficult, is an important part of leadership; that is not a view of leadership shared by many other people. I am not sure whether politicians lead the media or it is the other way round, but that is perhaps why we live in a society where apology seems the most difficult thing to do. For me it is the reverse: when things have not gone right, as I in the heat of the moment responded in an inappropriate way to the accusation that Deputy Mézec had given to me about whether I was listening to him or not, if one is wrong, one

should apologise and move on. Engaging with the public, we have started, and since I last answered the question of the Deputy, both myself - I have attended one - and my Assistant Minister, I am very grateful, has attended 2 other extensive briefings on the long-term planning framework, and part of that framework and part of that engagement is to reset the dial about involving the public in where we are going as an Island over the next 20 or 30 years. So we are starting to make good progress on that.

5.7 The Connétable of St. John:

During the P.46 debate the Chief Minister informed this Assembly that: “This Assembly is the ultimate decision-making authority.” Could he please reaffirm this position?

Senator I.J. Gorst:

I know that some Members have an exceptional memory for knowing what P. numbers were and what debates they are; I do not, I need to know what the issue was. Having said that, of course, this Assembly is a decision-making body; what it cannot do, and we may be driving at one of the debates that we are having to consider this afternoon, is it cannot be right if this Assembly makes a decision to pass to a body to make legally-binding decisions upon external applicants then we want to take that power back to ourselves. That is where a confusion may arise.

5.8 Deputy A.D. Lewis:

In spite of an earlier question from Deputy Tadier, would the Chief Minister agree with me that Jersey has some of the lowest taxes in the world, as I illustrated in my earlier question to the Minister for Treasury and Resources, in that household incomes can be as high as £130,000 yet still such individuals pay less than 20 per cent in tax?

Senator I.J. Gorst:

Yes, I would.

5.9 Deputy S.Y. Mézec:

One of the few policies that Chief Minister had the grace to announce before his election was his views on the dual role of the Bailiff. Could the Chief Minister confirm whether or not his policy on this remains the same as it was before the election and, if it is the same, could I ask him why he appears to not be taking any lead at all on this subject, given that he clearly does have a mandate for it?

Senator I.J. Gorst:

I am not sure, but I seem to recall that the questioner is a member of P.P.C., under whose remit this matter rightly falls, and therefore I am not sure whether the Member is trying to put a difficult issue back in my direction. My position on this matter remains the same: it is clearly recorded in a comment that I presented to this Assembly during the course of the last Government, and I stand by that position.

5.10 Deputy G.P. Southern:

The Chief Minister seemed to indicate in his earlier answers that they were looking at increasing employment in health and education. Would he rather that we were more efficient and effective rather than saying we just simply take on more bodies in those particular areas?

Senator I.J. Gorst:

Those are not mutually-exclusive; we are doing both.

5.11 Deputy J.A. Martin:

I want to push the Chief Minister on the late comments on P.139 - La Collette Low Rise - because the Chief Minister said earlier that they look on the Order Paper to see what is coming up.

[12:15]

Now, this is the first time that this proposition has not been moved since 9th November last year. Is this what Back-Benchers have to do to make sure they get the comments in time and then with a late “no”? I have just seen these comments and it is my district. The Minister has not explained why. There is nothing changed since late last year. These comments have taken 4 or 5 months to deliver, not late, absolutely ridiculous time.

The Deputy Bailiff:

The question was what?

Deputy J.A. Martin:

Why? Is this how the Minister is treating Back-Benchers' propositions, keep the comments very late so you have no time? We do not have highly paid civil servants sitting behind us.

Senator I.J. Gorst:

I am sorry, I do not think I have any further comments to make in this regard. I have apologised. I now have the comments in front of me and I see that they were, indeed, late and it clearly says why that was the case.

The Deputy Bailiff:

That brings the question time available for the Chief Minister to an end. There are no matters under J and K, so we come on to L, Public Business.

PUBLIC BUSINESS

6. Social Security Tribunal: appointment of Deputy Chairmen and reappointment of Members (P.11/2016)

The Deputy Bailiff:

The first item is the Social Security Tribunal: appointment of Deputy Chairmen and reappointment of Members, P.11/2015, lodged by the Minister for Social Security, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 33A of the Social Security (Jersey) Law 1974, and further to a process overseen by the Jersey Appointments Commission, to appoint Advocate David Benest and Advocate Bryan Ian Le Marquand as deputy chairmen of the Social Security Tribunal, each for a period of 5 years, and to reappoint Mr. Alan Hall, Mr. Sam Le Breton and Mr. John Moulin as panel members of the Social Security Tribunal, each for a period of 4 years.

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

I am very pleased to propose the appointment of 2 new deputy chairmen, Advocate David Benest and Advocate Bryan Ian Le Marquand, and the reappointment of 3 panel members, Mr. Alan Hall,

Mr. Sam Le Breton and Mr. John Moulin, to the Social Security Tribunal. The tribunal deals with appeals regarding contributory benefits under the Social Security Law, such as the old-age pension or maternity allowance, benefits paid under the Health Insurance Law, and decisions and awards of long-term care or income support that are not medical in nature. A tribunal panel consists of a legally qualified chair or a deputy chair and 2 lay people. It is very important to have a robust tribunal process which goes towards ensuring fair and reasonable decision-making. Advocate Sarah Fitz was appointed as chairman in December 2015. The appointment of 2 deputies provides strength and depth to the tribunal service to continue their work in ensuring robust processes and standards across the 3 tribunals which hear appeals on decisions of my department. The recruitment process for the deputy chairmen was overseen by the Appointments Commission and the reappointment of panel members in accordance with the Jersey Appointments Commission code for quangos and tribunals, which currently recommends members serve a maximum of 9 years. I am satisfied that all proposed have the appropriate professional qualifications and/or experience to take on these roles. At this point, I would also like to take the opportunity to voice my thanks to Advocate Marian Whittaker, who has recently resigned from the Social Security Tribunal as her term of office comes to an end. Advocate Whittaker has been involved in the tribunal process for many years and I am grateful to her for that involvement and the good standing she has left. I ask Members to agree that the deputy chairmen are appointed to the Social Security Tribunal for a 5-year term of office starting from 22nd March 2016 and the panel members reappointed for a term of 4 years from 22nd March 2016. I ask Members to support the proposition.

The Deputy Bailiff:

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

6.1.1 Deputy M. Tadier:

I just have a question for the Minister as to whether she knows in the past whether we have had any other former States Members and possible future States Members who are also former States Members who have been appointed to this position and if there are any considerations around that.

6.1.2 Deputy S.J. Pinel:

I thank the Deputy for his question. I am not aware of any former States Members having been or put their names forward, but it is not Social Security that appoints these people. The appointments position is dealt with by the Judicial Greffe and the Appointments Commission oversee the whole appointment.

The Deputy Bailiff:

If no other Member wishes to speak, do you wish to reply, Minister? I think you already have replied, have you not, in effect? Yes.

Deputy S.J. Pinel:

I think I have, Sir, thank you.

The Deputy Bailiff:

Treat it as a question and answer rather than anyone else speaking, yes. Very well, all Members in favour ...

Deputy M. Tadier:

Could we have the appel, please?

The Deputy Bailiff:

The appel is called for. I would ask Members to return to their seats. If all Members have had the opportunity of returning to their seats, I would ask the Greffier to open the voting. If Members have had the opportunity of voting, I ask the Greffier to close the voting.

| POUR: 37 | CONTRE: | ABSTAIN: 2 |
|-----------------------------|----------------|-----------------------|
| Senator P.F. Routier | | Deputy M. Tadier (B) |
| Senator A.J.H. Maclean | | Deputy S.Y. Mézec (H) |
| Senator L.J. Farnham | | |
| Senator P.M. Bailhache | | |
| Senator A.K.F. Green | | |
| Senator Z.A. Cameron | | |
| Connétable of St. Clement | | |
| Connétable of St. Peter | | |
| Connétable of St. Lawrence | | |
| Connétable of St. Mary | | |
| Connétable of St. Ouen | | |
| Connétable of St. Brelade | | |
| Connétable of St. Martin | | |
| Connétable of St. Saviour | | |
| Connétable of Grouville | | |
| Connétable of St. John | | |
| Connétable of Trinity | | |
| Deputy J.A. Martin (H) | | |
| Deputy of Grouville | | |
| Deputy J.A. Hilton (H) | | |
| Deputy J.A.N. Le Fondré (L) | | |
| Deputy of Trinity | | |
| Deputy K.C. Lewis (S) | | |
| Deputy of St. John | | |
| Deputy J.M. Maçon (S) | | |
| Deputy S.J. Pinel (C) | | |
| Deputy of St. Martin | | |
| Deputy R.G. Bryans (H) | | |
| Deputy A.D. Lewis (H) | | |
| Deputy of St. Ouen | | |
| Deputy L.M.C. Doublet (S) | | |
| Deputy R. Labey (H) | | |
| Deputy S.M. Wickenden (H) | | |
| Deputy S.M. Brée (C) | | |
| Deputy T.A. McDonald (S) | | |
| Deputy of St. Mary | | |
| Deputy G.J. Truscott (B) | | |

7. Income Support Medical Appeal Tribunal: appointment of Deputy Chairmen (P.12/2016)

The Deputy Bailiff:

The next item of Public Business is the Income Support Medical Appeal Tribunal: appointment of Deputy Chairmen, lodged by the Minister for Social Security. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 9 of the Income Support (Jersey) Law 2007, and further to a process overseen by the Jersey Appointments Commission, to appoint Advocate David Benest and Advocate Bryan Ian Le Marquand as Deputy Chairmen of the Income Support Medical Appeal Tribunal, each for a period of 5 years.

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

I am pleased to propose the appointment of 2 new deputy chairmen, Advocate David Benest and Advocate Bryan Ian Le Marquand, to the Income Support Medical Appeal Tribunal. The tribunal deals with appeals regarding medical grounds affecting a claim to income support, the level of care being provided affecting the award of home carer's allowance, and care levels affecting the award of long-term care. A tribunal panel consists of a legally qualified chair or a deputy chair, a medical practitioner and a lay person, being an individual who has an understanding of the impact of disability through their own experience. Advocate Sarah Fitz was appointed as chairman in December 2015. The appointment of 3 deputy chairmen will provide strength and depth to the tribunal service to continue their work in ensuring robust processes and standards across the 3 tribunals which hear appeals on decisions of the department. The recruitment process was overseen by the Appointments Commission and I am satisfied that those proposed have the appropriate professional qualifications and will bring considerable knowledge and experience to this role. I ask Members to agree that the proposed candidates are appointed to the Income Support Medical Appeal Tribunal for a 5-year term of office starting on 22nd March 2016. I ask Members to support the proposition.

The Deputy Bailiff:

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

7.1.1 Deputy M. Tadier:

I should probably clarify because Members may be bemused as to why I abstained from the previous one and I think the same arguments apply here. I should clarify that it is not because I have any problem with the integrity of those individuals or their capacity to do those roles. I do not. In fact, I think the ones that I know would be well suited arguably to do those jobs. It seems to me that there is a tension potentially here. We have a member who was not only a States Member but he was also a Minister at the time and we know that at the time and currently, even though there was no official collective responsibility back then, that Ministers did regularly sit around and discuss legislation and policy. What we have here is a result arguably that some of the decisions that will be being made and contested here will be based on ministerial policy which could have been influenced at the time. We are not subject to what those discussions were or what decisions were made in those confidential meetings that the Council of Ministers have, and that is why I have a slight perhaps niggling concern about this, not sufficient obviously to vote against but to make me abstain. If that is flawed logic or if it is perhaps overly cautious, then I would be happy to hear from other Members, but I would like to put that on record that it does not in any way impugn those individuals. It is just something that I have a slight concern about.

7.1.2 Deputy G.P. Southern:

I just want to ask the Minister whether she considers that the appointment of 3 deputy chairmen will mean that tribunal processes will be speeded-up in the future because they have in the past been very lengthy procedures where people are waiting for a long time for a decision which materially affects their lives, and whether she considers that this will mean more appropriate times in which decisions can be made.

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on the Minister to respond.

7.1.3 Deputy S.J. Pinel:

I thank both Deputies for their questions. In answer to Deputy Tadier’s question, I can only repeat what I said before that the Social Security Department is not responsible for appointing the chairman and deputy chairmen and I am not aware that there would be any problem with Advocate Le Marquand bringing his incredible experience and knowledge to this post. In answer to Deputy Southern’s question, I totally acknowledge there have been delays, especially in the Medical Appeals Tribunal, inasmuch as it is very difficult to get the constitution of the tribunal, which is why we have changed it now to have a legal chair and some medical practitioners, because trying to find a legal chair and a medical practitioner available at the same time on the same day as the appellant is quite difficult. I know that one tribunal case has been delayed 3 times already because the appellant has been ill, so it is not necessarily always the cause of the tribunal. But I do acknowledge that in previous times there has been a delay because we did not have a fully constituted tribunal.

The Deputy Bailiff:

Those Members in favour of adopting the proposition kindly show?

Deputy M. Tadier:

The appel, please.

The Deputy Bailiff:

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

| POUR: 38 | | CONTRE: 0 | | ABSTAIN: 2 |
|----------------------------|--|------------------|--|-----------------------|
| Senator P.F. Routier | | | | Deputy M. Tadier (B) |
| Senator A.J.H. Maclean | | | | Deputy S.Y. Mézec (H) |
| Senator L.J. Farnham | | | | |
| Senator P.M. Bailhache | | | | |
| Senator A.K.F. Green | | | | |
| Senator Z.A. Cameron | | | | |
| Connétable of St. Clement | | | | |
| Connétable of St. Peter | | | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. Saviour | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. John | | | | |
| Connétable of Trinity | | | | |

| | | | | |
|-----------------------------|--|--|--|--|
| Deputy J.A. Martin (H) | | | | |
| Deputy G.P. Southern (H) | | | | |
| Deputy of Grouville | | | | |
| Deputy J.A. Hilton (H) | | | | |
| Deputy J.A.N. Le Fondré (L) | | | | |
| Deputy of Trinity | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy of St. John | | | | |
| Deputy M.R. Higgins (H) | | | | |
| Deputy J.M. Maçon (S) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Martin | | | | |
| Deputy of St. Peter | | | | |
| Deputy A.D. Lewis (H) | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |
| Deputy R. Labey (H) | | | | |
| Deputy S.M. Wickenden (H) | | | | |
| Deputy S.M. Bree (C) | | | | |
| Deputy T.A. McDonald (S) | | | | |
| Deputy of St. Mary | | | | |
| Deputy G.J. Truscott (B) | | | | |

8. Social Security Medical Appeal Tribunal: appointment of Deputy Chairmen (P.13/2016)

The Deputy Bailiff:

The next item of Public Business is the Social Security Medical Appeal Tribunal: appointment of Deputy Chairmen, lodged by the Minister for Social Security. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 34 of the Social Security (Jersey) Law 1974, and further to a process overseen by the Jersey Appointments Commission, to appoint Advocate David Benest and Advocate Bryan Ian Le Marquand as Deputy Chairmen of the Social Security Medical Appeal Tribunal, each for a period of 5 years.

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

I am pleased to propose the appointment of 2 new deputy chairmen, Advocate David Benest and Advocate Bryan Ian Le Marquand, to the Social Security Medical Appeal Tribunal. The tribunal deals with appeals regarding the award of long-term incapacity allowance. A tribunal panel consists of a legally qualified chairman or deputy chairman and 2 medical practitioners. Advocate Sarah Fitz was appointed as chairman in December 2015. The appointment of 3 deputies provides strength and depth to the tribunal service to continue their work in ensuring robust processes and standards across the 3 tribunals which hear appeals on decisions of my department. The recruitment process was overseen by the Appointments Commission and I am satisfied that those proposed have the appropriate knowledge, qualifications and will bring considerable knowledge and experience to this role. I ask Members to agree that the proposed candidates are appointed to the Social Security Medical Appeal Tribunal for a 5-year term of office starting from 22nd March 2016. I ask Members to support the proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak, then all Members in favour of adopting the proposition kindly show? Those against? The proposition is adopted.

9. La Collette Low Rise Development: direction to Andium Homes Ltd (P.139/2015)

The Deputy Bailiff:

The next item is La Collette Low Rise Development: direction to Andium Homes Limited, brought by Deputy Labey of St. Helier. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Treasury and Resources, as representative of the States in their capacity as sole guarantor member of Andium Homes Limited (in accordance with his powers in this regard under Article 2(3) of the Social Housing (Transfer) (Jersey) Law 2013), to give directions to Andium Homes Limited under Article 16 of the company's Articles of Association not to proceed with the current plans in relation to the redevelopment of La Collette Flats (planning application PP.2015/0747), whether or not planning permission has been granted, and to further direct the company to resubmit revised plans which include the retention of the existing green space (currently designated as Protected Open Space) on the site between La Collette Low Rise and the border with Green Street.

[12:30]

Deputy R. Labey:

Sorry, Sir, I probably should have got in before the citation, but I was wondering if I could crave your indulgence. As has been said, the Council of Ministers' comments came in very late yesterday. I would appreciate if I could have the lunch break to consult with colleagues and take this after lunch. Is there a small item of business we could do before?

The Deputy Bailiff:

I am afraid, having read the citation, then it is not a matter that we can now automatically adjourn off. However, it would be open to the States to adjourn early until the lunch if that was what was ... it will be a matter of someone to propose an adjournment and there could be a discussion upon it.

Senator P.F. Routier:

Two things. This proposition, I have a close member of my family who has been campaigning to try and save the green space, so I will not be taking part in this debate, but I would be prepared to propose the adjournment as well.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. Is that seconded? **[Seconded]** Is everyone in favour of adjourning at this point until 2.15 p.m.? Very well, the States stands adjourned until 2.15 p.m.

[12:31]

LUNCHEON ADJOURNMENT

[14:18]

The Deputy Bailiff:

We resume with P.139/2016. The citation has been read so, Deputy, it is for you to now move to your proposition.

Deputy R. Labey:

The late delivery of the Council of Ministers' comments for a proposition that was lodged in November has placed me in some difficulty. I have been unable to consult with my constituents in the Havre des Pas Improvement Group, on whose behalf I bring this proposition. There has been no time to do that and I would like to do that. I would like to take advice on some of their comments. I note that they have not addressed at all the central point at issue with this proposition, which is the Executive seem to have ignored a decision by this House.

The Deputy Bailiff:

Deputy, could I just ask you for assistance? Are you moving the proposition now or are you asking for something else?

Deputy R. Labey:

I would like to ask the Assembly's permission to delay the proposition.

The Deputy Bailiff:

You have an absolute right to withdraw the proposition because the debate has not as yet been opened, and that would enable you to table it subsequently. That is certainly within Standing Orders. It seems to me that you cannot defer it as a matter of right now that the citation has been read, but I think with the leave of the Assembly you could defer it to another sitting, to add as a formal item of business on another occasion, as the debate has not yet been opened on it and you have not yet moved the proposition.

Deputy R. Labey:

I would like to ask the Assembly if I could have their permission to do that.

The Deputy Bailiff:

Then what would you like to propose?

Deputy R. Labey:

That we delay the proposition, defer it. [Aside] Well, I can withdraw or re-lodge anyway. I am just asking the Assembly if I can have their permission to defer it.

The Deputy Bailiff:

How long do you wish to defer it for?

Deputy R. Labey:

Two weeks.

The Deputy Bailiff:

So you are proposing to the Assembly that instead of taking this item of business now you would take it at the next sitting of the Assembly?

Deputy R. Labey:

Yes.

The Deputy Bailiff:

Well, that is the proposition. I think that proposition is in order. Is it seconded? **[Seconded]** Does any Member wish to speak on the proposition? Deputy Tadier.

Deputy M. Tadier:

Obviously, one will do whatever the Deputy wants; it is his proposition. It would be useful to know, though, having experienced some of the practices of the Council of Ministers in the past when propositions have been tabled, then in the meantime they or their quangos just go ahead and start either building or perceivably in this case demolition work, it would be nice to have an assurance from the Minister that no steps will be taken that would render the proposition in 3 weeks' time essentially redundant.

The Deputy Bailiff:

I am not sure the Minister ... this is simply a discussion on whether or not the matter can be adjourned in the way requested by the Deputy and there does not appear to be a Minister ...

Deputy M. Tadier:

Sorry, I think my point is related to that. It would be helpful I think for Members to know whether they support this or not because I think many Members agree with the principles that are being put forward by the Deputy. I think many Members want him to maintain the proposition but that is for him, and I think it is germane to the way we vote, especially now because the Minister does have an opportunity to address these issues.

Senator A.J.H. Maclean:

Just very briefly, if it will help the Deputy and other Members, I can assure Members that between now and the next sitting in 3 weeks' time nothing will be happening and in any event this matter is subject to the Planning Appeals Committee appeal process. So hopefully that will satisfy Members that there is plenty of time for the recess of 3 weeks if that is what the Deputy wishes Members to support.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition to adjourn? Deputy Labey, did you want to answer any of the other points that have been ...?

Deputy R. Labey:

There has been a small development this lunchtime via the Minister for Treasury and Resources pertaining to the third party appeal for the La Collette development, which I would like the opportunity to discuss with the Havre des Pas Improvement Group, which I could do in the intervening period. I would repeat my call for the Council of Ministers to add to their comments and consider addressing the point, which they do not do in these comments, 10 pages long. They completely ignore the fact that P.78 was won by this House and a lot of people in this House have spoken to me and I know feel very strongly that a decision made in this House should be acted upon. They have not addressed that and I think it would be helpful to say the least if they were to address that point in their comments. But other than that, I hope the delay is approved.

The Deputy Bailiff:

Very well, the proposition is that the debate on this matter is delayed until the next sitting of the States Assembly. Those in favour of that delay kindly show? Those against? Very well, the matter is delayed.

10. Draft Children's Property and Tuteurs (Jersey) Law 201- (P.156/2015)

The Deputy Bailiff:

We move on to the next item of Public Business, which is the Draft Children's Property and Tuteurs (Jersey) Law, lodged by the Chief Minister, and I ask the Greffier ... perhaps before I ask the Greffier to read the citation, are you able to say, Senator, whether there is someone who is able to move the proposition?

Senator A.K.F. Green:

I can do my best. I know a little bit about it.

The Deputy Bailiff:

Do we know when the Chief Minister is expected to be back in the Assembly?

Senator A.K.F. Green:

A few minutes, Sir.

The Deputy Bailiff:

Is the Minister for Environment able to go ahead with the E.U. (European Union) legislation? Would States Members agree that as the Chief Minister is not present we take this next one out of order? I am asking Members if Members agree that we take the matter out of order. Deputy Martin, did you have an observation?

Deputy J.A. Martin:

If it was a Back-Bencher they would be expected to be here. The Council of Ministers can have a rapporteur and nobody is here. I am not accepting of it and it is a principled matter.

The Deputy Bailiff:

I am in the hands of the Assembly as to which item of business is taken next. The next piece of ...

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

May I make the suggestion that we go to P.5 but P.156 is moved on to the next paper at the next sitting?

The Deputy Bailiff:

Very well, Chief Minister, we are slightly overtaken by events and we are now ... the next item on the Order Paper is the Draft Children's Property and Tuteurs (Jersey) Law lodged by the Chief Minister. I ask the Greffier to read the ...

Senator I.J. Gorst:

Please do not ask the Greffier to read. This item is due ... it has come from the Legislation Advisory Panel and Senator Bailhache is acting as rapporteur. Senator Bailhache has at this point a medical appointment. If we finish the rest of the business during the course of the afternoon prior

to his return, then we will have to hold it over until the next sitting, but perhaps we could wait and see, please.

The Deputy Bailiff:

I think that is the next item on the Order Paper. It is for a proposition to be put to defer it to the end of the sitting. Chief Minister, is that the position, to take it as the last item of business? Is that your proposition?

Senator I.J. Gorst:

Indeed, or I will simply move it, whichever the Members prefer.

The Deputy Bailiff:

You are entitled to move it, of course, to the next sitting.

Senator I.J. Gorst:

In that case, I will move it to the next States sitting. Thank you.

The Deputy Bailiff:

Very well, that is now moved to the next Assembly.

11. Draft E.U. Legislation (Veterinary Checks - Imports from Third Countries) (Jersey) Regulations 201- (P.5/2016)

The Deputy Bailiff:

The next item is the Draft E.U. Legislation (Veterinary Checks - Imports from Third Countries) (Jersey) Regulations, lodged by the Minister for Environment. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft E.U. Legislation (Veterinary Checks - Imports from Third Countries) (Jersey) Regulations 201-. The States, in pursuance of Article 2(2) of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following Regulations.

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

I am tempted to ask if I could move this to the next sitting, **[Laughter]** but I do not think Members would take too kindly to that. Members may have noted that I have 2 pieces of veterinary legislation for debate today, this being the first. Members will also be aware that I have another 3 pieces of legislation in the same vein for the next sitting. I just want to say that this is a deliberate attempt to bring our veterinary laws up to date between now and the summer. European Community rules in the field of veterinary animal health, food and animal feeding stuff legislation must be part of law in Jersey to meet obligations set out in Protocol 3 of the Act of Accession to the United Kingdom to the European Community's 1972 European Community Regulations in these areas. They have a direct application to Jersey. To comply with these obligations for international trade, Jersey must administer and enforce regulations in these subject areas under domestic law. These regulations enable administration and enforcement of Council Directive 91/496. The directive provides the principles for official controls applying biosecurity measures which minimise the risk of introduction of animal disease into the E.U. and consequently to Jersey. Animals other than pets entering the E.U. from countries that are not E.U. Member States - known as third countries - must be subject to checks before entry. Entry points - known as border inspection posts

where checks are conducted to ensure import conditions have been met - are designated officially approved locations with suitable facilities and staff. For practical and economic reasons, Jersey neither has nor aspires to have a border inspection post and animals from third countries which are destined for Jersey are subject to necessary controls in a Member State. In practice, this is frequently but not invariably a border post in the U.K. When a species imported is subject to E.U. agreed control measures - these are known as harmonised controls - it must be accompanied by an official veterinary health certificate issued in the country of origin and demonstrate compliance with requisite E.U. legislation. Only certain species and only from countries on an approved list are permitted entry. The list of approved countries are often found on the back of the E.U. legislation governing the movement.

[14:30]

For animals not subject to harmonised controls, national controls are applied by Jersey. The requirements laid down in these Regulations include notification of an import and an enabling mechanism for approval of quarantine for a post-import period where this is considered necessary. The Regulations provide powers to check a consignment and apply proportionate controls in the case of non-compliance being identified. These controls range from a seizure and slaughter with carcass destruction when animals pose a danger to human or animal health to options of quarantine and any other necessary actions to prevent introduction or spread of disease or re-exporting the animals subject to satisfactory welfare conditions. The consignor or their representative will be liable for costs incurred taking necessary post-import control measures. A written record of a decision and associated reasons may be requested by the consignor or their representative. As well as powers to control imported consignments, there is power to suspend or add controls to imports from a third country where there is a reason to believe Jersey's animal or human population may be at risk. Commensurate with the requirements of the Regulations, there are powers of entry to premises where it is suspected an offence is or has occurred and powers to investigate, including taking samples and carrying out tests. Offences are created when the Regulations are breached or if a duly authorised officer is hindered or obstructed in their duties. In accordance with user pays policy, there is provision for prescribed fees by order and to recover expenses reasonably incurred in connection with the exercise of any power provided by the Regulations. Although trade to Jersey from third countries does not involve a large number of animals, these Regulations provide and demonstrate the Island has necessary controls underpinning our international reputation. I commend them to the Assembly and propose the principles.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? The Deputy of St. John.

11.1.1 The Deputy of St. John:

Reading through this particular piece of legislation there were 2 recurring themes that came out at me. One was the mentioning of E.U. again, which I have seen in various documentation in the last year, but also the user pays element, aware of the types of processes that we are going through during this term with regards to savings and efficiencies and making the public sector more efficient. I am basically going to be asking the Minister certain specific questions so it is not going to be a big or rousing speech or anything like that. It concerns me when we receive legislation with E.U. stamped on it, especially where it is stated that we are just bringing it in, we are doing this anyway, we are already doing this, we are already required to do this but we are going to bring in the legislation. So notwithstanding our commitment and agreement to E.U. law for purposes of

trade, the actual Council Directive that is referred to, 91/496, was established in July 1991, so why have we waited 25 years to demonstrate compliance with these obligations? Has there been pressure placed on us from outside influences or are we just being told what to do? This also allows for the power to introduce fees. Does the Minister know how much this will be and what effect it may have on trading entities going forward? If there is anything more required for compliance, then what is already being done now? How can there not be any further manpower or financial implications? Also, how does the E.U. ensure that the Island is complying with their directive? If it is only in regards to third countries, then will there not be duplication due to most of the routes into and out of the Island going through an E.U. Member State, who will also have to apply these regulations in place? My final 2 questions are: how many quarantines have happened and at what cost? Is this just a paper-pushing exercise or the stick that is needed because compliance is not as high as the Minister expects?

The Deputy Bailiff:

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

11.1.2 The Deputy of St. Martin:

There are a number of questions there. I hope I have enough of them down. Has anybody told us to do this? Absolutely not. 1991 I accept was an awful long time ago and, as the Deputy has quite rightly pointed out, we have been working to these E.U. regulations even though our current legislation in Jersey does not meet the standards we might wish. Therefore, any exports or imports have had the correct certification, the correct licences, the correct checks have been in place, but it is just the legislation on the Jersey books that has not been brought up to speed. So we have been applying the correct rules without having the correct legislation. I know that might sound a bit difficult but that is the way it has been. Certainly, the current States Veterinary Officer has made it a goal of his to make sure that our legislation is brought up to speed, but what I would do is to assure the Deputy and other Members that we have at all times conformed with all the regulations and everything that we should have done. It is just our legislative process has not quite caught up or been in tune with that. I am just going to look at some of these other issues. The Deputy raised the issue of user pays, and I think it is quite correct that we have a regulation in place which allows us to charge where user pays principles should apply. While we will not be charging anything in the future that we have not in the past, I think it is correct, especially these days where quarantine regulations are much stricter than they were. Animals have to go into quarantine premises which are specifically approved and have to be approved by the Veterinary Officer for the Island under a strict regime. The correct cost for that is then applied to the user because if for some reason an animal arrives in Jersey and needs to be put in quarantine it must be the owner of that animal that has to pay. Certainly, the Deputy is right in pointing out a lot of animals that are imported from outside of the E.U. come through the Member States, usually the U.K. but, as the Deputy may well be aware, we have the Durrell facility at Trinity and occasionally they will import animals directly into Jersey. In that instance, it is very important that the Island can demonstrate to the E.U. and others that we have all the correct regulations in place that would not risk the importation of disease, whether that would affect animal or humans in the future. I think I have covered as many of the Deputy's points as she raised as I wrote them down as fast as I could. I would just maintain the principles.

The Deputy Bailiff:

Would all Members in favour of the principles kindly show? Those against? The principles are adopted. Does the Environment, Housing and Technical Services Scrutiny Panel wish to take this in, Deputy of St. Mary?

Deputy D. Johnson of St. Mary (Chairman, Environment, Housing and Technical Services Scrutiny Panel):

No.

The Deputy Bailiff:

How do you wish to propose the Regulations, Minister?

11.2 The Deputy of St. Martin:

I will propose them in one go, if I might just explain as I work my way through. Regulations 1 to 7 lay down the scope and application of the Regulations together with the processes for importation, including the approval of quarantine in those quarantine facilities, as I have just mentioned. Regulations 8 to 15 lay down the powers to enforce the Regulations by checking imports and taking necessary action where non-compliance or a risk to animal or human health is identified. These include powers of entry for appointed officers, the issue of a warrant by the Bailiff or a Jurat under specified circumstances and for anyone exercising powers to entry to be accompanied by a representative of the European Commission if necessary. Regulations 16 and 17 create offences referred to previously, including standard provision for liability of officers of bodies corporate and unincorporated. Regulation 18 makes it clear these Regulations do not override the prohibition on the import of live cattle. I would just say to Members that reflects a clear message that we had from the dairy industry when we consulted with them on these changes. Regulations 19 to 22 provide for setting of fees and enable the amendment of the schedule, which lays down the conditions for the approval of a quarantine centre and, finally, sets the date for coming into force of the regulations one month after they are made. I propose the Regulations.

The Deputy Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? If no Member wishes to speak on the Regulations, I ask Members in favour of adopting the Regulations to kindly show. Those against? The Regulations are adopted. Do you wish to propose the matter in Third Reading, Minister?

The Deputy of St. Martin:

I do.

The Deputy Bailiff:

Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak, I ask all Members in favour of adopting the Regulations ...

The Deputy of St. John:

Can I ask for the appel?

The Deputy Bailiff:

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

| | | | | |
|----------------------|--|------------------|--|-------------------|
| POUR: 40 | | CONTRE: 0 | | ABSTAIN: 0 |
| Senator P.F. Routier | | | | |

| | | | | |
|-----------------------------|--|--|--|--|
| Senator A.J.H. Maclean | | | | |
| Senator I.J. Gorst | | | | |
| Senator L.J. Farnham | | | | |
| Senator A.K.F. Green | | | | |
| Senator Z.A. Cameron | | | | |
| Connétable of St. Clement | | | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. Saviour | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. John | | | | |
| Connétable of Trinity | | | | |
| Deputy J.A. Martin (H) | | | | |
| Deputy G.P. Southern (H) | | | | |
| Deputy of Grouville | | | | |
| Deputy J.A. Hilton (H) | | | | |
| Deputy J.A.N. Le Fondré (L) | | | | |
| Deputy of Trinity | | | | |
| Deputy M. Tadier (B) | | | | |
| Deputy E.J. Noel (L) | | | | |
| Deputy of St. John | | | | |
| Deputy M.R. Higgins (H) | | | | |
| Deputy J.M. Maçon (S) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Martin | | | | |
| Deputy R.G. Bryans (H) | | | | |
| Deputy of St. Peter | | | | |
| Deputy R.J. Rondel (H) | | | | |
| Deputy S.Y. Mézec (H) | | | | |
| Deputy A.D. Lewis (H) | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |
| Deputy S.M. Wickenden (H) | | | | |
| Deputy T.A. McDonald (S) | | | | |
| Deputy of St. Mary | | | | |
| Deputy G.J. Truscott (B) | | | | |

12. Draft E.U. Legislation (Veterinary and Zootechnical Checks - Trade with Member States) (Jersey) Regulations 201- (P.6/2016)

The Deputy Bailiff:

The next item is the E.U. Legislation (Veterinary and Zootechnical Checks - Trade with Member States) (Jersey) Regulations, lodged by the Minister for Environment. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft E.U. Legislation (Veterinary and Zootechnical Checks - Trade with Member States) (Jersey) Regulations 201-. The States, in pursuance of Article 2(2) of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following regulations.

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

The legislation we just dealt with was referring to imports from third countries outside of the E.U. but this legislation is very specific and it is to do with trade within the E.U. itself. As stated in the last proposition, European Community rules in the field of veterinary animal health, food and animal feeding stuff legislation must be part of the law of Jersey to meet obligations set out in Protocol 3. European Community regulations in these areas are of direct effect and application to Jersey and to comply with these obligations for international trade Jersey must administer and enforce regulations in these subject areas under domestic law. These Regulations enable administration and enforcement of Council Directive 90/425. The directive lays down the official controls applying biosecurity measures to protect animal and human health while enabling trade in live animals and certain animal products between member states. This includes protecting Jersey as part of the U.K. Member State. It does not apply to pet dogs, pet cats or pet ferrets, which are subject to separate controls, but it does apply to commercial trade in those species. E.U. trade is predicated on application of official controls before a consignment leaves the premises of despatch. Trade includes all movements, whether an economic activity or not. The country or territory from which the consignment is despatched is obligated to ensure only animals and products eligible for trade and correctly certified leave the territory. Application of this means the control supersedes the former practice of checks and inspections at frontiers. Animals and certain animal products such as hatching eggs and farm animal semen traded in the E.U. must be subject to checks before leaving Jersey and be accompanied throughout the movement from the premises of origin to their final destination by official veterinary health certification. In conjunction with certification requirement, there is a system for rapid notification sent by the exporting member state to the importing country notifying the consignment has been certified for export. This system is called Tracers. Additionally, the importer in Jersey must notify the Minister of the intended import.

[14:45]

This provides a dual notification system, the first through the official channels and the second by the importer. Trade in certain species and animal products is subject to harmonised rules, meaning identical health certification requirements are agreed and laid down in specific directives and regulations. Examples are trade in cattle and pigs, trade in horses, trade in poultry and hatching eggs, bovine, equine and porcine semen, and for protected and animal products not subject to harmonised rules member states set their own import requirements. It has been a matter of policy to implement trade controls for many years and Jersey is a local veterinary unit for the notification system, Tracers. Introduction of the Regulations provides the legal framework for formal administration and enforcement, which international trading partners expect to see in place. I commend the Regulations to the Assembly and propose the principles.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? The Connétable of St. Saviour.

12.1.1 Connétable S.A. Le Sueur-Rennard of St. Saviour:

Could I just ask: you mentioned about the semen coming in from Europe. Is there anything to safeguard semen coming in from the United States or from Denmark or from countries that do not belong to the E.U.?

The Deputy Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak, I call on the Minister to respond.

12.1.2 The Deputy of St. Martin:

The importation of semen from outside of the E.U. would have been covered in the legislation that we have just dealt with. This particular legislation deals with trade within the E.U.

The Deputy Bailiff:

Those Members in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy of St. Mary, do you wish to take this in your panel?

The Deputy of St. Mary (Chairman, Environment, Housing and Technical Services Scrutiny Panel):

No, Sir.

The Deputy Bailiff:

Minister, how do you wish to deal with the matter in Second Reading?

12.2 The Deputy of St. Martin:

If I might just give a brief summary overview of the Regulations, please. Regulations 1 and 2 are standard provisions giving interpretation and stating to which live animals and animal products these regulations apply. Regulations 3 to 8 set out the procedures and requirements for exports to take place, including additional guarantees for Member States and areas which have official recognition of higher health status than the basic trading requirements, the make-up of consignments and associated certification is stated and power is provided to apply controls if there was suspicion of disease or another reason to suspect an export is intended in contravention of the rules. Regulations 9 to 13 set out requirements for the compliance of trade health rules for import notification, except for registered horses, which have a specific meaning, and to keep health certificates and documents for specified periods, and it also places obligations on importers who divide up consignments. Inspectors are given powers to carry out routine verification checks at reasonable times and in the case of suspicion of failure to comply at all times and power to hold animals in quarantine. Regulation 13 provides for proportionate action when non-compliance is identified and that ranges from detention of a consignment pending demonstration of compliance, to slaughter or returning to the place of dispatch, subject to welfare considerations. Regulations 14 to 21 provide an appeal process and standard powers of entry where there are reasonable grounds for suspicion that an offence has been committed, including powers to inspect, test and investigate. Power to enter a dwelling is only provided by issue of a warrant by the Bailiff or a Jurat. Finally, Regulations 22 to 28 stipulate that offences are made where a person fails to comply with provisions in the Regulations, obstructs an official legally-exercising power or provides false information or fraudulently alters any document or certificate. The Minister is given power to prescribe fees in accordance with user-pays policies and to recover expenses incurred with the exercising of powers to protect Jersey's animal and human health and to amend the schedules by order. I propose the Regulations.

The Deputy Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? All Members in favour of adopting the Regulations, kindly show. Those against? The Regulations are adopted. Do you move the matter in the Third Reading, Minister?

The Deputy of St. Martin:

I do, Sir, thank you.

The Deputy Bailiff:

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

13. Public Elections: electronic voting (P.10/2016)

The Deputy Bailiff:

The final item of Public Business is the Public Elections: electronic voting lodged by Deputy Southern, and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the P.P.C., in conjunction with the Comité des Connétables and other government bodies as appropriate, to research and trial electronic voting systems in order to introduce (a) methods for electronic voter registration, and (b) safe and secure mechanisms to enable eligible voters who wish to do so to vote electronically in the 2018 elections.

13.1 Deputy G.P. Southern:

I just wonder if I am to propose this as amended. We have 2 amendments to it, one of which affects the timeline, and because of that one from me that says: "Keep reporting to us, keep us informed."

The Deputy Bailiff:

Yes. The position obviously is that the first amendment has not been adopted by the Assembly. Normally you would propose your original proposition and then we would deal with the amendment, either amended by your subsequent amendment or not, depending on whether that is accepted by the Chairman of the Privileges and Procedures Committee.

Deputy G.P. Southern:

Fine then, Sir. That is not a problem. We will come to each of the amendments in turn. I will not speak for long, because as has just been pointed out, this does not talk about going straight to electronic voting, or in my version online voting, which I think is the vital part of this procedure. It talks about researching and trialling over the next couple of years to make sure that we are ready, as soon as we can be, for electronic voting. I find, when I start thinking about this, it is just an extension of the initiatives that the Council of Ministers are taking themselves. As they say, as the Chief Minister says, we are reprioritising our spending so we can put money where we really need it, and offering more services online is integral to these plans, so we are making moves to make sure that services can be delivered online. He says: "Our aim in eGovernment is to deliver quality services, reorganised around our customers. This will support the drive to make the public sector

more efficient.” I thoroughly concur with those aims. He then goes on to say: “We are looking for new and innovative ways to do things better by embracing technology. We are putting a greater emphasis on innovation and technology.” The remark I make there is that surely what better way could we have of demonstrating that commitment to be, I hope, the first in the world to get our national elections online? It could happen; I believe it could. But whenever one looks at this issue, one is faced with a lot of enthusiasm in principle for what is going on, but: “Oh, problems about security.” The question arises as to how we are to improve our turnout and improve our election system on the Island. Figures from the U.K., who have been playing with this for a number of years now, suggest that 70 per cent of people said they would support weekend voting - that is not proposed at this stage - 65 per cent would support advance voting in some way, so voting can be stretched over a number of days. We have already done that with our pre-poll voting and highly successful it is to getting to a certain tranche of society and making sure that they can vote. About 63 per cent of people said they would support the introduction of online voting and that is the issue that I wish this to address. We have already made some reforms. I think this is the vital one. It is vital, because despite us removing, changing, lowering the age at which you can vote from 18 to 16, from my reading of the figures, we have been remarkably unsuccessful at getting that tranche of our society, the younger people, involved. I just did some rough figures earlier and we are probably looking at 2,000 people sitting in the sixth form, sitting in their bedrooms, who might want to get involved in the electoral system, 16, 17, 18 year-olds. Then we are looking at the crème-de-la-crème, we are looking at our best and brightest, who are away at university or whatever; perhaps there is another 2,000 of those. Again, probably not involved in the electoral system because it is just a drag to get a postal vote. You can get it if your parents are really organised and they get it out to you pretty quickly and you get it back straight away and do not leave it anywhere, but it is such a fuff, right? These people operate electronically, they are online who knows how many hours of the day - do not know - but they want to participate in: “Right, give me access through my iPad or through my phone” and yes, the figures for Jersey, at least one-third of our people saying: “More likely to vote if we can access it online.” That is the essence of what we are talking about. Now, as I said earlier, the reservation is always what about the security of voting? In the back of my report I put, on pages 8 and 9, sources from 2 places, the University of Birmingham and the WebRoots Democracy, which has done a thorough examination of this area, and the University of Birmingham claim that they have got a fool-proof system. It needs trialling and testing somewhere. Why not here? The WebRoots Democracy website says: “Online voting can be made sufficiently secure and should be introduced for the 2020 U.K. general election.” I am suggesting we could have it in place by 2018, for our next election, but I am not objecting if we get it as soon as we can, as soon as practical. I do not think the research and the trialling should take up too much of our time, or indeed too much funding, but I have in the financial and manpower implications suggested some figures that might be in the right ballpark in order to make sure that this happens. Should that money not be forthcoming in the next part of the Medium Term Financial Plan, then I have suggested that we fund it through contingencies and get on with it. So that is it, I think. I think there is a case to be made. I think we are already on our way towards that. In the very near future, we should have a full population register with unique identifiers involved. It seems to me that that is the next stage. Once we are at that, then it is a very small step beyond that to say online registration and online voting with the right security in place. When I mentioned the security issues yesterday, and some Members were present, Mr. Sikkut from Estonia, who is in charge of their system, he looked at me as if he could not really understand what my problem was. He said: “It is very simple. If you think there is a danger that someone will be coerced to give their vote one way or another, all you do is you allow re-voting, you allow the last vote to be the one that counts. In order to persuade, to obligate me to vote one way, somebody would have to (a) have my

unique identifier, my card, and lock me in the attic for a couple of weeks. That way, yes, as in any system, you could interfere with it. Ultimately, at the end of the day, that person, no matter what coercion has been placed on him, has the option to go into the polling booth as a safety mechanism and vote in private, absolutely, if they are worried about influence.” It is not really that great a problem.

[15:00]

He also said that in the system that they use, where they are talking about 98 per cent of their population is online, one-third of votes is electronic voting, two-thirds not, there is no way to reconnect the overall numbers with individual voting in the system. That is easy to build-in, so you cannot work out what anybody’s individual vote is anyway, and they have done that electronically. I think sometime in the next 2 years - it might take longer - we could be in a position to lead the world. At that point, a very positive point, I propose my proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Now, there is an amendment to the proposition lodged by the Privileges and Procedures Committee. In a moment I will ask the Greffier to read the amendment. Before I do, there is also an amendment to that amendment lodged by Deputy Southern. Chairman, does the P.P.C. accept Deputy Southern’s amendment?

Connétable L. Norman of St. Clement:

Yes.

13.2 Public Elections: electronic voting (P.10/2016) - Amendment (P.10/2016 Amd.) - as amended

The Deputy Bailiff:

In which case, I will ask the Greffier to read the amendment as amended.

The Deputy Greffier of the States:

After the words “to vote electronically” delete the words “in the 2018 elections” and insert the words “as soon as is practicable and to report progress to the States annually”.

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

Yes, we welcome this proposition wholeheartedly, because if it is adopted it will give encouragement to P.P.C., to the Constables, and indeed the eGov team, to continue with renewed vigour the work that we are already doing in this area. We are well aware that there is a demand for accessing Government services online, as in particular the Constables have found out with the success of the introduction of online rates payments and returns. There is absolutely no reason to think that the online registration plan would not be in place in time for the May 2018 elections. P.P.C. is already working with the Constables, with the Association of Electoral Administrators and the eGov team to compare the data held on the address register with that held on the electoral register. When we have the results of that we will be advised how best to introduce electronic voter registration and that should be relatively simple. So there is no reason to think that that will not be available for 2018, but there is simply too much to do to realistically expect online voting to be ready, proven and secure by that date, hence the amendment, and I am grateful that Deputy Southern has accepted that. The system for online voting needs to be accurate, it needs to be secure, and voters must be protected, as Deputy Southern said, from the risk of coercion when

voting remotely away from a polling station. Now, all of these are challenges which can and will be overcome, but we just need the time to make sure that it is all done properly. I move the amendment.

The Deputy Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Those Members in favour of adopting the amendment as amended, kindly show. Those against? The amendment is adopted.

13.3 Public Elections: electronic voting (P.10/2016) - as amended

The Deputy Bailiff:

Does any Member wish to then speak on Deputy Southern's proposition as amended? Senator Ozouf.

13.3.1 Senator P.F.C. Ozouf:

I see from your screen, Sir, you are so e-enabled that you do not even have to look at Members to see who. You are obviously very e-enabled as the presiding officer, which is a great advance. I rise as both a member of P.P.C., and as what Members will know, I hope, being the sort of digital enthusiast. I see Deputy Wickenden wanting to participate in this debate; I would expect nothing less, because he has obviously got some important things to say. Yesterday we were extremely fortunate in having the Prime Minister of Estonia's adviser on I.C.T. (information and communications technology) and I think that I can speak for all Members of the Council of Ministers and those Members that were able to attend and industry members to say that they were inspired by what they learned about Estonia's experience. That is relevant to this debate because Estonia has e-voting. I apologise for not hearing Deputy Southern's speech, I was listening to a speech about Brexit from somebody outside, so I am sorry about that. I know that Deputy Southern does, in his real motivation, want to basically widen the amount of people that can vote and will vote, because we do have very low voter turnouts. I am extremely inspired by the Estonian experience. When this was discussed with P.P.C., I think our main concern was that the issue of electronic registers, being able to pop across with your digital I.D. (identification) to any of our Parish Halls at any point in the election day or in the run up and vote, that is all possible, and at the heart of that, we need a digital I.D. That is going to be the single catalyst which I hope Deputy Wickenden will enthusiastically agree with in terms of needing what is the baseline requirement. If you have got a digital I.D. then you effectively know who you are dealing with, and then the extension for that for anti-money laundering purposes, with an exciting project that is going on with the J.F.S.C. in terms of a passport. Once you are registered with the J.F.S.C. then you no longer have to - as I think probably all Members of this Assembly are P.E.P.s (politically exposed persons), I am sure you are a P.E.P., Sir - and I am, frankly, tired of taking my utility bill, bank account, inside leg measurement or whatever I have to do, which is not the J.F.S.C. rules, it is the bank rules in terms of compliance. Digital I.D., certainty, is of each citizen, and this is not, dare I say, a provocative word. This is not an occupation and identity card. All this is is basically the certainty that you are who you are. It does not need to be a card, it is electronic and it could be, in years to come, simply a fingerprint. It is just the certainty of who you are. Now, that is possible, but the issue, and this is the really interesting thing with Estonia, that only a third of their voters, despite e-voting - and they are one of the only countries in the world that has brought it in - have got relatively low numbers of e-voting, only a third, and indeed a very significant number of them are Estonians who live out of the country. That is an interesting situation, so whether or not Deputy Southern has in his mind to join Senator Bailhache in his diaspora project and identify all those

people who potentially could vote in Jersey elections, I do not know. Maybe there is a coalition of identification of people that can vote in elections in the future, because of course we do have election rights given to people far earlier. The fact is the most difficult issue to deal with is the safety and security and the non-coercion. That was the issue that I explained to P.P.C. But Estonia has found an interesting solution, that they can digitally vote at home, but they can change their vote at any point in the run-up to an election. That means there could be spot checks, for example, on vulnerable people that might well be in a position that they could be coerced and that they could then have their rights told, that there could be some friendly and appropriate controls in place to ensure once you move out of a controlled environment - something that is at the heart of the licensing debate about controlled drinking and non-controlled drinking, in a pub or at home - you are effectively opening up the real possibility, which is why most countries in the world have not taken the step to e-voting. A lot can be achieved, but we need to achieve it in steps. Digital I.D. is the most important. Senator Maclean said that when he returned from his visit to Estonia in 2014: "It is a shame that we did not manage to make the progress" and I know how keen he is on eGovernment generally, because it is going to save money and it is going to make it more efficient. This is not a slight against the Parish Constables or the Parish electoral systems in any way, if I may say to the Constables through the Chair. This is potentially in fact an evolution, a revolution of voting in Parish issues in people's homes, the ones who know what they are doing, bringing democracy right into the ... most people cannot turn up to Parish Assemblies, they have got family duties. I know there are loyal supporters of the municipalities and I do not want to wind the Constables up, but it is a real issue. Most people do not have the ability to go and spend time at Parish Assemblies because they cannot, they are busy with their families and their lives and other stresses and strains. The Constable of St. Helier here, he knows about smart cities, he knows about smart technology. Smart solutions are going to deliver better services to consumers, but we must not over-promise and under-deliver. We can do this. Deputy Southern, if I may politely say to him - I do not quite know where he is, Sir, but I hope he is listening, maybe he has got ... oh, there he is. I am so sorry, I am used to him sitting there. I apologise. I cannot look at him. I am so sorry. I must be under the weather. The reality is that I hope he is not going to scold P.P.C. in not coming forward with e-voting in an untimely and an unseemly rush before the actual basic digital I.D. and the security has been put in place. That is all I would ask Deputy Southern to say in his summing up. I will vote for this proposition. How could I not, as the digital champion, along with Deputy Wickenden and a few others? I know most Members, I have seen them with their iPads, they are probably reading something else more interesting than listening to me, but we live in a digital age and we must digitalise this Parliament, we must digitalise the way we work, we must become paperless and we must engage in our democracy and make it real to people's lives. Electronic voting is one way of doing it, but it is slow steps, because the foundation - and I will say one final thing - people say that you can make a bank account transfer at your home knowing who you are with a digital I.D. I would say your vote is probably worth an incalculable amount of money. It is the foundation of democracy. It is worth more than £10 million, if you want a figure. It is priceless and it must be in no way compromised in terms of safety and security and conversion. Free and fair elections are at the heart of democracy. Members may well not like what I am saying, but it is free and fair elections with no coercion that must be maintained above everything else and safeguards put in place to deal with the real issues that electoral fraud can happen if you do not do it in a controlled and safe environment. With those remarks I will vote for the proposition by Deputy Southern. He thinks I never vote for anything he is in favour of, everything he brings. I will, and I will enthusiastically work and deliver something with the eGov team, with my friend, the Minister for Treasury and Resources, who I know is very keen on money and saving money,

and I am sure we can save money and I know that the Chief Minister is also behind this and other Ministers. That is it.

13.3.2 Deputy J.M. Maçon:

Yes, I remember back to that time when Deputy Martin and I sat on the sub-committee looking at the election law and we brought many different proposals in. In a sense, I am happy to support Deputy Southern today, because it just reaffirms some of the work that we already did, in particular looking at online registration. We changed part of our election law to mirror that of Guernsey to allow that happen, because they can register online in Guernsey. We were told at the time that this could have been quite easily worked into the revamping of the Parish websites when they were to be done electronically. That has not happened yet. I am not entirely sure why, because we were told it could easily happen, but I welcome the Chairman of the P.P.C. - he is also the Chairman of the Comité des Connétables - saying that that will be in place for 2018. Just on a point of clarity, I think we do have to be careful about the language around electronic and online because they are different. Electronic is voting at a terminal, which I believe they will be looking to bring into the Guernsey elections this time around, and there are benefits to that, increasing the speed at which you can calculate results, all those types of things, but I think in reading the report of Deputy Southern, certainly the push is more towards online voting. But I would just like to hear perhaps from the Chairman of P.P.C., when looking at this, whether there is an intention to move to the terminal stage and then to online voting or whether there is just an intention to leap straight towards online, just so we know what the clarification is.

[15:15]

Because if we are going to electronically vote for things, we just need to be clear about what that means, because it can mean 2 different things. But other than that, as this is a continuation of the work that I did previously with Deputy Martin and some other States Members, I am more than happy to support the proposition.

13.3.3 Deputy S.M. Wickenden:

Obviously you will expect me to stand and talk on this, seeing it is about digital. I consider myself an expert in this field. I have worked in the I.T. (information technology) industry through banking, through the creation of the online banking system, from its conception to creating it to where it is today. I was a little shocked at the idea that we could not get this in by 2018, I was a little shocked. It is a database, it is digital I.D. Digital I.D. has been on our eGovernment programme since 2014. We are not there yet and I am a little bit upset about that myself. I am very passionate about this. I think the Parishes are even leading the game at the moment when it comes to digital services. I think their e-Parish is doing very well and I applaud the Constables for the work that they have done in their Parishes on this. I just do not understand why we think this can take too long. We can get this digital I.D., we can get the database where people can register. If I was in the bank now and somebody said to me: "Can we create a secure database and allow people to use it with a front-end service?" and I said: "It will be 2 years. We have already done a year's work on it" they would fire me, quite honestly. Obviously it is a capital programme too, so we are doing the M.T.F.P. Hopefully we will take enough importance on this that we can put money in a capital programme to set this up and help the Parishes get this, all working together. In Digital Jersey's new business plan, which is fantastic - if you have not read it, please take the time, it really is worth looking at - one of the main goals that we have got is to make sure that we are a test bed for digital in Jersey. We are a small Island with a small amount of people that is very busy, it has got a very diverse economy in a lot of ways and we are perfectly situated to be a test bed for such

things. Now, for e-voting or electronic voting, this cannot be hard for us. We are not Estonia. We have a very small amount of people compared to a lot of other places. This is perfectly in the remit of being a test bed. As in the proposition from Deputy Southern, there are universities that are going around and already setting these things up. Should we not be getting Digital Jersey, through P.P.C. to Digital Jersey, to say: "Can we speak to these universities? Can we offer them that we could be the perfect test bed for the systems that they are creating, these very bright young university students?" So I am a little bit confused about the timescales. I would hope that P.P.C. and hopefully the Chairman will speak, will talk about: "We are being conservative and we are going to do all of these things and we are just trying to make sure that we are not locked-down on a timescale that we cannot provide, but we are hoping that we can do it sooner, but we do not want to be held down to fail." I absolutely, totally support this. I do not see the problem in it. We have many, many very competent local I.T. companies that have worked on building the same banking systems that we use every day. I will not go into the technical terms, but they are very complex computer systems with security to make sure nobody can access your data, they split off from what you see to what happens in the background through firewalls, D.M.Z. (demilitarised zones). It is all there, it all happens and on the back end of it, it is a database. It is really not that difficult. I think we should put a little bit more effort into making sure we can get this done by the next elections. I do not think it is impossible at all and I will be fully supporting this proposition.

13.3.4 The Connétable of St. John:

Speaking as a dinosaur, I strongly welcome and support this proposition. I am proud to say that in the Parish of St. John, last year just on 40 per cent of our rates were collected online by banks and this year 43 per cent of our rates forms were filled in online. The Parishes are at the moment dragging the Government forward. So anyone who calls Constables dinosaurs needs to think twice. I think I have said more than enough. This is a simple step forward to going into eGovernment. We should be embracing it a lot more than we are and I think it is the trepidation of thinking it is a big step. It is not. Ask any 12, 13, 14 year-old kid and they will tell you exactly how to do it. My children are always telling me exactly what I should be doing and I think it is probably time, we should let them teach us and move us into a digital age.

13.3.5 Deputy A.D. Lewis:

I do not have an awful lot to add to what others have already said, but I would just like to say just how inspired I was by the gentleman from Estonia yesterday. One of the things that he mentioned is that we do not have to do this all at the same time, we can take a modular approach. This is in effect what we are doing today and I think that is great and people are prepared to support this. I do hope that it does not take lots of propositions like this in the States to move things forward, because I do hope that there is a cohesive plan in the eGov section and the officer responsible there is moving forward at a reasonable pace, because I sense a degree of scepticism from some and frustration from others - for example, Deputy Wickenden - in the time it has taken to get this to this point. I do hope we do not have to have a series of propositions from Members to move forward other digital and eGovernment ideas. I was slightly reassured by the officer project-managing the eGov project yesterday that that is not the case, but the proof will be in the eating of the pudding, which will be a digital age for Jersey. I would just like to also point out another minor thing, that the Estonian gentleman said that only one-third of people voted online, and that is the case. What you were not told earlier on by the Assistant Minister that he mentioned also is that accessibility, affordable accessibility, to online in Estonia is a problem. Here, despite competition and issues over charges for telecoms, most of us can afford access to online. In Estonia, those that do not have it in their homes rely on 4G, which is quite an expensive form of delivering online services. We

have fibre optic. We already have the gateway, in effect, to access digital services at a very low cost. I would like to think that we would be far greater than one-third of people voting and registering online. I think one-third is way below what I hope people in Jersey will aspire to and I do believe we will be way up there and hopefully a shining example of a small country digitalising itself in the way Estonia has become. Estonia has been working on this for 10 years now and people are going to Estonia, like ourselves, and wowing at what they have achieved. I would like the same thing to happen in Jersey. I know the Assistant Minister would like to strive towards that as well, so people come and see us in Jersey and say: "You have done that there. We want to copy that" from a larger country. I hope that that is an aspiration we can meet, people will come here and use us as a test bed for things like this, so that they can then roll them out in other countries that are considerably bigger than ours. So I welcome this and well done to Deputy Southern for bringing it to us.

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

Of course I have to echo the words of the Connétables of St. Clement and St. John about the Constables leading the way. The only downside potentially that I can see to electronic voting is the impact upon those voters who at the moment - and that is all of us - we go to our Parish Hall, we go to our district in St. Saviour and St. Helier and we make it a social event and everybody gathers at the Parish Hall, they meet, they chat, they meet their current serving political representatives and they also have the opportunity to speak to their future political representatives. That is the only downside that potentially I can see when we introduce electronic voting over here, because I would not want to see that stop and I am sure at the moment it is something that would be a long way in the future with obviously the more technically astute younger members of society who would be potentially those who use this electronic voting initially. But I am pretty certain that most or very many of my parishioners who go up to vote on election days probably would not be taking advantage in the foreseeable future, so obviously it is something that when we introduce it, it is going to be a benefit I think potentially more in the future as the younger people come through and they reach the age where they really want to become involved in politics and elections and what is going on. So that is the only downside that I see, but I think that is some way in the future, so otherwise I wholeheartedly support Deputy Southern in bringing this forward and I will be voting with him today.

13.3.7 Deputy M. Tadier:

I think this is probably the forum in which to raise the broader issues. I think the points of the last speaker were well-made, but I think conversely, going to the polling station on polling day does not suit everybody. We know that many people say that they feel intimidated walking through what can be quite a long line of candidates and it would be interesting to know how many people do not go to the polling stations simply because they cannot be bothered with the palaver. I know many of us have confidence going to Parish Halls, but already many people do not go and vote at the Parish Hall on the day at the polling station, they do it in town. I think the more ways - and I think this is understood anyway - that people can be given to exercise their vote the better. But I think there is a risk that we can become almost legalistic in this or very focused on the micro-security issue and I will explain what I mean by that. We have become so focused on perhaps abstract and contrived situations, we try to envisage a situation of somebody with their thumbprint. I have got an iPhone which I only need to put my thumbprint on and that tells the phone it is me rather than having to type a number into my phone. That is there. We could say: "What if the vote works like that, what if I am able to vote from my phone? I could give my phone to Deputy Wickenden" not that I would necessarily want to do that, unless I knew he was going to vote the right way, and I could say:

“There you go. Would you like to vote for me?” So you can never rule out all the possibilities of corruption or indeed the security of that vote, but one would have to ask why on earth would one do that? In order to try and legislate for every conceivable permutation or combination of possible events that would go forward, we miss the bigger picture, which is we want to make voting more accessible and easier for people to do and give them the ability to do it. Now, strangely, I was able to vote in the last U.K. election in my old university town of Sheffield. It was quite an interesting and tight vote there, which I was keen to vote in, because it happened to be the seat of the former Lib Dem Leader in Sheffield. I put my postal vote in. When I got that postal vote, I could have quite easily given it to somebody else saying: “Do you fancy filling this in for me?” I could have sold it somebody. I have been told by Senator Ozouf today that our vote is worth £1 million or whatever and I could have probably got a good price for that, but obviously I did not try that because it is illegal, if nothing else. So I could have done that again, but why would I, and does that mean we should get rid of postal voting? No, I do not think we should, because ultimately the benefit that those options give to people in the global sense are much better. What I talk about when I talk about macro-security, I think we have to look at the whole system itself. We know that in Jersey, as far as I am concerned, we have a system which is reliable. I have no reason to think that the system has ever been corrupted. Have there been mistakes in counting? It is possible, but we know that at the last time a count was contested it was proven to be accurate. But we do know that when it comes to paper counting you could quite easily make a slip. It is not a case of perhaps whether you miss one vote or 2, it could be a case of a batch goes missing. Again, I am not saying this happens in the Jersey context, but any system is only as good as the people who run it. It could well be that in another jurisdiction, if you had a corrupt Government and they were minded to do it, it is much easier to forge or to counterfeit a result. I will give you an example: all you do is put crosses in the blank boxes, if there are any boxes there that have not been filled in, you can quite easily do that. The good thing about an electronic system, whether that is done electronically at the booth or whether it is done online, is that there is an audit trail, it can be accessed by people who need to know if and when there is a question over the election. It could be monitored anyway by a competent authority to look at that.

[15:30]

I think the pros far outweigh any often contrived cons that are put up there. When it comes to coercion, I think it can happen psychologically anyway, the couple or the family who talk beforehand about which way they are going to vote, and I do not think you can ultimately get out of those kind of issues. We have to be honest, of course this is not going to be an elixir, but I think this is important, that Government does its part to try to meet people halfway. If people really wanted to vote - and I have always said this - it is not that difficult. We see that people, the elderly, who can barely walk, the disabled, make their way to the voting station, often under great physical difficulty to themselves, but they make sure they get there because it is within their make-up, that is what they have been brought up to do, but we have to acknowledge that not everyone works like that and whether you are young or old, in fact many people spend many of their hours online. I can certainly vouch that I paid my last rates bill online and it is certainly much easier to do that if you have got the ability to just log on, whether it be with a code or a thumbprint. So of course do I support this fully. I do not think there is anything else to say, but I do look forward ... oh, just one point to add. What is really exciting about the possibility of electronic voting within the polling stations, but also online - I think the former will come first - is that gives us the opportunity to look at alternative voting methods such as the Alternative Vote and the Single Transferable Vote, which were recommendations of the Electoral Commission, I hasten to add, not that I agreed with necessarily the main parts of their report, but I thought that those 2 were quite well-argued. Indeed,

they are much better systems to vote. We know that the A.V. (Alternative Vote) was marginal. I think there is a lot of support in this Assembly for an Alternative Vote and the Single Transferable Vote is also excellent, but the difficulty comes at the counting mechanism, when you have got the online mechanism to do it, and when we have got those buttons which we know P.P.C. have been using to gauge what our opinions are possibly on multiple issues. That does not become an issue, something which takes hours or even a day to count and get the result can be known instantaneously and I think that has got to be much better with the digital age that we now live in.

13.3.8 The Connétable of St. Clement:

Yes. Just very briefly, I just want to confirm for those who have got any doubts about it, that the Constables and P.P.C. are absolutely enthusiastic about bringing this project to a conclusion, to a successful conclusion, but what we do not want to do is to be held hostage to fortune. The next elections in 2018 are only 2 years away, and those 2 years are going to pass very quickly. I can confirm that is the timescale that we were asked, but we have now been more realistically tasked to complete the research, assess the benefits and the challenges, the impact, agree a recommended way forward, tender for systems, trial and test the systems and implement the new approach. That 2 years we think is far too short, and Deputy Southern has agreed with us, and that is why he has accepted the amendment. The Constable of St. Lawrence is absolutely right, elections in Jersey and indeed other places are partially a social occasion, and maybe that is why the take-up of e-voting, even in Estonia, is so low. That could be a reason, and of course Deputy Tadier is absolutely right, some people cannot get to the Parish Halls to vote, some find it intimidating, and that is one of the reasons we introduced pre-poll voting. So we are trying to make it easier and easier for people to cast their vote. I think we just need to recognise that there are very few governments in the world who are supporting online voting today, primarily because of security reasons. Even in the United Kingdom where a lot of research is being done, and we were told about what is happening in Birmingham and other places, only recently in the U.K. the Minister for Political and Constitutional Reform said that the U.K. does not have any plans to introduce electronic voting for statutory elections, and that he is going to keep this under review as technology continued to improve. We have got to do that. We are employing all these people to do that, to make sure that we absolutely get it right. I am very nervous in something like this about being first. I would much rather somebody else try and invent the way forward, make the mistakes, make the errors, spend the money that we can learn from and benefit from. This project is going to happen, I have got no doubt at all, unless something extraordinary happens, that online registration will be available pretty shortly, but online voting I think will take a little bit longer to make sure that we have got it absolutely right.

13.3.9 Senator A.J.H. Maclean:

Just very briefly, after the enthusiasm of the Connétable a moment ago, which I thoroughly endorse, I would say that the experience that I have had, both having had the opportunity to go out to Estonia in 2014 and indeed having met the adviser to the Estonian Prime Minister, who as Members will know has been in the Island over the last couple of days, Estonia has made incredible strides in so many areas in terms of taking on board the benefits of a digitally-enabled society. I think we can learn and they are prepared to assist us with our learning journey. I think there is no doubt this is one small element of the benefits that we will see. I was encouraged speaking to the adviser when he was here to hear about the advantages not just in terms of quality of service that a digitally-enabled society see, but also the way in which they are driving out costs and inefficiency. Obviously in my position I find that particularly appealing. I was encouraged, and I see he is back in the Assembly again, the Constable of St. John, a fine example of where we see the past meeting

the future. **[Laughter]** The Connétable and his Parish are, like other Constables, grasping the benefits of technology and I can say from what I have seen with the public sector reform initiatives that are happening as we speak today that the Parishes have all embraced the e-Parish agenda, and we are seeing online rate payments, online returns and so on. It is just going from stage-to-stage and I think that is fantastic. The partnership that exists between Government - central government if you want to call it that, it is not a phrase I particularly like - and the Parishes I think is fantastic and it is going to deliver tremendous benefits to the community as a whole. I would suggest that all has been said that needs to be said on this particular subject. There are lots of examples through the P.S.R. (Public Sector Reform) programme. We have got open government data now, an opendata.gov.je site which came about in November and a number of other initiatives which are showing the very real benefits of the e-Government programme and it will go now from step-to-step. I agree with Deputy Wickenden - who is looking in my direction - that the pace of change needs to gain momentum. It is on the road now; it is moving in the right direction. It needs to move a lot faster, including this initiative that Deputy Southern has brought to us. There are challenges around it but I see no reason why we cannot move the whole agenda to improve the quality of services for Islanders and to reduce costs, which is obviously very appealing. That is all I have to say on this subject. Thank you.

13.3.10 Deputy S.Y. Mézec:

Just about there. I will just be brief. There have been a couple of occasions in the Assembly recently where I have dug out old bits of Hansard to try and point out some U-turns from some Ministers during question times. If there are any political geeks out there listening who are looking through Hansard for things I have said about online voting they will discover that I have also made a U-turn on this one, so I thought I would explain why, because I think there was possibly the debate about online registration. The discussion ended up including talks about online voting and I spoke unfavourably about it then, and I have since then completely changed my mind because of a few experiences. I have voted in several elections which have been held online. Most of those were elections at my university for our student union, which I think is probably the thing that put me off the concept because of just how awful student union elections are in virtually every single way, but having thought about it more I think it was mostly more because of the culture of those elections rather than the mechanism themselves in knowing that you tended to have the choice of voting for people who you were not particularly enthusiastic about and you certainly did not want to go and vote in person, because that probably meant you would have to talk to one of these odious people. So wanting to avoid it at all costs was something that I relished. However, since then I took part in quite a significant online election, which was the election for the leader of the Labour Party in the U.K. I even voted for the winning candidate, which does not happen often, so that was good. In that election, and by the way I voted in that election using my iPad while sitting in the sunshine in Barcelona next to a swimming pool, so you can do it wherever you like, and it was fantastic. If I remember rightly I think about 400,000 people voted in that election and that is obviously a significantly larger number of people than will ever vote in a Jersey election and nobody seems to question the legitimacy of the results of that election, not even the very bitter right-wing Labour M.P.s (Members of Parliament) who are not so happy about the result of it. That was an election where you did not have the option of changing your vote afterwards. You got sent your online identification and then you had one shot; you could not change it, and still people do not talk about the security of that ballot. I contrast that with the election I voted in, in the 2011 Jersey Election, where I was a student at university at the time and so I had to vote by postal vote. I was one of probably a very small number of people who made the effort to get a form sent to me and sent it all the way back and made sure that I was quick to get it in the post to make sure it

arrived in time. I remember holding the envelope in my hands and putting it into the letterbox and dropping it, and just thinking: "I wonder if it ever got to where it was meant to go" because you can simply never know, if you do not see your ballot registered on an electronic system, or enter the ballot box, there is nothing to say that it could have got misplaced somewhere along the line. So in terms of the security of postal votes it is theoretically not particularly secure either, so I think when it would come to an online system that would clearly be more secure, especially when we know how advanced the technology and the coding is for these systems to make it pretty impossible to try and hack into, or anything like that. So I want to make a few points about the context of this. It is right that the amendment was suggested and passed, because we know that the development of the online identity, which we had demonstrated to us yesterday by the representative from the Estonian Government, who I was thoroughly impressed with, and I think hands-up to Digital Jersey, for organising that. That was very useful, and has renewed my enthusiasm for the whole e-Government project as a whole, which I think there is consensus across the political spectrum is the right thing to be doing, that you know that foundation of having that online identity is fundamental to moving forward, and once you have got that there are all sorts of applications you can put on top of it and link together, and it would hopefully become more simple. It is that first step that is important and since we are not at that point now it is obviously right that there is more time given to do that. We need to remember the wider context of how this fits in with Jersey, and the statement I would make is that voter turnout in Jersey is absolutely appalling. It is worse than appalling; we should all be ashamed of it, frankly. When so few people engage with the democratic process it means that the legitimacy of the decisions that are made by this Assembly is far less than if there had been a high turnout and it means that every single one of us sitting here has to question the legitimacy of our own seats, frankly, because we all, as individuals have been reduced ... I mean, one Member shakes his head and that makes the point. That complacency winds me up. It absolutely winds me up, because when you are not engaging in a process which is having lots of people take part you cannot claim that you are representing the majority of people. You simply cannot do it, and that complacency is thoroughly annoying, to be frank. We need to look at this as part of something much wider about engaging with the public, and it will not just be about online voting, which is why the point has to be made - I think Deputy Tadier briefly alluded to it - that this is not going to be a panacea to the problems that Jersey democracy faces, but it will be a part of the solution, and there are other things that we should be thinking about, which I think could be made easier if they are included in the context of the whole online project here. We have spoken about online registration, which we know is inevitable. I would go further than that and say that people should be automatically registered to vote unless they opt out for whatever reason and that could theoretically be possible under this system.

[15:45]

Voting at any polling station should also be something that is relatively simple once you have this system, and then you can have each polling station have its systems integrated with each other and automatically updated throughout the day as people turn up to a polling station. The amount of times I have seen people, both during referendums and during elections, people who have turned up to the polling station, to the wrong polling station, and when they are leaving in my head I think: "Do you know what? If they are busy they are probably just not going to bother" and that is one extra person who has not had their ballot counted, simply because of a mistake that if we had the infrastructure in place would not have been a problem. So I think that is something that needs to be thought about at the same time. It may not be necessarily relevant but I think physical polling day should really be on a weekend. It is not right to have it during the week when people are often busy, and I think that the excuses that have been given previously about the cost have been pretty

poor excuses, so that is something to consider as well. I understand the thinking behind the downsides that the Constable of St. Lawrence brought up, and I think it is absolutely vital that the interaction happens between candidates and voters, and I think the idea that you can change your vote right up until the last minute is quite important and I would be much more likely to want to do that than to take part in a pre-poll ballot where that probably would not be the case, where you would be able to withdraw that vote because it would mean digging through a ballot box, which is obviously something that would be inappropriate. You could end up with a situation where you vote for somebody online and then it is only next week that they turn up and knock on your door and you suddenly realise you do not really like them and did not really want to vote for them, or somebody you did not vote for turns up at your door and you are impressed by them and want to vote for them. So that is something I think should be considered in this. I will make just 2 final points in this, that alongside this we need to seriously think about simplifying our electoral system as a whole, because one of the reasons that people do not vote, as Deputy Tadier said, and we have all seen it, I remember my bi-election standing outside Springfield Stadium, it is drizzling with rain, and an old lady in her 90s shows up with 2 walking sticks, very ill, there to vote, which showed to me that it is really not difficult to get out and vote if you are inspired to. You need that motivation, you need to be inspired to want to vote. Having it easier to vote because you can do it from your own home will be an important part of that, but if the electoral system continues with this frankly ridiculous and outdated system of having multiple categories of States Member elected in confusing constituency boundaries where many people have not got a clue which district they are in anyway, and too many elections which are uncontested, which I think is indefensible, then we will not get to the root of the problem here, which is that we do not have good enough democratic participation rates in the Island. I just make those points because I think all of this needs to be thought of in its context. Yes, this is an opportunity to allow the electorate to have better opportunities to engage with the process, but we as politicians and potential future candidates need to do the rest of the work, which is to give these people something worth voting for, so that they want to take up this system. I hope Members will vote to support the proposition.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? If not, I call upon Deputy Southern to respond.

13.3.11 Deputy G.P. Southern:

Thank you. Was that not refreshing, to get the vote of Senator Ozouf, even though he cannot see me? [Laughter] I know I am not the biggest man in town.

Senator P.F.C. Ozouf:

I do apologise, Deputy.

Deputy G.P. Southern:

I would have thought that from a distance of 15 yards he could possibly see me. Well, he will hear me anyway, and I thank him for welcoming this particular move, and perhaps thank him for speaking less than he might otherwise have done, because at one stage I thought he was going to upset the Constables, and I was thinking: "Oh, stop, stop, stop." Deputy Maçon in particular asked what the difference between electronic and online was. Electronic is the wider process, including online. I am particularly enthusiastic about online because I believe that is the only way we are going to attract young people to vote.

Deputy J.M. Maçon:

If the Deputy will give way, I think I explained the difference, not necessarily that I questioned what they were.

Deputy G.P. Southern:

Anyway, Deputy Wickenden, as I expected, was enthusiastic and passionate and he brought this concept of a test bed, 100,000 people on an island, the perfect test bed. We should be able to lead the world, as I said in my opening speech. Why not? Why not get there first and, unlike the Constable of St. Clement who wants to arrive second or third or somewhere, drawing less attention, but I think we could and we should be first there. The Constable of St. John, from one dinosaur to another, I am not very competent with the thing either, but I look forward to being able to vote electronically, if only because I represent one particular district in St. Helier and live in another, and all the time I have to organise myself at some stage to go and get a vote done. It would be nice and convenient to do that electronically. Deputy Lewis pointed to a modular approach. We can get on with this now. We do not have to have everything in place, as long as we have got that unique identifier on the population register. That is the key, and you just take off from there. I hope that this becomes one of the first initiatives that the P.P.C. particularly can get on with while the rest happens with other Ministers and so on. It is perfectly possible, I think. The expert, Deputy Wickenden was saying: “If I went to a bank and said: ‘It is going to take me 2 years to do this’ they would sack me” because it could be done a matter of months rather than a matter of years away, and trialled and then tested and we could have perhaps that testing done in 2018. I see absolutely no reason, and I am with him all the way. The point that the Constable of St. Lawrence made, she put reservations about that, but there is nothing stopping people from turning up and even the young people, sooner or later, could turn up, having voted electronically probably from their own bedroom, but showing their faces and having the conversation, having the party perhaps, that seems to be elections in St. Lawrence. My colleague, Deputy Tadier, mentioned the advantages of electronic voting to enable the single transferable vote, alternative voting, to make the numbers easier to count, and as Deputy Mézec said, this is not the solution but it is part of the solution. I would just like to finish with noting what the Speaker’s Commission on Digital Democracy had to say in January 2015, and this is from the U.K. Parliament: “The Commission is confident that there is a substantial appetite for online voting in the U.K., particularly among young people. It would become increasingly more difficult to persuade younger voters to vote using traditional methods. It is only a matter of time before online voting is a reality and the concerns about security must be overcome. Once this is achieved there will be an urgent need to provide citizens with access to online voting and the U.K. must be prepared for this.” I say, and I believe, that Jersey must be prepared for this, and must be prepared for it in the shortest possible timeframe. I urge Members to support this wholeheartedly and I call for the appel, Sir.

The Deputy Bailiff:

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

| POUR: 43 | | CONTRE: 0 | | ABSTAIN: 0 |
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| Senator P.F. Routier | | | | |
| Senator P.F.C. Ozouf | | | | |
| Senator A.J.H. Maclean | | | | |
| Senator I.J. Gorst | | | | |
| Senator L.J. Farnham | | | | |
| Senator P.M. Bailhache | | | | |
| Senator A.K.F. Green | | | | |

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| Senator Z.A. Cameron | | | | |
| Connétable of St. Helier | | | | |
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| Connétable of St. Mary | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. Saviour | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. John | | | | |
| Connétable of Trinity | | | | |
| Deputy J.A. Martin (H) | | | | |
| Deputy G.P. Southern (H) | | | | |
| Deputy of Grouville | | | | |
| Deputy J.A.N. Le Fondré (L) | | | | |
| Deputy of Trinity | | | | |
| Deputy M. Tadier (B) | | | | |
| Deputy E.J. Noel (L) | | | | |
| Deputy of St. John | | | | |
| Deputy M.R. Higgins (H) | | | | |
| Deputy J.M. Maçon (S) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Martin | | | | |
| Deputy R.G. Bryans (H) | | | | |
| Deputy of St. Peter | | | | |
| Deputy R.J. Rondel (H) | | | | |
| Deputy S.Y. Mézec (H) | | | | |
| Deputy A.D. Lewis (H) | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |
| Deputy R. Labey (H) | | | | |
| Deputy S.M. Wickenden (H) | | | | |
| Deputy T.A. McDonald (S) | | | | |
| Deputy of St. Mary | | | | |
| Deputy G.J. Truscott (B) | | | | |

[Approbation]

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Deputy Bailiff:

Before moving along to future business I can announce the Draft Financial Regulation (Miscellaneous Provisions No. 4) (Jersey) Law 201- has been lodged in draft. We now move on to the arrangement of future business. Chairman?

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

The future public business as per item M. on the Consolidated Order Paper, with the addition of the 2 items lodged today, the one you have just mentioned, the Draft Financial Regulation (Miscellaneous Provisions No. 4) (Jersey) Law 201-. That will be down to be debated on 10th May

and the Westaway Donations Council: appointment of member, in the name of the Minister for Health and Social Services will be on 26th April. The 2 items moved from today, P.139 in the name of Deputy Labey and P.156 in the name of the Chief Minister, moved to 12th April, and also on 12th April are the Draft Commissioner for Standards (Jersey) Law 201- in the name of the Privileges and Procedures Committee will be withdrawn and a new proposition will be lodged in due course. That is what I would propose for the future business, and the next sitting I would suggest should be no more than one day.

14.1 Senator P.F.C. Ozouf:

I alerted Members to a request that I would likely make, regarding the Intellectual Property (Plant Varieties) (Jersey) Law 201-, P.20, which due to a hiccup, got lodged one day later than we planned. I know that Members have been enthusiastic to talk about Estonia and they heard briefings yesterday, but we also had an excellent briefing with those Members who could attend on plant varieties. I know that Members are busy. I have sent the slides through to Members. The Scrutiny Panel Vice-Chair was there, and I would be most grateful in the event that the Constable of St. Clement's optimism that we will be here for one day, I suppose I could speak for lots and lots of time and then get it in, but I do not think Members would want me to do that. Can I beg the indulgence of invoking the Standing Order that says that we would take this with a reduced lodging day for one day? The reason for that is that it is the last piece of intellectual property legislation which my predecessor and I were doing before he was the Minister for Economic Development. It is the last stage. The passing of this legislation will enable us to make an application to the various different international bodies, including membership of the W.T.O. (World Trade Organisation) and so on, and I do not wish to draw Members' attention to the helpfulness of that at various international things going on at the moment, but we want to get this application in as soon as possible. With that, I know there were Standing Orders to be changed so I would be most grateful if I could ask Members to accept a one-day reduced lodging period.

The Deputy Bailiff:

That is a request made under Standing Order 26(7) **which says:** "The States may reduce the minimum lodging period for a proposition if they are of the opinion that it is in the public interest to do so." So you have made that proposition?

Senator P.F.C. Ozouf:

I make it in that it is in the public interest to get it complete, subject to the Scrutiny Panel being content, and we stand ready to brief any Members, including the Scrutiny Panel. I know plant varieties may not be the most exciting of things, I do know that, but we are happy to talk all day and all night about plant varieties and to get Members able to do that, but it is in our interests, and it is in the Island's interests to make those applications as soon as possible, and 2 weeks does make a difference.

The Deputy Bailiff:

Is the proposition seconded? [Seconded]

14.1.1 Deputy A.D. Lewis:

Just on a matter of briefings, some Members were unable to come to the briefing yesterday. Is the Minister minded to do another one, or one-to-ones perhaps, with his officer?

The Deputy Bailiff:

I think at the moment we are simply determining whether or not we can take this as an item in 2 weeks' time. Do Members agree that we can take the item proposed by Senator Ozouf?

Deputy M. Tadier:

Sir, can we speak and have the vote?

The Deputy Bailiff:

Yes, if you wish to have discussion.

14.1.2 Deputy M. Tadier:

Can I just say, if it is that important Ministers would lodge it in time? It is not satisfactory if these things ... I am worried that the public interest test is becoming devalued. This is simply a matter of convenience. I have not been convinced that the public interest in this case lies with reducing the lodging period. We have a Council of Ministers, remember, who see fit to lodge comments late already today, and it has put one of our Members in a very invidious position, and yet they seem to expect to be able to just have rules changed for them at a whim. I do not think this is so important as to reduce the lodging time, and we must nip this kind of thing in the bud, not simply because it is coming from Ministers, but lodging times are there for a purpose.

The Deputy Bailiff:

Deputy Wickenden, do you want to say something on this?

14.1.3 Deputy S.M. Wickenden:

Yes, please. I know it seems a little bit odd on this one, but the whole idea that we have been talking about digital right now and the growth in the digital sector and being digital-enabled, intellectual property and being part of the W.T.O. and getting the parts that we need together is a big part of the digital community in one aspect as it is, so I would ask Members to just allow this at this time.

[16:00]

It is good for the economy, it is about diversification and I think that we can allow this one, but I do take on board Deputy Tadier's point that we have to make sure that we get these things in time so that this does not happen, because it is diluting the whole public interest bit, but in this instance I do truly believe it is in the public interest.

14.1.4 Senator Z.A. Cameron:

I would like to also ask for the extra time to consider this. The scientific community are very concerned about patenting and it prevents some developments in health and stops collaboration. I would like the extra time to research whether this is a good thing for the community.

14.1.5 Deputy J.A. Martin:

Yes, just briefly. The Senator in proposing this spoke for quite a while but it is only from 12th to 26th April that he is proposing. He mentioned that this is the last piece of intellectual property law to go through but he did not mention why urgency. They missed the date. I need to be convinced that it is urgent to move it forward 2 weeks, and I think that is fair comment.

14.1.6 Deputy J.M. Maçon:

Despite the Minister downplaying this piece of legislation it is very important, and I am particularly looking to amend it, to bring in ethical safeguards surrounding it, so I would appreciate the time.

14.1.7 Deputy G.P. Southern:

I would just point out that all legislation is important. That is why we have lodging times and we should not be here to endorse inefficiency from one Minister or any Minister.

The Deputy Bailiff:

Clearly it is a matter that should be put to the vote. Do you have any final observations? I beg your pardon. Senator Bailhache's light was on and I missed it. I apologise.

14.1.8 Senator P.M. Bailhache:

The Assistant Minister may be about to say this, but I would like to draw Members' attention in the public interest debate to the fact that the United Kingdom is having a referendum on 23rd June and if the outcome of that referendum is a decision to leave the European Union Jersey's membership or non-membership of the World Trade Organisation will be a significant factor. It may not be possible to make such arrangements before the decision of the people in the United Kingdom is made, but I hope that Members will give the Government the opportunity to see whether that can be done.

14.1.9 Deputy M.R. Higgins:

Just following on from the previous speaker, I think it is a bit of a red herring, the Senator's comments. First of all, if the U.K. does decide to leave the E.U. it does not mean that all European legislation, all agreements and everything else that we have had, go out the window that day. It is totally farcical to suggest that. There will be negotiations between the U.K. Government and Europe which will go on for a period of time, so to say that it is that urgent because in case they vote to go out and we have to debate it is farcical.

14.1.10 Senator I.J. Gorst:

We have taken a beating today for things which apparently we have delayed. First of all we had the housing comments, and I am sorry that the Minister for Housing was not able to explain fully why they were slightly late, but now we have the opportunity to do a full briefing to Members, thanks to Deputy Labey of St. Helier, so I look forward to further information being imparted prior to his debate in a fortnight's time, or after Easter. This is one of those situations where we are taking a beating, when in fact Ministers were prepared. The paperwork has gone through the departmental routine, but there was another non-governmental internal process which needed to be gone through. As far as Ministers were concerned the decision had been signed, we were in appropriate time, but then for circumstances outside of our control there was this slight delay, and Senator Ozouf is asking for, in effect, this one day for it to be brought forward. I want to point to the previous debate that we have had about electronic voting. There is always a good reason why something is delayed, and sometimes we just have to keep moving forward. I think Deputy Wickenden pointed to the issue very clearly. These are all connected with the new digital economy. Yes, of course it is connected with our ability to be able to seek membership of the W.T.O. and of course what happens in Europe will not happen overnight, but these things take time. If we keep putting them off we get to the situation where we are; where we are saying: "Oh, well, if only we had had a digital I.D. earlier we would have been able to deliver on Deputy Southern's proposal." So there is a perfectly legitimate reason why we should leave it for another sitting or another sitting after that, but ultimately it will delay us in delivering the important policy aims that this Assembly wants to achieve, and it is only a day that is being asked. It is outside of the Assistant Minister's control. We did everything we could to try and make it happen in that timely manner and therefore I do hope that Members will accede to the Assistant Minister's request, because at the end of the day it

is perfectly reasonable. It is only asking for that one day and it is an important piece of legislation to bring the suite of legislation about I.P. (Intellectual Property) all together.

14.1.11 The Connétable of St. John:

I feel very split on this issue and I am concerned that on the one hand we have issues coming forward late. On the other hand I understand there can be legitimate reasons as to why they are late. What one needs to weigh-up is the frequency with which things are coming through late, and I think that is my biggest concern. Talking of which, and while I am on my feet, if we had been late today and gone on tomorrow, most of you would then have seen that there is an invitation to the Coastal National Park presentation at lunchtime tomorrow. I sincerely hope to see all Members present at that. Thank you.

Deputy M. Tadier:

Sir, may I ask a point of order? I do not know whether it is in order, but I think it might be, because it does require a ruling from the Chair. I would have thought that if it wanted to be put on the Order Paper for the 12th the normal way is that there would be a bracket around it saying: "Cannot be debated until the 13th" because then it would be in time. It is entirely possible, we do not know yet, whether the proceedings will go on to the Wednesday, because we are likely to have a potentially contentious debate on one of the deferred items from today. That seems the least contentious way to do it, and it also puts us in a position where we would know on the day what would happen, without needing to take the public interest test.

The Deputy Bailiff:

That is a method that could have been applied, but what we are left with now is the fact of a proposition on the basis of the public interest test and either the proposition needs to be withdrawn or it has to be voted on. Does any other Member wish to speak on the proposition? Then I call on Senator Ozouf to reply.

14.1.12 Senator P.F.C. Ozouf:

I hope the officials that have been working on this are not listening to this debate, because it is pretty difficult. No, Sir, I am not going to elect effectively. It is so easy for Members who with the greatest of respect perhaps do not understand the complexity and the hard work that goes in to this legislation. This legislation, if I may say - and I heard the remonstrations of the Constable of St. Saviour - has virtually no effect on plant varieties in Jersey. It is beyond even my most ambitious inspirational innovation to think that anything is going to be within this proposition which is going to be a cutting edge new vegetable that is going to be approved. I have sent Members the briefing. Members may shake their heads, but the officials who have been working on this have been working at specific requests to deal with this issue. Many Members have said that we will never get intellectual property through. We will never get what Deputy Wickenden is talking about, of the W.T.O. membership, Paris Convention, and all the things that my predecessor in these responsibilities spoke about so eloquently when he took the copyright law. Many Members did not believe we would do it. Well, we have done it, and through no fault of my officials who have been working night and day in order to meet a deadline that got the papers to the Greffe in time, and through a matter which perhaps is best dealt with by P.P.C. there was a delay. It was unfortunate but it was not an issue for the government officials, and I want to pay tribute, just in case they are listening, to the hard work, day in and day out, that the official that has been responsible for this has done. Because he has done us a service in order to basically improve what Members want to do, which is the jobs and growth agenda, which will mean that the savings we need to do are offset by

real economic growth. Real economic growth means T.R.I.P.S. (Agreement on Trade-Related Aspects of Intellectual Property Rights) compliance and getting W.T.O. membership, so it is both the issue of Brexit and the importance of W.T.O. membership and compliance, which is an international standard. It is easy to give Ministers and their officials a good bashing. Sometimes it is deserved. On this occasion, with the greatest of respect to Members, it is not deserved. In fact it was a hiccup and I will say just that. It was a hiccup which was not the Government's fault, or our officials. I ask Members to be reasonable, to be fair, to be promoting jobs and growth, to make sure that we deliver on that digital agenda, with I.P., T.R.I.P.S. compliance and W.T.O. ownership. If it helps I will amend the proposition by putting it at the bottom of the Order Paper just in case that makes Members happy in terms of sticking it at the bottom just in case we talk too long and go into the next day, because that is the real issue. If we would have a 2-day sitting we would not have a problem, but we have not, or we might not do. So that is the reason why I am asking and I ask Members, for once, to not give our officials a bashing and give us a break and allow us to do the job they have asked us to do, which is deliver jobs and growth to this economy. I move the proposition with the greatest of respect and with the most kindly respect that Members can do it. Yes, I will do a briefing. I will do night and day for Senator Cameron, if she wants, but I do not think she is interested in plant varieties, because I do not think there is going to be any in Jersey. Thank you.

Deputy J.A. Martin:

Sir, can I ask for a point of order? It might be a point of order, and I hope it is a point of order, Sir. The Senator in his summing up said that this law that he is asking to be a piece of legislation we bring forward one day will not have any effect probably in Jersey. He is asking us to pass the public interest test of Jersey.

The Deputy Bailiff:

Sorry, that is not a point of order.

Senator P.F.C. Ozouf:

If it is a clarification of my speech I will say so, Sir.

The Deputy Bailiff:

Well, it is not a point of clarification.

Senator P.F.C. Ozouf:

It matters to Jersey because we cannot get basically T.R.I.P.S. compliance without it. It is a technical piece of legislation. It is the last piece we can make an application for T.R.I.P.S. compliance, and we better get on with it.

The Deputy Bailiff:

Very well. I think we will stop the debate at that point. There are a couple of lights on. Are these points of order?

Deputy M. Tadier:

They are points of clarification that arose from something the Minister said, Sir.

The Deputy Bailiff:

Are you asking the Minister for a point of clarification?

Deputy M. Tadier:

Yes. The point of clarification is that he said that he would give us a briefing, but obviously by reducing the time for the debate that also reduces the lodging time for any amendments. Do we know that the presentation which he is going to give will give us enough time to lodge amendments, should we so wish to?

Senator P.F.C. Ozouf:

I invited Members to a briefing yesterday. I know they are busy. I have sent a presentation and, if Members are unhappy, if the Scrutiny Panel is unhappy, then on the day of the debate they will delay it because they think there is a problem with it. This is lifting international legislation and putting it on the Jersey Statute Book, which allows us to be T.R.I.P.S. compliant and that is what it is all about. It is about as likely as a new vegetable being ... it is just not going to be used. Not even the Orchid Foundation is going to use it, but we need it to get the international regulations.

The Deputy Bailiff:

The appel is called for. Very well. I will ask the Greffier to open the voting. The proposition is that P.20 of 2016, Intellectual Property (Plant Varieties) (Jersey) Law 201- be listed for debate at the next sitting of the States Assembly.

| POUR: 32 | | CONTRE: 11 | | ABSTAIN: 0 |
|-----------------------------|--|---------------------------|--|-------------------|
| Senator P.F. Routier | | Senator Z.A. Cameron | | |
| Senator P.F.C. Ozouf | | Connétable of St. Saviour | | |
| Senator A.J.H. Maclean | | Connétable of Grouville | | |
| Senator I.J. Gorst | | Deputy J.A. Martin (H) | | |
| Senator L.J. Farnham | | Deputy G.P. Southern (H) | | |
| Senator P.M. Bailhache | | Deputy M. Tadier (B) | | |
| Senator A.K.F. Green | | Deputy M.R. Higgins (H) | | |
| Connétable of St. Helier | | Deputy J.M. Maçon (S) | | |
| Connétable of St. Clement | | Deputy S.Y. Mézec (H) | | |
| Connétable of St. Lawrence | | Deputy R. Labey (H) | | |
| Connétable of St. Mary | | Deputy T.A. McDonald (S) | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Connétable of Trinity | | | | |
| Deputy of Grouville | | | | |
| Deputy J.A. Hilton (H) | | | | |
| Deputy J.A.N. Le Fondré (L) | | | | |
| Deputy of Trinity | | | | |
| Deputy E.J. Noel (L) | | | | |
| Deputy of St. John | | | | |
| Deputy of St. Martin | | | | |
| Deputy R.G. Bryans (H) | | | | |
| Deputy of St. Peter | | | | |
| Deputy R.J. Rondel (H) | | | | |
| Deputy A.D. Lewis (H) | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |
| Deputy S.M. Wickenden (H) | | | | |
| Deputy of St. Mary | | | | |

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|--------------------------|--|--|--|--|
| Deputy G.J. Truscott (B) | | | | |
|--------------------------|--|--|--|--|

Senator P.F.C. Ozouf:

I am grateful for Members and stand ready to answer any questions at any time Members may have, even if it is over Easter.

The Deputy Bailiff:

Chairman, does that change the proposition?

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

In view of that decision, Sir, I should suggest to Members that if everything on the Order Paper is now debated on that day it is quite possible [**Laughter**] that we move on to 2 days, but we do seem to be in the habit of delaying things, so it may only be one, but I think Members should be prepared for 2.

[16:15]

The Deputy Bailiff:

Do Members agree to adopt the arrangements for future business proposal?

The Deputy of Trinity:

Sorry just a question to ask. Would P.139 - La Collette - would that be first on the Order Paper please?

The Connétable of St. Clement:

Yes, that is P.139 of 2015, I think it would be. We normally put the earliest ... yes, the earliest propositions that are lodged go earlier on the Order Paper, so it would be.

Senator P.F.C. Ozouf:

Just to clarify that mine would go at the bottom. [**Laughter**]

The Deputy Bailiff:

Do Members agree to take the arrangement for future business now as proposed by the Chairman of the P.P.C.? Very well, those are the arrangements for future business. The States stands adjourned until 12th April.

ADJOURNMENT

[16:16]