

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 17th APRIL 2013

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[9:30]

The Roll was called and the Deputy Greffier of the States led the Assembly in Prayer.

PUBLIC BUSINESS - resumption

1. Island Plan 2011: wind-farms (P.27/2013)

The Bailiff:

We return to the debate on Projet 27 lodged by Deputy Baudains.

1.1 Senator S.C. Ferguson:

The Minister spoke of the horror of building large towers in St. Brelade's Bay. Tell that to the folk of the Brecon Beacons. As an engineer, and as someone who majored in finance and worked in the industry for 30 years, I would totally support Deputy Baudain's proposition but I think Members should note that this proposition only applies for the life of the current Island Plan, 10 years. In 10 years' time, we will either have economic technology or we will have forgotten the project because nobody wondered why we gave up windmills a century ago, as did the Dutch, the Greeks, the Majorcans, and many others. If there were no subsidies for the behemoths, then none would have been built and if an industry needs massive government subsidies in order to survive, then it should be abandoned. At the moment, a typical turbine generates power, which is worth about £150,000 a year, but it attracts subsidies of some £250,000 a year. For example, the U.K. (United Kingdom) has a proposed investment programme of £120 billion in turbines and in their back-up. The same amount of electricity could be generated by gas-fired plants from shale gas and the plants would only cost £13 billion. The Minister quoted an impressive number of figures regarding theoretical capacity. The realistic capacity usage is between 10 and 20 per cent of this. We are told that wind uses no fuel but the annual savings in the U.K. are about £500 million compared with gas and as against the additional £107 billion capital cost: is this really a saving and should we be encouraging this at the moment? The subsidy for the windmill industry is, as currently constructed, one of the most viciously regressive taxes - and I use the word advisedly - in existence. How else could you describe a subsidy that benefits the landowner with a few hundred spare acres but results in massive additional costs for the person living in social rented housing? In the U.K., a dozen of the biggest landowners receive nearly £850 million in subsidies, all of which is paid for by the ordinary consumer. An offshore wind farm would be a hazard to shipping and to fishermen, not to mention wildlife. They do not call them bird mincers for nothing. It is an unreliable source of energy and causes strains in the generation and transmission systems through its variability. What is the point in investigating a system which is variable, unreliable, and where the equipment would need an incredible amount of servicing? Mention the wind energy industry's estimates of the time and cost required for servicing offshore wind farms and your marine engineer will fall about laughing. In 10 years' time, when this Island Plan comes up for renewal, the technology may have improved. At the moment, they are expensive and archaic bird mincers. We should sit out this round and review it with the next Island Plan.

1.1.1 Connétable L. Norman of St. Clement:

Just very briefly to agree with Senator Ferguson. Wind farms are noisy, ugly, inefficient and expensive. Deputy Baudains gives us the opportunity to turn our back on this fallacious technology and I hope we take it.

1.1.2 Deputy S.G. Luce of St. Martin:

I left the Assembly yesterday afternoon thinking that I had witnessed maybe some veritable clash of the titans, the battle of the giants between St. Clement's branch of Flat Earth Jersey and Tree Huggers"R"Us. **[Laughter]** That may be a little harsh on both the Deputies but especially on

Deputy Baudains because, as an engineer, he knows only too well that at some time in the future, sustainable technology will produce viable energy for us all to use economically. While we have now heard both sides of the argument, we have also heard some truth from both sides. Yes, wind power is uneconomical. It is currently flawed for quite a few reasons and, of course, it does not work when the wind does not blow or when the wind blows too hard. But Deputy Baudains must admit, again as an engineer, that at some time in the future, it may well work properly. We all know that the speed of technological change is getting faster and faster and at some time in the years to come, we will find something that works. We have also heard from the Minister for Planning and Environment, quite correctly, that the Island Plan has any number of potential safeguards that protect our offshore reefs and I am comforted by the assurance that we have been given that wind farms on these Ramsar sites will not be permitted. So which side of this argument does one support? On reflection, I found it easier to ask myself which side I find easier not to support. I might not like the possibility of wind farms off Corbière but we are not there yet. The technology may allow us in the future to take part in these schemes even though, at the moment, that probability seems very unlikely. However, if we agree to never allow anything to happen, as Deputy Baudains suggests, then we rule out the chance of taking part in something which may be perfectly acceptable in the future. Let us not burn our bridges before we get to them. Let us keep our options open. Technology is a wonderful thing. At some time in the future, it will come up with the type of sustainable energy that we can benefit from. Let us make sure that we are ready to embrace it when it arrives. This proposition ties our hands unnecessarily in my view and I ask Members to reject it.

[9:45]

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

Deputy Luce has said much of what I was going to say so I will try not to repeat it. I absolutely agree with the view that Deputy Baudains is telling us. I have seen these things for myself. I am sure he is absolutely right about their adverse effects and their limitations but I think that the proposition, no matter how well meaning and now matter how accurate the facts the Deputy gives us on the engineering, that the decision to rule ourselves out is premature. There is absolutely no doubt that at the moment wind farms would be completely uneconomic and non-viable in the current technology and so on. The Deputy says to us that we should undergo a review of our planning policy and part of that seems to be that he cites the ambiguity of the planning policies. What I would like to say is that that is not the only example of planning policies that are badly worded where there are confusing and ambiguous messages and this is one such case. We only need to look at page 87 of the Draft Energy Strategy to see what the policy was meant to be rather than what is recorded in the Island Plan, and that is that onshore wind farms are definitely not for Jersey and the Minister has given us a commitment on our reefs. I think I give notice here that when we do do a review I shall be bringing a proposition not only to tidy-up the Island Plan but many other policies that also suffer from this problem of not being well written and confusing and I want to see simplification and clarity. But on the big principle of offshore wind farms, my concern is that the Minister has given us, after a lot of work, a Draft Energy Plan to take the Island to 2050 and in it, the paragraph on alternative technologies and renewable energies does not commit us to any of these technologies but makes the point that Senator Ferguson has said, that these technologies are emerging and that we should look at them and try and make sure that at the right time we get on board the right vehicle because there is no doubt about it, we cannot set our face now against the opportunity for renewable energy sources. I think, given the fact that we have got this draft, it is going to come here. The Scrutiny Panel has appointed an expert to start this review. It would be premature to say that we should set our face against this and close our minds to this possibility for ever. Of course, I asked myself, when I was listening to the discussion about the French yesterday, if it is right that the French have got massive plans for wind farms in their waters

which we can see from Jersey, driven – obviously - by massive E.U. (European Union) money which we do not have access to, would we really set our face against the dialogue with them to be able to make any sense, to try and see what possible benefits there might be, some co-operation? Would we really do that? I would really doubt it, so despite the well meaning of this - and full marks for Deputy Baudains for bringing this - I just cannot support the path he is sending us on and so I am with the Minister on this.

1.1.4 Connétable D.J. Murphy of Grouville:

I am speaking from the standpoint of the Renewal Energy Commission and if I can just clarify certain points. I think there was some doubt in people's minds yesterday about the French development and, in fact, there is a development of French turbines planned for 100 units which is going to be flush up to the borderline with our waters and running down in the French waters down to Quimper. That is entirely up to them, that is what they are doing. They have been over here to talk to us about it and we have spoken to them and there has been consultation so what they want to do is entirely up to them. As regards the offshore reefs, they are protected completely under the Ramsar Convention so I do not think there is any problem. I keep a very close eye myself anyway because Les Minquiers is just part of the Parish of Grouville. It is, in fact, a 13th Parish virtually down there at low water. Thirdly, economics. Senator Ferguson has laid out the economic problems with these windmill renewables. They are expensive and they are subsidised and the money does come out of the taxpayers' pocket at the moment in a very big way indeed. So I think you would have to take a very close look at any economic benefit which would accrue to Jersey and I cannot see it. Also, on offshore, that is one point; on onshore at the moment, the guideline is ... I think it is something like - perhaps the Minister might be able to confirm this - 500 metres from any habitable home so I do not think anywhere onshore, i.e., in Jersey itself, would be suitable for onshore turbines. If I leave that as it is, I will push on to my favourite subject which, of course, is tidal energy and we are pushing ahead with that. There again, as Deputy Young has said, we are watching technology. Technology is going ahead by leaps and bounds. We are literally at the cutting edge of technology here. It is not ready yet but we are working on it and we are keeping an eye on anything that may advantage us on this. The only problem we have at the moment is ... and I think talking about any type of offshore renewables at the moment, we do not have the access to the seabed, which we do not own. However, negotiations are in train and Senator Sir Philip Bailhache is dealing with the U.K. Government on this basis in order for us to obtain our rights to the seabed around the Jersey shores. I do not think anything can happen in the immediate future, however, I do think we need some protection on this. We do have a lot of protection but I think Deputy Baudains has probably hit the nail on the head and I think people are worried about it and I shall be supporting him.

1.1.5 Senator P.F.C. Ozouf:

There is much debate at the moment about how to get economies going and locally how we are going to, in the longer term, seek to diversify our economy. Many commentators and politicians are commenting and focusing on capital and infrastructure spending and that has an important role now and into the future. The other focus of boosting long-term economic capacity is investment in technology, in particular in the focus of research and development in building long-term new industries. Communities and nations that do not invest in research and technology, as indeed the U.K. did not for many years, impair their long-term economic prospects. We are investing in our long-term. We are planning for a different world. That is one of the focuses of Digital Jersey. Mayor Bloomberg from New York on the weekend spoke about what New York was doing in investing in research and development and technology and green technology. Around the world, billions of pounds are being invested in research and development. The U.K. is focusing on investment in university spending to diversify their own economy. Green energy has a role in the

future. We do need to deal with climate change. Indeed, the funding of... and while Senator Ferguson may well remonstrate, as the funeral for Baroness Thatcher gets underway, it was indeed Baroness Thatcher who was one of the first politicians in the world who spoke about the dangers of climate change. They are real and they are real concerns. I tested an electric car 2 weekends ago, an electric car that was not even possible to run for half an hour 10 years ago. I used that electric car for all over the weekend on a charge that cost, in fact, I worked it out, it is 1.8p in terms of the electricity costs compared to 16p per mile in terms of ... that is 1.8p for an electric car and 16p for a petrol car. That indicates that the world is changing and I completely endorse the remarks made by the Deputy of St. Martin and, indeed, Deputy Young. The world is changing and we need to make sure that we have the data from our wind resource and, indeed, our tidal energy. We need to have that data. We need to have our research and development data in order that we can see whether or not we can benefit from reducing our costs in terms of energy, in terms of carbon, and yes, deal with the potential problems of climate change, even though Senator Ferguson will never agree with that. I believe that we do. Deputy Baudains is asking us to effectively not invest. He is effectively cutting off the research and development that is going to be made in finding out what that wind resource is around the coast of Jersey. This is not going to lead automatically to wind farms. Wind farms at the moment are more expensive, the energy that is from wind farms is more expensive in terms of its cost of electricity but it will fall. Just as the technology in electric cars has moved on in an almost unimaginable way in 10 years, so also will the technology for generating power from wind and, indeed, one hopes in the longer term, to harness our tidal resource. That is the reason why we must reject Deputy Baudains' proposal. We must invest, we must research, we must have good data in order to harness the energy that is around us so that we can reduce our dependency on carbon and we can play our part as a small Island in terms of dealing with climate change. We also prepare potentially for an exciting economic area of the future where we cannot only be self-dependent but we can harness that resource. I urge Members to reject the proposition.

Senator S.C. Ferguson:

I am sure the Senator did not mean to mislead the Assembly but I can assure him that if he had read Mrs. Thatcher's book I think it is *Statecraft*, there is a chapter in it where she admits that she made a mistake with the climate change alchemy and rejected the so-called arguments of the proponents of that particular theory.

The Connétable of Grouville:

Point of order. The actual proposition does not refer to any ban on research development whatsoever. It just simply says: "Utility scale wind farms will not be permitted." There is nothing in this proposition which stops us investigating and looking into these things.

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

I spent my early years in this Chamber with a very excellent tutor, a very perceptive and discriminating tutor, who was sat on my left and used to whisper in my ear. He taught me how this House works and a very good tutor he was except that occasionally he would just go off on one and I could not follow him at all, and I think this is one of these cases because here we have a very selective set of quotes trolled straight off the internet from lobbyists who are anti-green energy and say there is no crisis in energy whatsoever and he comes up with a piece of pseudoscience on page 3 which has been doing the rounds on the internet for yonks. The thought that if we put up a wind farm anywhere near us we are going to get resonated to death is just ridiculous. It is a piece of pseudoscience that is off the page. I cannot go along with something that uses that sort of non-logic and non-evidence to support this argument so I will be voting against this.

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

When I read this - I will just check the date - it is not April Fool's Day, but the Constable of St. Clement said let us turn our back on technology or this fallacious technology that we should not be... Jersey can turn our back. We should be running forward to enhance anything that is coming. I watched something last night about bacteria being turned into some sort of fuel. It is amazing but it is going to be coming down ... it is quite scary what is out there.

[10:00]

I rose to my feet because the Constable mentioned the proposition and I love the proposition because it says to request the Minister for Planning and Environment, having undertaken the required consultation process, to come back to this House and say wind farms will not be permitted. Why bother then? What is the consultation process all about? Absolutely it is a ridiculous... nobody is planning to put them in the middle of St. Clement and one in St. Brelade at the moment. That is not going to happen. We know that there are things wrong with the technology at the moment but I am not going to be ... should we have done like 20 years ago and said we are not going to have any mobile phone masts in Jersey? It is absolutely ridiculous. The proposition to me should not have ever been ... why go out to proper consultation but have the answer in the proposition. You are going to come back and tell us we are not going to have utility wind farms in Jersey. Madness. Glad I agree with Senator Ozouf and Deputy Southern and we all agree obviously. I am, I think, a forward-thinking politician and I just cannot see that Jersey is going to be King Canute and hold back the tide, wind tide or farm or whatever tides we are going to be investing in the future I totally agree we should be looking at. Deputy Young is doing this but he is literally doing it. He is not saying: "Go and consult and then come back and say let us not do it." I am surprised at the Constable of Grouville because he is our forward-thinking looking at alternatives out there but not in Jersey.

1.1.8 Deputy R.G. Le Hérissier of St. Saviour:

Deputy Martin has partly taken the wind out of my sails. **[Laughter]** I was going to stand up and create a few waves but what I ... yes, I know, if you are surfing the internet, you are bound ultimately to come across this kind of science. I was absolutely staggered by the Constable of Grouville and perhaps he would like to tell us what kind of mental agitation is affecting him this morning because I did feel that while he would not necessarily be totally uncritical in his admiration of wind farms, I thought he had an open mind to new technologies and that was the precise purpose for which he was appointed to this body, so that is very worrying.

The Connétable of Grouville:

Can I reply to that, Sir?

The Bailiff:

I am afraid not, Connétable. **[Laughter]**

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

I recall the very first computer by Sir Clive Sinclair back in the 1970s, a pocket computer. A calculator it was but it was a computer of sorts. I have been called a dinosaur, a "rentosaurus" of St. John or whatever in the past and my colleague has got an iPad next door to me here but I still like the paper. But that said, we should not close our eyes to what is out there and may be out there in the future. Just because I am not up to speed on a lot of these electronic gadgets, I still look in envy when I see people using certain bits of equipment that, just because I am not able to do it, somebody has developed and somebody is always looking forward and inventing things. Just because we have bits of equipment, somebody is telling me from above do not close your eyes to the way forward and I agree with that and my old friend sitting behind me here who brought this proposition, I will not be able to support him because I do not want to close my eyes or for this

Island to close their eyes for the next 8 or 10 years until we get another Island Plan with all its carbuncles within it. Somebody, maybe tomorrow, maybe in 20 years' time, may not be able to make this viable when it is not being so heavily subsidised so I say do not go around with blinkers on. Allow progress to continue because if we do not, somebody else will and we lose out in a big way.

1.1.10 Deputy T.M. Pitman of St. Helier:

Very briefly, I would just like to say that I do not think the Jersey public would accept any excuse given for ruining the landscape with wind turbines, especially when they can see that so much hot air could be generated by the Council of Ministers within the confines of this Chamber. Then nobody would have to look at it. But the reality of the matter is that I cannot support this either so you cannot put the blinkers on, as the Constable of St. John says, to progress in the future. Things are changing all the time so I am going to have to set another dangerous precedent with Deputy Southern and Deputy Martin in supporting the Minister for Treasury and Resources, and I too cannot support the Deputy of St. Clement. I say sorry to him because I know he feels strongly about such issues but I cannot share those views.

1.1.11 Deputy M. Tadier of St. Brelade:

I think the arguments have been made about the fact that by not adopting this, we do not shut any doors or it does not mean that we have to adopt wind farms. It just means that we may look at it. I think it is necessary also to look outside the box. I share the sentiments of the previous speaker that I do not envisage probably ever lots of wind farms popping up in Jersey because it would be too much of an eyesore. We do not have the land masses that the continent does and the big tracts of unoccupied or under-occupied land where they can fit in quite nicely and Holland obviously in the past has had windmills, though a different type of windmill, and they have been all over the place. But we do have to think outside the box and I know I have spoken to the Minister for Planning and Environment. There are alternatives perhaps. Why not set up wind farms that are co-owned by Jersey on the Normandy Coast? They have got lots of land there. They have got wind farms already and we do that. Either the States invest directly - private partnerships - and we say to the French that we will get this many acres or whatever the units are - I have never been too good with imperial - hectares, and you put wind farms there and then we will take some of the energy and we could end up having either completely free or subsidised energy or selling the energy back to France. There are very many options that could work. Simply run a cable from the coastline, and we know obviously it is not too difficult to run cables between Jersey and France so the options are there, and I think we should not shut ourselves off from that. But I think we should take the bull by the horns because this is an urgent issue and I think to suggest that wind turbines are not efficient is ridiculous when we see both the private sector and governments investing so heavily in them. There must be something in that logic.

The Bailiff:

Very well. Does any other Member wish to speak? I call upon Deputy Baudains to reply.

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

I thank all Members who have spoken. Just taking Deputy Tadier first. I am glad he appreciates - and it is the whole thrust of my proposition - that Jersey simply does not have the landmass on which we could ever accept wind turbines and it is highly unlikely that we could do the same to have them in our waters as well. I thought he rather supported me towards the end when he was saying that perhaps we could share a French turbine installation on France. That is precisely what my proposition is all about. We do not want them in Jersey. I would totally agree with, if we could, buy our power from France at the present time. What is the difference if we buy our power from a French wind farm? It makes no difference to me. The point is we, as an Island, are too

small to have these unreliable and inefficient machines. I am not going to repeat every speech that has been made although my old friend, the Constable of St. John, did come up with an interesting phrase, that we should not close our eyes to what is out there. I am afraid if we built the wind farm, we would have to because they would be an eyesore. The thrust of many Members' speeches I think was missing the point to some degree in that what I am trying to do, and I think the Minister for Treasury and Resources majored on that issue, shut our minds to the future. That is not my intention whatsoever, as I believe Senator Ferguson made clear. Any amendment to the Island Plan... I am asking that the Minister amends the Island Plan. In 10 years' time, that plan will be amended again. It is revised every 10 years so I cannot see that turbines will be made invisible or in any way produce electricity at an affordable price and generally be the reliable source of power that we need in the next 10 years. In 10 years' time technology may have changed although how they are going to make wind more consistent I am not quite sure. The problem is not in the technology of the wind farms; the problem is with the wind itself. There may be ways of storage that would assist in matters like that. I completely agree. Turning back to the comments of the Minister for Treasury and Resources, that green energy is the fuel of the future; I completely agree with him and he spoke of investment. I used to work for the Ministry of Defence years ago and since then I have been in research for 50 years but I do know when to stop trying to improve something that has got no future. You may come back to it in 10 or 20 years' time when technology has changed. Again, the Constable of St. John referred to seeing the first computer. I may have seen one before him in 1966, I think it was when a fellow from university came to the M.o.D. (Ministry of Defence) and showed us this design of a computer he had built and I said: "That is very nice but how are you going to put that in the vehicle?" because it was the size of the room we are sitting in. Things change, yes. Technology improves. What I am saying boils down to the fact that a wind turbine is an eyesore. You cannot make them beautiful. They are large. They may in the future produce electricity which is reliable. They are certainly not going to do that in the near future and the whole crux of the matter is that on an Island as small as ours you are simply not going to be able to use them. In fact, I was slightly surprised by some of the comments made by the Minister for Planning and Environment when he spoke yesterday because, if anything, he alarmed me even more than I had been. Of course, it is quite true what he says about Ramsar offering increased protection to our offshore reefs. Obviously I am aware of that and I am, to some extent, relying on that. But, of course, then what is the point of going ahead and putting monitoring devices on those reefs if in the future? You are not looking forward to putting turbines somewhere in that area because there is no point in monitoring something which you have absolutely no intention of doing at all. He did make several mistakes which makes me wonder how up to speed he is on this issue because he stated that he believes wind turbines have a lifespan of 25 years. There has been some massive research into this. Over 3,000 turbines in the U.K. and Europe were analysed and found to have not the 25-year lifespan that people had assumed, more like 10 to 15 years which, of course, makes a huge difference to their viability. He stated that electricity from wind farms is cheap. It is not, it is very expensive, and he stated that the French and others would not be building them if they were not viable. They are not viable. The only reason that they are built is because of the massive subsidies, as Senator Ferguson said this morning and I said in my opening speech yesterday. It averages out at £138,000 for each turbine every year. He spoke of dismantling the units as if somehow when their useful life was over or we did not like them, we could take them away. What about the thousands of tonnes of concrete required as a base for them in the sea? Probably the most worrying thing was apparently I was led to believe that the Island has been approached several times to allow French turbines to be placed either in our waters or quite close to them. I think that really should be a major concern to us. As I said in my opening speech, there are 2 main reasons why wind farms are not suitable for Jersey. At the present time, they simply are unable to produce usable power.

[10:15]

They only produce power when the wind is just right, neither too weak nor too strong and, as we know, the weather around the British Isles, including Jersey, is anything but reliable which means we would only ever get a small amount of electricity on an irregular basis. Page 2 of my notes, fourth paragraph, explains this and that is why you always need 100 per cent backup from a conventional power station for when that wind farm is not able to produce. They really are not suitable for electricity generation, period, whether in Jersey or anywhere else. Living on a small Island, of course, there are other considerations. Countries, wherever possible, mitigate the visual and environmental impact by siting their farms well away, as apparently the French are trying to by putting them as close to Jersey as possible. If the French were to move their wind farm that they are proposing near Saint-Brieuc to the southwest of Jersey, further close to us, what are the ramifications of that? Would it be in our territorial waters, outside of our territorial waters? I think the problem that probably Members have misunderstood the most is that we must keep our options open because technology will improve. Of course it will improve but it is not going to improve today, tomorrow, next year or in the next 10 years. I have been an engineer long enough to understand that. It may be some time in the future but it will be a long way away. What I want to do is to protect our Island in the meantime. If Members really are saying yes they are open to wind farms: “We could build one in St. Ouen’s Bay next year or the year after, let us get hold of this modern technology”, I think that would be completely out of order to do that. You just cannot make them environmentally acceptable from a visual point of view or from a wildlife point of view. I want the Minister and his department to stop focusing on scientifically proven failures and to get some faster action regarding tidal power, which I know the Constable of Grouville has been fighting for for some time because the tide, unlike the wind, is both constant and reliable. So this proposition is not about restricting evaluation or construction of renewable energy schemes because many of those are both viable and exciting, as Deputy Martin said. I think it is a green algae experiment which is going on which is very exciting. I fully endorse that. The only renewable energy variant that I have a problem with is wind farms and especially in Jersey. That is what this proposition is all about and this proposition also, I should point out, deals solely with commercial wind farms. If somebody wants to put a wind farm in their yard to recharge their mobile phone, that is fine by me. This is about commercial scale wind farms which we have all seen in the U.K. and France and Italy and wherever, in Germany, Denmark, across Europe. I hope Members realise that they are, certainly in the life of this Island Plan, unsuitable for Jersey and I hope that they will agree with me to request the Minister to make sure that we do not make any major disasters within the life of this Island Plan.

The Bailiff:

The appel is called for then in relation to the proposition of Deputy Baudains. I invite Members to return to their seats and the Greffier will open the voting.

| POUR: 5 | CONTRE: 40 | ABSTAIN: 0 |
|----------------------------|-----------------------------|-------------------|
| Senator S.C. Ferguson | Senator P.F. Routier | |
| Connétable of Grouville | Senator P.F.C. Ozouf | |
| Connétable of St. Clement | Senator A. Breckon | |
| Deputy G.C.L. Baudains (C) | Senator B.I. Le Marquand | |
| Deputy of St. Mary | Senator F. du H. Le Gresley | |
| | Senator I.J. Gorst | |
| | Senator L.J. Farnham | |
| | Connétable of St. Helier | |
| | Connétable of St. Peter | |
| | Connétable of St. Lawrence | |
| | Connétable of St. Mary | |
| | Connétable of St. John | |

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| | | Connétable of St. Ouen | | |
| | | Connétable of St. Brelade | | |
| | | Connétable of St. Martin | | |
| | | Connétable of St. Saviour | | |
| | | Deputy R.C. Duhamel (S) | | |
| | | Deputy R.G. Le Hérisssier (S) | | |
| | | Deputy J.A. Martin (H) | | |
| | | Deputy G.P. Southern (H) | | |
| | | Deputy of St. Ouen | | |
| | | Deputy of Grouville | | |
| | | Deputy J.A. Hilton (H) | | |
| | | Deputy of Trinity | | |
| | | Deputy S.S.P.A. Power (B) | | |
| | | Deputy K.C. Lewis (S) | | |
| | | Deputy M. Tadier (B) | | |
| | | Deputy T.M. Pitman (H) | | |
| | | Deputy T.A. Vallois (S) | | |
| | | Deputy M.R. Higgins (H) | | |
| | | Deputy A.K.F. Green (H) | | |
| | | Deputy J.M. Maçon (S) | | |
| | | Deputy of St. John | | |
| | | Deputy J.P.G. Baker (H) | | |
| | | Deputy J.H. Young (B) | | |
| | | Deputy S.J. Pinel (C) | | |
| | | Deputy of St. Martin | | |
| | | Deputy R.G. Bryans (H) | | |
| | | Deputy of St. Peter | | |
| | | Deputy R.J. Rondel (H) | | |

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

2. The Chief Minister will make a statement regarding strategic priorities

The Bailiff:

Very well. Now, Chief Minister, I think you wish to make a statement. Do Members agree this would be a convenient moment to take it? So I invite you to make the statement, Chief Minister.

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

Before Easter, I, together with the Council of Ministers, took the opportunity of taking stock of our strategic priorities. At the start of this Council of Ministers' term of office, our main priorities were to get people into work, house our community, reform the Public Service, as well as reforming health, population control and planning for the future. These remain our central priorities and my Ministers will continue to work hard to achieve them. However, I recognise that the continuing difficult economic circumstances mean we must do more in a number of areas and we must do so quickly. We need to make sure our financial services industry has a clear political vision and focused political leadership. We must press on with reforming the public sector, improving social housing, boosting home ownership and helping Islanders back to work. I am sure no one is in any doubt that we should house every member of our community adequately and provide more affordable homes for Islanders. The Minister for Planning and Environment has therefore decided not to pursue Policy H3 of the Island Plan. This policy would have required planning applications for private residential developments over a certain size to allocate a percentage of the homes built for social need. This could stop land being brought forward for residential development,

undermine the delivery of affordable homes and adversely affect the construction industry. The Council of Ministers is determined to boost the supply of social, rented and affordable homes. For this reason, we have agreed to bring forward the sites set aside in the last Island Plan for rezoning to provide more affordable homes. Together with the use of States-owned sites and tough planning obligations, this is designed to boost the supply of homes while also boosting the economy. A working group comprising the Ministers for Treasury and Resources, Planning and Environment, Housing and Economic Development has been set up to explore other ways to capture value from the development of land for affordable homes. When we debated the Strategic Plan, we agreed that getting Islanders back into work was our top priority and I am sure Members agree that every new initiative must work towards this aim. The Back to Work team has greatly enhanced support for unemployed Islanders and I am proud of what they have achieved. The hospitality campaign is encouraging job seekers to take on roles in the hospitality industry. The Start-Up Business Programme is helping unemployed people with viable business ideas to become self-employed and the National Trust has set up a volunteer scheme which trains job seekers while they work on conservation tasks. These schemes are in addition to the established support provided by Advance to Work, Advance Plus, Workwise and Work Zone and the establishment of the Colomberie Job Club. Now I am pleased that a further £1.6 million extra funding from the department's carry forward will expand upon these programmes, boosting efforts to help unemployed Islanders to find rewarding work. I will redouble with Ministers our effort to do all we can to get people into work in the coming months. The financial services sector provides thousands of valuable job opportunities for Islanders and I am sure Members agree it is critical to our economy and our future. While Jersey is ranked as the top offshore financial centre in the Global Finance Centre Index, there are significant challenges ahead. The financial crisis has prompted a decline in the number employed in the finance industry and increasing competition for the available business and yet political responsibility for this important industry is shared between 3 departments, Chief Minister's, Economic Development and Treasury, leading to a lack of focus. Against this background, it was decided to commission research into the opportunities for Jersey as an international finance centre. Some of the emerging work from global advisers McKinsey was considered last week by the Council of Ministers. We recognise the need to formulate a new strategy and to implement it quickly. One of the report's key findings is the importance of clear lines of government responsibility for financial services. McKinsey recommended this should be centralised within the department of the Chief Minister. Council has accepted the principle of transferring political responsibility for the financial services industry to the Chief Minister. I will also be asking the Minister for Treasury and Resources to take on some operational tasks so that we can move quickly on the report's recommendations. A briefing on this research work will be arranged as soon as possible so Members can be thoroughly briefed on the government structures needed to implement a strategy which will be critical for the future wellbeing of Island residents. The future of finance is vital and in a changed world we need to do all we can to secure our leading position, which I am sure we can. This change in political responsibility will increase the workload of my department, even with the support from the Minister for Treasury and Resources, so we have been discussing how best to manage our other major initiatives, one of which is the reform of the Public Service. To ensure political leadership, I have decided to delegate this objective to the Minister for Economic Development. I am pleased too that the Minister has agreed to lead this important project, building on the strong start that has been made, focusing on improving the quality of our services, and delivering them in the most cost-effective way. Formal terms of reference will now be drafted to clarify the roles and responsibilities of the Chief Minister, the Minister for Economic Development and the Minister for Treasury and Resources. Support will be provided by senior officers from the 3 departments and regular meetings will be held to ensure these important projects are properly co-ordinated. Jersey continues to face difficult economic times in an increasingly competitive global environment and I am determined we should maintain a

careful balance between economic, social and environmental policies, while remaining nimble in the face of new challenges. The changes I am announcing today are designed to do just that, leaving a lasting legacy of a strengthened economy and better services for our future. **[Approbation]**

The Bailiff:

There is now an opportunity for questions.

2.1.1 Deputy J.G. Reed of St. Ouen:

I am certainly encouraged by the Back to Work initiatives and programmes that have been introduced over the last couple of years. However, I would like to ask the Chief Minister, as the largest employer on the Island, how many unemployed Islanders are presently receiving on-the-job training across the States and which Minister, if any, is responsible for ensuring that all departments play a full part in helping unemployed Islanders find rewarding work?

Senator I.J. Gorst:

I do not have the details of all the schemes in front of me this morning but I can certainly provide those numbers to the Deputy should he so wish. Each department knows that they have their own part to play, not only in supporting the governmental initiatives which are co-ordinated and overseen by the Social Security Department but, where possible, finding opportunities within their departments for encouraging people back to work.

The Deputy of St. Ouen:

Would the Chief Minister, in that case, publish the information that we have spoken about?

Senator I.J. Gorst:

Yes, indeed.

2.1.2 Deputy M. Tadier:

In his speech, the Chief Minister mentioned Jersey is the top offshore finance centre and we know that the Chief Minister favours best practice when it comes to finance and the finance industry. How does he marry his support for that and, on the other hand, in the referendum for the most undemocratic option **[Aside]** ... it is true, he favours the most undemocratic option on the table and what does he think the subsequent fallout will be from the appeals that will go to the Privy Council on this for our finance industry and Jersey's international reputation when they realise that we cannot even run a proper democratic system in Jersey?

The Bailiff:

Deputy, I am sorry, that simply does not arise out of the statement.

[10:30]

2.1.3 Deputy J.A. Martin:

Under the housing, I think we spent 4 days debating the Island Plan and now it says that the policy H3 will not be pursued which is the only tool in the box to get developers to agree to build some social housing. I am assured, supposedly, of these houses that the Minister has put 4 Ministers on it. When will the option that replaces H3 come back to this House and how soon because I am very concerned that you can do this overnight?

Senator I.J. Gorst:

Of course the draft new chapter for the Island Plan will be consulted upon. It will be, I hope, published later this month and it will have to go through the whole process - I will use that

charitable word - that requires any amendment to the Island Plan. Unfortunately, that takes a length of time. With regard to alternatives, it is intended that they will be brought forward in the budget at the end of this year.

2.1.4 Deputy T.M. Pitman:

I am pleased the Chief Minister has been able to make this statement. What I would like to ask is with his announcement that responsibility for what he calls reform of the public sector has been handed over to the Minister for Economic Development, can he enlarge on whether the Minister will be adopting a more negotiation-based consultative approach rather than the confrontational approach that he has brought to it so far in the hope that things might progress more smoothly?

Senator I.J. Gorst:

I do not accept that analysis of the process that I have brought or the current States Employment Board or Council or Ministers has brought to the reform programme. I, together with the Chief Executive Officer, have held a number of consultation meetings. Over 1,500 staff attended those. The Chief Executive Officer and Senior H.R. (Human Resources) Officers have held workshops. Over 1,000 staff [Aside] ... Sir, I have been accused of a non-co-operative approach and I am setting the record straight. Over 1,000 staff have attended those workshops. We have had engagement right at the heart of this process and it is because of that engagement that one or 2 States Members have thought that things were not happening quickly enough. It is right that we engage and we now build on that engagement and start into our delivery process, which I have absolute confidence that the Minister for Economic Development is going to drive forward and deliver on.

2.1.5 Deputy T.M. Pitman:

With due respect with regard to concise answers, could the Minister at least explain whether the Minister for Economic Development will be adopting a different approach; that is basically what I have asked.

Senator I.J. Gorst:

The Minister for Economic Development will be building upon the approach already taken, which is engagement, culture change, service redesign, workforce modernisation.

2.1.6 Deputy G.C.L. Baudains:

The reform of the public sector, I know, is close to the heart of the Chief Minister, as it is to mine, but it does seem to me that what was supposed to be a priority has now slipped somewhat and become perhaps some minor changes designed by the public sector itself. Could the Chief Minister explain to me why he is not starting from a clean sheet of paper with perhaps a commission chaired by somebody like the late Sir John Harvey-Jones, so that we start from a sheet of paper and the government can provide for the public what they need in the most efficient way?

Senator I.J. Gorst:

Hopefully my statement today indicates to this Assembly and the community at large that the reverse is the case: this reform is not slipping down the agenda, it is being pulled up by its boots and it is being given greater political impetus in the form of the Minister for Economic Development; he is in the process of developing a board, I suppose, which builds on the idea of Deputy Baudains, with non-executive challenge so that this delivers. He will be involving States Members as well. Nothing could be further from that, as indicated by the Deputy, it is the reverse.

2.1.7 The Deputy of St. Martin:

The Chief Minister in the 2 paragraphs under the heading “Housing” mentions a working group that, and I quote: “...has been set up to explore other ways to capture value from development of land for affordable homes.” Will the Chief Minister agree with me that this group also needs to, without delay, review the Supplementary Planning Guidance on Employment Land? This guidance has been questioned as much as any part of the Island Plan and desperately needs review. The sentiment of safeguarding land for employment is hugely important but at the moment this guidance goes much further than anyone could have envisaged when the Island Plan was approved by this Assembly in 2011.

The Bailiff:

Does that arise out of this statement?

Senator I.J. Gorst:

I think it does, Sir.

The Deputy of St. Martin:

I certainly hope so, Sir.

The Bailiff:

Well, are you going to answer?

Senator I.J. Gorst:

Yes. I am quite happy to answer that, as I would have been quite happy to answer Deputy Tadier, Sir; I enjoyed sparring with him yesterday and I am sorry that you did not allow me to today. With regard to the Deputy of St. Martin’s comment, of course, the changed Island Plan chapter will require all the consultation that I just spoke about and will require public inquiry. I recognise the need and the call for a review of the Employment Land Policy. If that cannot be dealt with internally by the department, which I think it probably can, and it needs to be part of the Island Plan review process, then it very comfortably would sit in the process that we have to put in place to bring forward the new chapter. So I believe it is going to be dealt with one way or the other.

2.1.8 The Connétable of St. Clement:

Can the Chief Minister confirm that the protection afforded to the Green Zone, particularly those fields proposed by Deputy Gorst and approved unanimously by the States in the Island Plan to be included in the Green Zone **[Laughter]** ... will they continue to be safeguarded?

Senator I.J. Gorst:

I think I made the position of the Council of Ministers quite clear: it is proposed that those sites will be brought forward but they will have the protection, if we might say, of the consultation and public inquiry process, and those individuals that do not wish for them to be brought forward will obviously engage with that process appropriately. But let us be absolutely clear: this Assembly made decisions in the previous Island Plan which took out short and medium-term supply of affordable housing, and that is why we are facing the problems that we are today. **[Approbation]**

2.1.9 Senator L.J. Farnham:

I welcome the Chief Minister’s statement, and I am particularly pleased to learn that the Minister for Planning and Environment will not be pursuing the H3 Policy, as I saw it as a barrier to the development of much-needed homes, but do look forward to an alternative scheme being brought forward in the budget. Can I ask for clarification on a couple of points? Firstly, the announcement that the sites set aside under the Island Plan for rezoning are being brought forward. Can he confirm that the States are now going to get on and start building this and provide a much-needed

boost to the economy and the construction sector? I would just like to note also briefly, and give praise ...

The Bailiff:

If it is a question, not a speech.

Senator L.J. Farnham:

Thank you, Sir. I just wanted to ask if there were any plans to extend the scheme as set up by the National Trust into covering other areas of the environment. The National Trust scheme is particularly good and I would encourage that to be built upon. My real question is **[Laughter]** I want to ask particularly why he has selected the Minister for Treasury and Resources and the Minister for Economic Development to carry out the roles as he has explained in the statement, and ask if he intends to utilise the energies of other States Members to assist in the tasks he has set out.

The Bailiff:

The Senator is only entitled to ask one question, so can you pick which one you want to ask ...

Senator L.J. Farnham:

I want to ask the last question, Sir. Thank you very much.

The Bailiff:

I am not sure I am going to allow that. The Chief Minister can choose, because you asked so many questions, you must take the consequences of having asked so many. Now, Chief Minister, you choose which one to answer.

Senator I.J. Gorst:

Sir, I think you have just given away one of the great joys of answering Ministerial questions: the more questions that a Member asks, the Minister then gets to choose which to answer, because you will stop us in short order. I shall try, however, and answer all 3 of them.

The Bailiff:

No, just one.

Senator I.J. Gorst:

Well, perhaps I shall answer the one most pertinent to the statement, which is about stimulating the economy, getting the construction industry back up off its knees and ensuring that there is a supply of affordable and social housing. Ministers believe that the process that we have put in train now, being absolutely clear about what is happening with H3, it is not being brought forward: extraction of value from land is being worked on by the new team. We believe that that will allow land owners to come forward, developers to come forward and start to build and help the construction industry. We also believe that by bringing forward the rezoning we will be bringing forward delivery of social and affordable housing, around 500 units, and we are aiming that, notwithstanding the process that needs to take place from the Environment Department - which I hope will be completed by the end of this year - that other sites will be brought forward. But they will be able to be started to be built, or shovels put in the ground, early next year and that 500 can be brought forward and delivered between now and 2014 and 2015.

The Bailiff:

Very well. That brings questions to an end. Perhaps I can just elaborate as to why I was strict with Senator Farnham there, but question time, of whatever nature it is, is limited and if Members start

asking 3 or 4 questions rolled into one, it means that other Members simply do not get the chance to answer questions. [Approbation]

Senator L.J. Farnham:

Thank you, Sir. I did happen to realise that I was the last speaker, so I was just trying to get extra value for the Assembly. [Laughter]

PUBLIC BUSINESS - resumption

3. Jersey Competition Regulatory Authority: re-appointment of Chairman (P.32/2013)

The Bailiff:

It was a good try, Senator. Very well. So that completes questions following the statement, so we now come back to Public Business. The next matter is Projet 32 - Jersey Competition Regulatory Authority: re-appointment of Chairman - lodged by the Minister for Economic Development. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 3(1)(a) of the Competition Regulatory Authority (Jersey) Law 2001, to appoint Mr. Mark Boleat as a member and non-executive Chairman of the Jersey Competition Regulatory Authority for a further period of 3 years from 21st April 2013.

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

Under Article 3(1)(a) of the Competition Regulatory Authority Law 2001, it is for the States to appoint one member of the Authority as Chairman, upon the recommendation of the Minister for Economic Development. Mr. Mark Boleat has served as Chairman of the Authority since 2010, when he was appointed to the position following the tragic death of Lord Kingsland, the previous Chairman. This proposition asks Members to approve the reappointment of Mr. Boleat for a further period of 3 years, a 3-year term. During the debate on the initial appointment, I said that I felt the Chairman must bring an understanding of scale and proportionality to the role while pursuing the Authority's core objective of enhancing efficiency and competition in the Island. To me, this meant that the issues in which the Authority should involve itself were those which would be of an everyday effect on the average person in Jersey. I said this because in 2010 the J.C.R.A. (Jersey Competition Regulatory Authority) had something of a reputation for dealing with international matters that did not really concern us here in Jersey. This criticism was not entirely fair as many of the actions taken by the J.C.R.A. are required by law, but it was true to say that there was scope for much more consideration to be given to local matters and the interests of local people. Since Mr. Boleat's arrival, there have been considerable changes. In the past 3 years, the Authority has investigated the cost of road fuel, heating oil and electricity; significant costs that affect most of us in Jersey and which have an indirect knock-on effect on the cost of goods and services within the Island. Not least among these was the recommendation in the report on road fuel that prices should be visible from the roadside to passing motorists. This recommendation was developed into a proposition by Senator Breckon and approved overwhelmingly by this Assembly. Following the approval of the proposition, my department incorporated this requirement into the Price Indicators Regulations so that petrol stations had to show prices by the roadside so customers knew exactly what they were paying before they pulled in. The effect of this simple change was remarkable. The States Statistics Unit has identified that between September and December 2012 the rolling 12-month average for R.P.I. (retail price index) fell from 2.8 to 2.1, in other words, a fall of 0.7 per cent, and the motoring group - basically the cost of driving a car - was the key contributor to this

fall in inflation. Now, this was not entirely due to the price of fuel as the cost of motor vehicles and insurance also fell, however, the Statistics Unit has identified that the cost of petrol and diesel fell by 10 pence and 6 pence per litre respectively in the period following the introduction of the J.C.R.A.'s recommendations into the law, which noticeably lowered our inflation rate.

[10:45]

This is what a competition authority can and should be achieving when it directs its resources towards matters which concern local people. This is the kind of work that the Authority is now doing under the leadership of Mark Boleat. The Authority has also published guidance for schools on how to introduce competition into the supply of their uniforms, which has resulted in second suppliers offering uniforms for some schools and a robust tender process being completed for uniform supply in others. The J.C.R.A. made suggestions to T.T.S. (Transport and Technical Services) about how taxi fares could be fairer and more transparent and continues to monitor the local market for heating oil where concerns persist over cost. The J.C.R.A.'s current major forthcoming piece of work in relation to competition is a market study into the retail supply of groceries. This is being conducted jointly with the Guernsey Competition and Regulatory Authority under the umbrella of the Channel Islands Competition and Regulatory Authorities, or C.I.C.R.A. as it is known, a pan-Channel Islands body which pools resources of the J.C.R.A. and G.C.R.A. for mutual benefit. Mr. Boleat has been instrumental in the development of the co-operative arrangement at the heart of C.I.C.R.A. In creating this pan-island body, immediate savings to the public have accrued from eliminating duplication of functions between the 2 authorities and appointing a single board and chief executive. This and other efficiencies mean that the annual competition law grants to the J.C.R.A. in 2013 is £300,000; that is £180,000 lower than it was back in 2008 but with no less functions. This is a theme that I like and, of course, Members will appreciate greater efficiencies and greater effectiveness driven by a positive change has been repeated in other areas such as the ports since, where we stripped-out £1 million in costs by such integration, and more can clearly be done. Back to Mr. Boleat, whose C.V. (curriculum vitae) is attached to the report and proposition. Members will note that since his initial appointment, he has also been appointed as Chairman of the Jersey Development Company. This reflects his value to the Island and the value which he is felt to add to other institutions. I am sure Members will need no reminding that he is also a Jerseyman. The Chairman is expected to undertake a minimum of 30 days per annum in his role as Chairman of both the J.C.R.A. and the Guernsey equivalent body, the G.C.R.A., at a total remuneration - **[Laughter]** sorry, perhaps I should try again: remuneration, or salary, is an easier way of putting it - to Jersey, and I do not want Members to miss the actual amount, so I will hesitate before I give it: £26,406. That is paid jointly from the department's competition law grant and the J.C.R.A.'s own funds. It is important, I think, to note the cost to Jersey has reduced further in the past year, which is a direct result of working co-operatively with Guernsey, a matter that I think we should consider doing in far more ways where there is clear mutual benefit. In conclusion, I strongly recommend the reappointment of Mr. Boleat as Chairman of the J.C.R.A. for a further period of 3 years and ask Members for their support.

The Bailiff:

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

3.1.1 Senator S.C. Ferguson:

I would ask the Minister when will the J.C.R.A. be looking at legal fees? I have the greatest admiration for Mr. Boleat, who is a classic example of local boy made good, however he is still also Chairman of the S.o.J.D.C. (States of Jersey Development Company) and can be considered to be conflicted on occasion. Now, when he was appointed, the Minister for Treasury and Resources

said that the S.o.J.D.C. appointment was a temporary one. Will the Ministers tell us when the situation will be amended?

3.1.2 Deputy G.C.L. Baudains:

Following on from Senator Ferguson, I do know a little about Mr. Boleat, I did go to school with him, but the question I have for the Minister is: I have had the feeling over the last year or so that the J.C.R.A. seems to have been losing some of its previous energy, whether that is due to the departure of one of the chief executives or not, I am not sure, but my concern is that given the other commitments of Mr. Boleat both here and in the United Kingdom, can we be assured he does have sufficient time to apply to the job?

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

Just a query for the Minister: why is the appointment for 3 years, as Article 4(2) says: "Not exceeding 5 years" and under 4(3) the member can resign at any time before that?

3.1.4 Senator P.F.C. Ozouf:

To respond to Senator Ferguson, as the shareholder representative for the States of Jersey Development Company, I am sure she will recall that Mr. Boleat's appointment as permanent Chairman, after his equally impressive tenure as temporary Chairman, was confirmed by this Assembly. I have not got the vote in front of me, but that has been confirmed. But also, to say to Senator Ferguson that there are arrangements both, as I understand it, within the board of the J.C.R.A. and indeed the board of S.o.J.D.C. that should, in the extreme case of there being any issues that conflict between the work of the competition authority and the S.o.J.D.C., then both boards have agreed a procedure in relation to dealing with the standing down or the isolation of Mr. Boleat for either of those things. So the protection that exists in many organisations and companies to ensure conflicts of interest ... the boards are responsible for the governance of those matters and I have full confidence in the fact that, in the event of an unlikely conflict in relation to that, those procedures are in place. While I am on my feet, having been involved in the J.C.R.A. for some time prior to becoming Minister, when we were both Minister and Assistant Minister, I absolutely endorse the comments that the Minister makes about how the J.C.R.A. is now performing and is now delivering on lowering inflation, increasing competition and making a relevance to consumers, not only in Jersey but in Guernsey too, as we increasingly have a single market. So I warmly welcome the proposal by the Minister.

3.1.5 Deputy R.G. Le Hérisier:

A bit like Deputy Baudains, I grew up on the same street at Mr. Boleat, as did, of course, the illustrious former Deputy of St. Martin. But I do not think the Minister for Treasury and Resources has answered the point. I think the issue with the Jersey Development Company, which I thought Senator Ferguson was bringing up, is that it could be argued by its very nature it is in competition with private developers; there is, in other words, a systemic issue as opposed to an issue where the Chairman should absent him or herself on occasions. It is a much deeper issue than I think the Minister is making out and it is a conflict between 2 roles which I find very, very uncomfortable.

3.1.6 Deputy M. Tadier:

Would the Minister just say how the £26,000 for 30 days' work works out per annum, as it is *pro rata'd*, and how that fits in with the £40,000 that Mr. Boleat gets for his States of Jersey Development Company work, whether that is the same tariff?

The Bailiff:

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

3.1.7 Senator A.J.H. Maclean:

I thank Members for their comments. Senator Ferguson asked about legal fees. Of course, any member of the public, or indeed any Member of this House, is perfectly at liberty to raise issues with the J.C.R.A. on matters they feel need investigation, and I would encourage the Senator, and I know there have been other Members within this Assembly who have interests in matters relating to legal fees. So if they raise that, I am sure the Competition Authority will look into the matter appropriately. With regard to conflict, which is raised by Senator Ferguson and again by Deputy Le Hérisser, there are indeed robust procedures in place to deal with matters of conflict. I take the latter point from the Deputy but, nevertheless, I feel those are appropriate. I should point out that there has been a case in the past where the Chairman is, for example, a governor at a local school, and, as I have mentioned in my opening remarks, the J.C.R.A. has undertaken a review of school uniform supplies and so on, and he absented himself from that particular process, as you would imagine. So the board is very clear, it has very clearly laid out procedures and I do not believe that a conflict should persist in that regard. Deputy Baudains first of all points out that he knows Mr. Boleat, which he does, as does indeed Deputy Le Hérisser and others; he, I am sure, will know of the boundless energy of Mr. Boleat. He asked the question as to whether or not he felt that he could deal with the heavy workload that he has in the many areas of responsibility that he deals with. I am confident that he can; it is 30 days a year that he has to commit. Of course, the key thing is, and we are very lucky to have a man of this ability who is also a Jerseyman and has his family here in the Island, he has good reasons to come here simply to visit his own family, and consequently it is fortunate that we are able to utilise his skills. I should point out that when he went through the original recruitment process, it was a very heavily-contested programme; there were 27 or 29 applications, if I remember correctly, and a very high-quality shortlist of 9, of which he came through, under the supervision of the Appointments Commission, on merit. So we have somebody with considerable abilities, and I think what the J.C.R.A. has achieved over the last few years and the dramatic change of direction to benefit local consumers, has been as a direct result of his work and leadership. The Constable of St. Martin asked about the period of the appointment. The law is silent with regard to the maximum period. What is seeking to be done, though, now we have a Channel Islands Competition and Regulatory Authority, we are bringing together as much as we possibly can and ensuring we align Jersey and Guernsey, and that is indeed the purpose for the period that has been recommended for this particular appointment. Deputy Tadier; I did not quite understand the drive of his question. It is £26,000 for the days that I have mentioned, I am sure he can work out how that might extrapolate into a longer period, but this is quite simply a competitive rate with regard to this type of post for a board member, and he will note if he looks at other similar postings that it falls very much in line with chairmen or indeed board members of other organisations within the Island. I think I have answered all the questions and I maintain the proposition.

Senator P.F.C. Ozouf:

Sir, may I make a point of clarification? I said in my remark that Mr. Boleat had been appointed temporarily. That is incorrect; Mr. Boleat originally, under the memorandum of understanding of S.o.J.D.C., could only be appointed for a 3-year term so that was the thing that was ratified by the States but, subsequently, there was a process by the Appointments Commission, a permanent appointment, which I reported to the States, the outcome of which Mr. Boleat was permanently appointed. But the States could only make the position for 3 years, and I apologise if I inadvertently said that there was 2 States decisions, there was one and there were 2 processes for the appointment of the Chairman. I am sorry if I inadvertently said anything else.

The Bailiff:

Very well. All those in favour of adopting the proposition, kindly show.

Senator P.F.C. Ozouf:

The appel, please, Sir.

The Bailiff:

The appel is called for then in relation to the proposition of the Minister for Economic Development. I invite Members to return to their seats and the Greffier will open the voting.

| POUR: 31 | CONTRE: 1 | ABSTAIN: 1 |
|-----------------------------|-----------------------------|----------------------|
| Senator P.F. Routier | Deputy R.G. Le Hérisier (S) | Deputy M. Tadier (B) |
| Senator P.F.C. Ozouf | | |
| Senator A. Breckon | | |
| Senator S.C. Ferguson | | |
| Senator A.J.H. Maclean | | |
| Senator B.I. Le Marquand | | |
| Senator F. du H. Le Gresley | | |
| Senator I.J. Gorst | | |
| Senator L.J. Farnham | | |
| Connétable of Grouville | | |
| Connétable of St. Mary | | |
| Connétable of St. Ouen | | |
| Connétable of St. Brelade | | |
| Connétable of St. Martin | | |
| Connétable of St. Saviour | | |
| Deputy R.C. Duhamel (S) | | |
| Deputy of St. Ouen | | |
| Deputy J.A. Hilton (H) | | |
| Deputy S.S.P.A. Power (B) | | |
| Deputy T.A. Vallois (S) | | |
| Deputy M.R. Higgins (H) | | |
| Deputy A.K.F. Green (H) | | |
| Deputy J.M. Maçon (S) | | |
| Deputy G.C.L. Baudains (C) | | |
| Deputy J.H. Young (B) | | |
| Deputy S.J. Pinel (C) | | |
| Deputy of St. Mary | | |
| Deputy of St. Martin | | |
| Deputy R.G. Bryans (H) | | |
| Deputy of St. Peter | | |
| Deputy R.J. Rondel (H) | | |

4. Draft States of Jersey (Amendment No. 6) Law 201- (P.34/2013)**The Bailiff:**

Very well. So now we come to Project 34 - Draft States of Jersey (Amendment No. 6) Law 201-, lodged by the Chief Minister. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft States of Jersey (Amendment No. 6) Law 201-. A Law to amend further the States of Jersey Law 2005. The States, subject to the sanction of her most excellent Majesty in Council, have adopted the following Law.

The Bailiff:

I invite the Chief Minister to propose the principles.

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

This is a straightforward piece of housekeeping so that officers, members of the public and Members of this Assembly know who is carrying out the functions of the Chief Minister in the absence of the Chief Minister or the Deputy Chief Minister because of either temporary absence or incapacitation at the same time.

The Bailiff:

Very well. Are the principles seconded? **[Seconded]** Does any other Member wish to speak on the principles? Deputy Young.

4.1.1 Deputy J.H. Young:

Just a question: when this came along, obviously presented by the Chief Minister, I thought Privileges and Procedures Committee had it within their terms of reference to bring forward for approval States amendments to this actual law, in terms of the working of the Assembly.

[11:00]

Obviously, we have not got the Chairman here and I do not think we have got any other Member who could speak and clear that up, because I would have hoped that all changes to States procedures, even though they are sensible and so on, would come through that route.

4.1.2 Senator S.C. Ferguson:

I was just going to ask the Minister if he would just give a list of the seniority of Members of the Council of Ministers; if the Chief Minister and the Deputy Chief Minister are unavailable then it falls to the next senior Minister, and it will be helpful, I think, to this Assembly to know what the pecking order was ... sorry, the order of seniority. **[Laughter]**

The Bailiff:

Very well. Does any other Member wish to speak? Then I invite the Chief Minister to reply. Sorry, Senator Le Marquand.

4.1.3 Senator B.I. Le Marquand:

I rise to hasten to assure Members that, while I remain Deputy Chief Minister, the Chief Minister and I are very closely co-ordinating our diaries so that if he is away for any length of time, I make absolutely sure that I am going to be in the Island. So this is very much a failsafe. We did, I am afraid, once early in the current term mess-up our diaries so we were both away for some time, but we have been very careful to avoid that occurring. It is very important that there is a substitute available, particularly in the summer period when there are lots of other Ministers away. Unless the Chief Minister has designated a substitute Minister for a Minister who is away, matters that can only be dealt with by a Minister, namely, signing of Ministerial Decisions and also formal matters of lodging propositions and so on, there has to be someone there to do it. In fact, for a short period last summer, while the Chief Minister was away and had not designated other people, I reckoned I was covering for 4 other Ministries at the same time. So, although this is a very technical thing, it is very important. I know offhand the batting list in terms of seniority of Members of the Council of Ministers and I can say that the most senior in terms of this will be Senator Ozouf, after that Senator Maclean, after that Deputy Pryke ... and after that I am starting to get confused. **[Laughter]** But that is a fact; that is the batting list. I think it is Deputy Duhamel next and then there is a whole number who are equal, but it becomes complex. But I wanted to explain this, it is important, but we are going to make sure that we do co-ordinate together.

4.1.4 Connétable J. Gallichan of St. Mary:

I would just like to raise a point that struck me when I was re-reading the proposition this morning that this is all very well... and I understand exactly what Senator Le Marquand has just said and the need to have something in place, because obviously you can foresee holidays, the majority, but it is the sudden incapacity, perhaps mutual illness or whatever. But would it not have been simple... I mean, I still see this as leaving an awful lot not to chance, but: "If this, then that and then whatever", there is, sort of, a huge flow chart involved. Was any thought given whether almost a letter of wishes could have been established by the Chief Minister, **[Laughter]** for example, to delegate the Ministers that he thought would be most suitable in his absence to do things. Because it seems to me that would be the sensible thing to do, rather than leave it to any kind of chance.

The Bailiff:

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

4.1.5 Senator I.J. Gorst:

Of course, we are going to come on to all these technicalities when we get to the Article itself. Of course, I would be delighted to have a letter of wishes and delegate my authority to the Connétable of St. Mary, but I am not sure that the law allows me. This is quite simply a provision in place for when the delegated authority has not taken place, so generally it would be if the Chief Minister was incapacitated and just had not done that, or the Deputy Chief Minister in the same instance. So it is a complex flow chart, but the reality is, on a day-to-day basis, it should not need to be put in place or followed, but I believe that there was a gap and it is right to correct that gap so that all Members and the community know who is in charge and the order in which they will be approached. Albeit the Deputy Chief Minister has answered Senator Ferguson's question, it is quite clear in the Article itself, the Minister in the first instance who has held office as a Minister for the longest period of time, but as the Deputy Chief Minister said, in this instance and this Council of Ministers, that is Senator Ozouf. Ministers do have within their portfolios needs from time to time to amend Standing Orders or the States of Jersey Law; that does not just fall to the Privileges and Procedures Committee and, as I said, this is quite simply a piece of housekeeping to give comfort to Members and the community and I hope that Members support it.

The Bailiff:

Very well. All those in favour of adopting the principles, kindly show. Those against. The principles are adopted. Senator Ferguson, do you wish this matter referred to your Scrutiny Panel?

Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):

No thank you, Sir.

The Bailiff:

Then, Chief Minister, if you wish to propose Articles 1 and 2?

4.2 Senator I.J. Gorst:

Yes, I do. Bearing in mind that we have already just discussed them, I do not propose to say anything further.

The Bailiff:

Are they seconded? **[Seconded]** Does any other Member wish to speak on any of the Articles? All those in favour of adopting Articles 1 and 2, kindly show. Those against? They are adopted. Do you propose the Bill in Third Reading, Minister?

Senator I.J. Gorst:

If I may, Sir. Thank you.

The Bailiff:

Are they seconded? **[Seconded]** Does any other Member wish to speak in the Third Reading? All those in favour of adopting the Bill in Third Reading, kindly show. Those against. The Bill is adopted in Third Reading.

5. Draft Register of Names and Addresses (Registered Entries) (Jersey) Regulations 201- (P.35/2013)

The Bailiff:

We come next to the Draft Register of Names and Addresses (Registered Entries) (Jersey) Regulations 201-, Projet 35, lodged by the Chief Minister. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Register of Names and Addresses (Registered Entries) (Jersey) Regulations 201-. The States, in pursuance of Articles 2(10), 3(8) and 8 of the Register of Names and Addresses Law 2012, have made the following Regulations.

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

Could I ask my Assistant Minister to act as rapporteur for this amendment in his capacity as Chairman of the Migration Advisory Group?

The Bailiff:

Very well, yes. Senator Routier?

5.1 Senator P.F. Routier (Chairman, Migration Advisory Group - rapporteur):

The Register of Names and Addresses Law has been approved by this Assembly and today I am proposing Regulations to support this important new law. May I remind Members why we need this new legislation. At its simplest, it will enable basic information to be shared between departments and Parishes to help Islanders meet their statutory obligations and to enforce compliance with those obligations. The basic information which can be shared is name, address, date of arrival, gender and social security number. So, for example, the law will enable the Population Office, the Social Security Department and Income Tax Department to share information on who lives in Jersey and where, for the purposes of administering the laws they are responsible for. In addition, this Assembly may, if we think appropriate in the future, approve other uses of the register. For example, we are working with the Health and Social Services Department on a regulation that, if approved by Members, would enable the register to be used for health screening programmes. This illustrates well the safeguards contained in the law, specifically the information that can be shared is limited and the purposes for which it can be shared are subject to approval of this Assembly. This Regulation before Members today outlines who will be recorded on the register. In particular, the Regulation provides that anyone who has a registration card under the Control of Housing and Work Law or in any event is resident for 3 months or more following the introduction of the Control of Housing and Work Law, will also be entered on to the register of names and addresses. This does not require the individual who is entered on the register to do anything; on the contrary, it is the Minister's responsibility to maintain the register. They will do this by virtue of administering the Control of Housing and Work Law; in short, administering one law supports the other. This seems an efficient solution for an example of joined-up government. In addition, these Regulations specify where one person can obtain copy information in relation to another person, with reference to whether they are responsible for a child or are

otherwise authorised by the Minister to act for someone else, for example, the matron of a nursing home on behalf of their residents. In conclusion, this law with its appropriate safeguards enhances our ability to provide joined-up government to Islanders. In my view, this is a major step forward, not only for controlling access to housing and work, but also making interaction with the States for the public more efficient. I propose the principles of the Regulations.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any other Member wish to speak on the principles? Deputy Le Hérisssier?

5.1.1 Deputy R.G. Le Hérisssier:

Having raised some questions when this last came to debate, I wonder, it is slightly off the point, but could the Assistant Minister reassure us that everything for the implementation of this scheme, which is a control scheme not operating as a control scheme, all the targets, all the staffing and all the implementation dates are totally as predicted?

The Bailiff:

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

5.1.2 Senator P.F. Routier:

Members will see on the Order Paper for next sitting is the Appointed Day Acts, and I will be amending those to put an actual implementation date of 1st July, so we will have a firm date for that to come into operation. This, we feel, is an appropriate time for it because of the manpower returns that businesses have to do for 30th June, and so we will have a clean break and a fresh start from 1st July. I hope that answers the questions and I maintain the propositions.

The Bailiff:

Will all those in favour of adopting the principles, kindly show? Those against? The principles are adopted. Senator Ferguson, do you wish ... she is not here. Who is the Vice-Chairman of the Corporate Services Panel? Deputy Le Hérisssier? Deputy of St. Ouen, who is not here either. Is there any other member of the Corporate Services Panel? No. Very well; do not wish it to be referred. Then do you wish to propose the Regulations?

5.2 Senator P.F. Routier:

Yes, Sir, they are very straightforward. I propose them *en bloc*.

The Bailiff:

Are they seconded? **[Seconded]** Does any other Member wish to speak on any of the individual Regulations? Deputy Baudains.

5.2.1 Deputy G.C.L. Baudains:

Paragraph 2, Article 2: I was under the impression - no doubt the Assistant Chief Minister will tell me I am wrong - that one was entered on the register upon changing accommodation or applying for a job, but it now appears under 2(b) that anybody who has lived in the Island for 3 months or more is on the register. Has that been a change or did I misunderstand the situation originally?

The Bailiff:

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

5.2.2 Senator P.F. Routier:

They way the register is made up is from information from the existing departments' information from the Social Security Department, Income Tax Department, so anybody who is already interacting with those departments will automatically be put on to the Names and Address Register, so that is how the register is being built. I hope that answers the question and I maintain the Article, Sir.

The Bailiff:

All those in favour of adopting Regulations 1 to 4, kindly show. Those against? They are adopted. Do you propose the Regulations in Third Reading?

Senator P.F. Routier:

Yes, Sir.

The Bailiff:

Are they seconded? **[Seconded]** Does any other Member wish to speak in the Third Reading? All those in favour of adopting the Regulation ...

Deputy R.J. Rondel of St. Helier:

The appel, please, Sir.

The Bailiff:

The appel is called for in relation to Third Reading. I invite Members to return to their seats. The Greffier will open the voting.

| POUR: 27 | | CONTRE: 1 | | ABSTAIN: 1 |
|-------------------------------|--|----------------------------|--|---------------------|
| Senator P.F. Routier | | Deputy G.C.L. Baudains (C) | | Deputy of Grouville |
| Senator A.J.H. Maclean | | | | |
| Senator B.I. Le Marquand | | | | |
| Senator F. du H. Le Gresley | | | | |
| Senator I.J. Gorst | | | | |
| Senator L.J. Farnham | | | | |
| Connétable of St. Helier | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. John | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. Saviour | | | | |
| Deputy R.C. Duhamel (S) | | | | |
| Deputy R.G. Le Hérisssier (S) | | | | |
| Deputy J.A. Martin (H) | | | | |
| Deputy of Trinity | | | | |
| Deputy S.S.P.A. Power (B) | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy T.A. Vallois (S) | | | | |
| Deputy A.K.F. Green (H) | | | | |
| Deputy J.M. Maçon (S) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Mary | | | | |
| Deputy R.G. Bryans (H) | | | | |
| Deputy of St. Peter | | | | |

6. Referendum on States reform: minimum turnout threshold (P.39/2013)

The Bailiff:

We come next to Projet 39 - Referendum on States reform: minimum turnout threshold - lodged by Deputy Maçon, and I will ask the Greffier to read the proposition.

[11:15]

The Greffier of the States:

The States are asked to decide whether they are of opinion to agree that no step should be taken by the Assembly to progress proposals for reform on the composition of the Assembly in line with the successful option in the forthcoming referendum to be held on 24th April 2013, unless the turnout of voters in the referendum is at least 40 per cent of the registered electors.

6.1 Deputy J.M. Maçon of St. Saviour:

I would like to begin today by asking Members a political, philosophical and possibly moral question ... the suspense, yes. What participation threshold represents a valid indication of the community's opinion? Now, the starting point could be said to be that any result that the electorate engages in should be deemed valid. I know that many Members of this Assembly will adopt that stance. I began to think about this question and I began to question this stance and to explore various scenarios which has led me to a different conclusion. Take, for example, the possibility that the referendum sadly only receives a turnout of, say, 10 per cent of the electorate, can the result be said to be valid and can anyone sincerely say that the result is representative of the community? I honestly could not, as we would be unable to state what the other 90 per cent of the electorate thought, thus I cannot accept any turnout stance. I think it is a more qualified answer there. So this is the point of the referendum, to put an issue of constitutional reform to the public to get a clear direction so that we as States Members have a clear mandate to change the electoral make-up of the Assembly, if desired to do so by the electorate. I said throughout the referendum approval debate that one of the most important things to get was a clear result. What I am asking Members today is: where does that threshold lie? It is notable that no Member has brought forward an amendment to suggest a lower turnout to this proposition. Now, when deciding upon the figure of 40 per cent, I did try to justify a lower percentage turnout, I did do the research. Unfortunately, it became very difficult to justify; 20 per cent was virtually impossible to justify, 30 per cent you are clutching at straws, so I went with the compromised figure of 40 per cent, as Members will see in the annex to my report. I tried to establish what was best practice internationally, though further research was required, because simply looking at the table provided in my report there are more underlying things going on there, which I will explain. So, for example, some states in order to gain a valid turnout hold referendums at the same time as their general elections and thus do not require a minimum participation threshold, and the majority of elections in other countries, particularly European ones, do regularly get over a 40 per cent turnout and therefore meet that type of requirement, and therefore that is why they do not need to put the requirement into their referendum, because that is how they tackle the issue. Obviously, given the timeframe that the Electoral Commission was working to, this is not an option for us. So what else did they do? There are other countries which do not have a threshold but they do have, such as Australia, a compulsory voting system. Obviously, that removes the requirement of a voter turnout because everyone has to participate. But what other options are there, then? With regard to minimum participation thresholds, the United Kingdom has 40 per cent, Italy, Lithuania and Latvia have 50 per cent, Denmark has 30 per cent for regular referendums but 40 per cent in constitutional referendums. Albania and Armenia have one third or 33 per cent, Poland and Portugal are slightly different because in the way that their referendum works, what they have is if a turnout is lower than 50 per cent, the result becomes non-binding. These are a few examples, and there are many

others which people can look at internationally. But what seems to be coming through is that the best practice seems to vary between 40 and 50 per cent. **[Interruption]** Struggling to get 50 per cent in this particular debate, Sir. So these are a few examples, but what it tends to show is it varies between 40 and 50 per cent but the benefit is given to a higher turnout with regard to constitutional change. That seems to be the consensus. I would also take this opportunity to add that one of the main arguments in favour of a minimum participation threshold is that it prevents a small minority of voters from imposing their will on the democratic process, and I believe that this is even more important with regard to constitutional change in referendums. Also, in that compromise of: "Should it be 40, should it be 50?", I provided Members with the turnouts of the Senatorial elections, which shows that when it comes to an Island-wide election, that consistently roughly over 40 per cent the Island is achieved, and therefore I think in that compromise between the notion of how the Jersey system works and how people participate compared to what is international best practice, 40 per cent seems to be reasonable, and therefore that is why I made that decision as opposed to something higher. Of course, we will debate another amendment later on today. So why do I think this should be done now? Let us imagine the referendum has been called and let us say, for example, a 25 per cent turnout has been declared, then it will be perfectly valid for anyone analysing that result to say: "25 per cent is an invalid result because we have had a poor turnout" and I think that that would cause great frustration for those who took part in the referendum, and I think it would be an incredibly negative view on this Assembly for members of the public to participate in a referendum and then for us to say it is invalid because we did not get enough. I think it is important, therefore, that we have to say quite clearly, be upfront with people and say beforehand: "This is the bar we expect, because it is so important. There is an expectation that the public need to engage up to this level" and for me, that is a matter of honesty and that is a matter of being upfront with people and that is why I think it should be done before and the public should know that. The campaign groups should know that so that they can, again, work hard on their campaigns, because they have spent a lot of time and money on running these various campaigns, and I think we need to be upfront and honest with the public so that they know that. That is why I think it is perfectly reasonable and sensible to make that before the referendum as opposed to after the referendum. Some may argue: "We have approved the referendum, it is too late to make this case." But, of course, the issue of voter turnout is present, it is relevant how the referendum was approved. Again, it is better that we make the public aware about what we as a States Assembly think beforehand rather than afterwards, because I think it would be such a farce for the public to be in the situation whereby they go to a referendum and then for the States to turn around and say: "We are going to reject it because we did not get enough of a voter turnout." Of course, this is all hypothetical, we might get a huge wash of people going into the polling stations, participating in the referendum, getting very excited about it because they want democratic change. That is fine, and then this makes this debate rather nebulous, but I think that we have to be reasonable in what we would deem representative of the public's opinion. I would like to quote the late Baroness Thatcher today. She said: "I always cheer up immensely if an attack is particularly wounding because I think: 'Well, if they attack one personally it means they do not have a single political argument left'." Now, I know there have been some criticisms of my proposition looking at the share of the vote that I personally received to be a Member of this Assembly, however, I would point out that we are not discussing today the final share of the vote, we are not talking about that, what we are talking about today is people entering the polling station: participation. This is what we are talking about. We will have many a debate when we have the result about how it should be interpreted, what it means, what various percentages mean, whether the second choice is going to be more valid. That debate is still going to happen, but we are not talking about that today, today we are talking about participation. For the record, at the last election, in my particular district it was up to 41 per cent. Now, I will be the first to concede that I do not think that is particularly great, I think all turnouts should be much higher when it comes to democratic process, and I do not

think that is something praiseworthy, but certain individuals have tried to undermine my argument by talking about the share of the vote that I individually gained, but I just want to make the point that I got the turnout or a higher turnout than what I was asking for; just, but I got it. Well, obviously, I cannot take personal credit, there were other candidates in there which, of course, also contributed to that particular election. I have also provided Members with a breakdown of all the contested individual Deputy elections for them to consider that as well. Of course, it varies: some are much better than others, although I would like to make the point that there are different things which will affect the final chunk of a vote when looking at how it is divided up. So, for example, a multi-Member constituency, the number of candidates that stand, how many votes cast, all the papers there are, again, affect the percentage gained when looking at the final result. So I think that has to be borne in mind when comparing and contrasting different constituencies and looking at the circumstances that happened during those times. But again, that is looking at the final share of the result; we are not looking at that today, we are simply looking at participation. In addition to this, I maintain that a referendum on the make-up of this Assembly is not the same as an election to this Assembly, they operate under different laws and they have different meanings themselves. I would like to quote from the Oxford English Dictionary, arguably one of the best sources to define how the English language works and certainly a better authority than myself, where it defines a “referendum” as: “A general vote by the electorate on a single political question which has been referred to them for a direct decision.” It defines an “election” as: “A formal and organised choice by vote of a person for a political office or other position.” So what I am trying to illustrate here is that a referendum and an election are different beasts, they have to serve a different function, they have a different purpose. Given that these are different things, is it unreasonable to apply different criteria? Many may argue that the same criteria should be applied, so let us think about this. Should it? So, for example, if you were to apply the same criteria to an election as you do to a referendum, should the candidates be put forward after political debate and approval as choice to the public? Should candidates restrict themselves to discuss only one subject? Should candidates only be approved to this Assembly by States Members? No, of course not, because they are different things: they look at and measure and serve a different function and a different purpose because the underlying argument is: “How can you have different criteria between elections and referendums?” and the answer to that is: “Because they are different things.”

[11:30]

This referendum, one assumes, is here to provide States Members with the confidence to possibly introduce a very different electoral system into Jersey, given a clear mandate by the electorate, if they want to do so. However, can we have a clear mandate if we have a low turnout if there is a strong indication of preference for one of the given options? Let us go back to my 10 per cent example. Let us say that an option receives, after the second count, 70 per cent of the votes cast. Great; a strong indication of the result and public will. Is it, as it would only represent 7 per cent of the electorate? Is it still a strong indication when we do not know what 90 per cent of the electorate thinks? Obviously we know about the other 3 per cent, they were in the minority. Let us build up now, let us go to 20 per cent. Same scenario: again, 70 per cent of the final vote, but that represents only 14 per cent of the entire electorate. Again, is this a strong indication of public will? This is why I said it is a philosophical question, because Members have to come to their own conclusion about what they feel is right. Even if you go up to a 30 per cent turnout which gets 70 per cent of the final vote, again, that only represents 21 per cent of the electorate, which is just over a fifth of the entire electorate and even then a 70 per cent endorsement in my examples may still be seen as too generous. So if you start moving away from 70 per cent to, say, a 60 per cent endorsement, a 55 per cent endorsement, again, all those percentages shift down. So again, we do have to keep asking ourselves what is representative of the public’s opinion and how can we take that as a valid result? What I am trying to illustrate is that a low voter turnout will not provide a representative

indication of the community's will, even if one particular option gets a strong endorsement. There has also been concern raised that what happens if we have a turnout and it gets 38 per cent, 39 per cent. Well, as I have tried to illustrate through my examples, even if you are below that it is a particularly weak result: 40 per cent is still a weak and low mandate for anything. I include that in my own self but, as I have illustrated, referendums are different. But again if we set that bar and we say this is the expectation which we expect the public to meet then that is what we expect and that has to be met. Again, Members will have to make a decision about how reasonable they feel that is. I would just like to respond to some of the comments from P.P.C. (Privileges and Procedures Committee), in their final paragraph they say that they endorse the percentages of the Senatorial turnouts that I presented in my report but go on to comment that they wish to add that elections for Deputies have tended to be lower than those for Senators, although they note in 2011 the turnout was comparatively high. Now, I would like to take the P.P.C. to task on that particular point because I think what they should have pointed out to Members is that we changed the election law in order to do different things. So, for example, we have moved the Deputies' elections a month forward: instead of 12th November it was in October, it was tied to the same election as the Senatorial ones and you did not have the suffering a month later of voter fatigue they have previously had. The point I want to make is certain Senators - not any in the current Assembly, I will just point out - liked to enjoy a good round of Deputy-bashing, saying the public do not endorse Deputies; they do not like Deputies as much because they receive a lower percentage turnout. But of course if it was a month later where it is cold and it is wet and windier, all these things affect voters' turnout. Therefore, that is why I felt that that should have been brought to Members' attention in the comments to P.P.C. because I do not think it is a fair comparison. Now I know that there will be many other arguments of this debate. I hope that I have put across the points which Members feel they can reasonably say that voters' turnout does matter and that to get a valid result there needs to be a certain level. I am presenting Members with the option of 40 per cent because I cannot justify anything lower than that. But I shall conclude with how I began and ask Members this question: what participation turnout represents a valid indication of the community's opinion? I thank Members in considering this matter, and I maintain the proposition.

The Bailiff:

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

6.2 Referendum on States reform: minimum turnout threshold (P.39/2013): amendment (P.39/2013 Amd.)

The Bailiff:

There is an amendment lodged by the Connétable of St. John and so I will ask the Greffier to read the amendment.

The Greffier of the States:

Page 2: on line 4, for the figure "40 per cent" substitute the figure "51 per cent".

6.2.1 The Connétable of St. John:

I felt as though I had to bring this amendment as I consider the potential prospect of altering our constitution based on the will of a small number of people to be an alarming one. Very alarming. While it is correct that the people of Jersey should be consulted, particularly as they saw the numbers of their Senators diminish without consultation, the people of Jersey should also be safeguarded. I believe Deputy Maçon has brought his proposition with the best of intentions and I applaud him for doing so. However, I feel the figure of 40 per cent is an arbitrary one and that if we are going to validate this referendum, we need to ensure that the turnout is above 50 per cent and thus an absolute majority of Jersey voters have had their say on the outcome of this

proposition. Firstly, it has been argued that this is merely a proposition brought by some politicians who want to protect themselves. Indeed, I have been labelled as a turkey, not wanting change. This is not the case. However, it remains important that sufficient safeguards are in place to ensure that if you are going to adopt reform measures that they have been chosen by an absolute majority of Jersey voters. There is no doubting public opinion that they are dissatisfied with the current situation with our political system. But this does not mean that we should assume that they are satisfied with the reform that is being offered. In order to ensure that they are happy, this proposition seeks to make sure that an absolute majority support any changes. If we look at the table which I have circulated, you will see on that report a number of referendums being held in the United Kingdom since 1973 and the average number turnout equates to 54.1 per cent. There is quite clearly a precedent for a decent proportion of the electorate voting in referendums. Not only is it common place for the turnout to attract such figures as we can see, but is also necessary to prevent reform through the back door when it has not been supported by the majority of Islanders. Why should we not seek to safeguard the interest of those who we represent? This should not be seen as a proposition that is seeking to put people off from voting or telling the campaign groups that it is not possible. What it does do, however, is to encourage Islanders to vote, to have their say and to have their voices heard. Further to this, it also offers States Members a guide, as at the end of the day we are all here to serve the interests of the public and the people of Jersey. However, if a small proportion of people vote and the majority do not, how can we possibly introduce reform which the majority of Islanders have failed to approve or disapprove? While we may currently attract a low voter turnout, what is to suggest that the figures could not fall even lower if inappropriate reforms were made and I submit that this could well happen? This could well happen. A lot has been made about common sense in the referendum campaign that I have seen so far, so I finish by asking, surely if we consider that 40 per cent turnout rate to be insufficient to the extent that we need to reform, then surely we need to at least have an absolute majority to determine any changes. Surely any small amount is insufficient in the same way as our current turnout is. For Members who may not be aware, the Parish of St. John had an 80 per cent turnout in my election. There are very few Parishes that can do that and that is not even recorded other than in the *Evening Post* of the day. If somebody wants to challenge me, in my second turnout, probably because they did not know me on the first occasion, in fact there was 63.2 per cent and obviously the candidates were different at the time. I make the amendment, thank you.

The Bailiff:

Is the amendment seconded? **[Seconded]** Senator Farnham.

6.2.2 Senator L.J. Farnham:

I think I can just speak briefly on the amendment as opposed to the main proposition as well. I thank the proposer and the bringer of the amendment because it is an important issue and very well intentioned. Unfortunately, I cannot support either of them for a number of reasons but the first one I will cite as a fact that in its deliberations on the Referendum Act the States decided not to allow for a “none of the above” option to be added to the ballot paper on the reform options. Now this will have the consequence of excluding a number of the electorate from the referendum because there are some people who do not favour any of the options but by bringing or accepting this amendment or proposition we will be putting them in a very difficult situation. We are expecting a good percentage of the electorate to turn out but we have excluded a number of them for doing so. I would of course argue that a vote for option C would be just as good as voting for “none of the above” but I am not going to do that on this occasion. Also the referendum process in this instance is not binding so the effect of any such proposition or amendment would be benign because regardless of what the turnout is or what the result is, this Assembly could just take it as being advisory and not act upon it. Finally, I think that although the figures of 40 or 50 per cent are not

unreasonable when you compare our voter turnout to other jurisdictions around the world, I think it is highly unlikely, in fact I will say we are not going to get a 50 per cent turnout even if we did accept this amendment. There is no way we will get a 50 per cent; I would like to think we would, but realistically we would not get a 50 per cent turnout. I think it would be asking too much of the electorate. They are not for some reason engaging fully with this referendum process. I even think asking for 40 per cent would be pushing it. Like I say, I would like to see a good turnout but if our turnout is in the mid-20s I would be surprised. Thank you.

6.2.3 The Deputy of St. Martin:

I have a great deal of sympathy with both the proposer of the proposition and the proposer of the amendment and I do not say that just because it is the usual way of then going on to say: “But I cannot support them” but in this case it is because I, myself, have taken a great deal of interest in the subject. Within hours of this Assembly agreeing to go forward with the proposition from P.P.C. for the referendum I, myself, wrote to Senator Bailhache as Chairman of the Electoral Commission and to Constable Crowcroft as Chairman of P.P.C. to ask them if they would consider, or if they were considering, setting these sort of percentages for the results of the up and coming referendum. The Greffier kindly responded to me on their behalf saying that, no, there would not be any rules set or percentages required.

[11:45]

After Deputy Maçon’s proposition arrived on my desk, I spoke to the Greffier again, again with the idea of coming forward with an amendment myself and the Greffier very kindly sent me a whole load of details, figures and information for my perusal. The more I looked at it the more it became clear to me that it is so difficult to set limits and Deputy Maçon has alluded to that this morning. How do we decide where that limit should be? Deputy Maçon proposes 40 per cent and Constable Rondel 51 per cent but just to take 40 per cent as an example: would we say we had a better mandate from the public if we had a 41 per cent turnout if the vote was very equally split with the winner gaining just a little bit more than a third? But on the other hand we could have a 39 per cent turnout, the vast majority of those 39 per cent of people agreeing to support one of the options which we would then have to turn down. It is almost impossible. I have studied these options and I have concluded that in this instance, and most importantly at this time so close to this referendum, we just cannot set limits. Reluctantly, I find myself unable to support either the proposal or the amendment.

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

One of the local media referred to these 2 propositions as “irks and distractions” from the business of the referendum or words to that effect which is perhaps a bit harsh because I think they do have some value in that they help us in the final days of campaigning to continue to raise awareness about the forthcoming referendum, so I believe they do have use in that respect. But that is probably about as far as I can go in terms of praising - well we are now debating the amendment - the idea that we should set these bars to the referendum. I would refer Members to the comments by Privileges and Procedures Committee. Deputy Maçon in his speech took issue with one of the comments at the end but the key paragraph in our comments is the third paragraph, although the second paragraph talks about what has happened in the U.K. with referendums and I think that is quite interesting as well. What we say and I quote in the third paragraph, that: “Our own referendum is already consultative. It purports to do nothing more and nothing less than to gauge the views, and strength of feeling, of the electorate. The States will debate and, ultimately, retain the right to accept or reject any legislative changes proposed with a view to implementing the referendum result.” Then, very importantly, and I do not know whether the Constable of St. John read this, we go on to remind Members: “The States will act in accordance with Standing Order

89A, which requires that a proposition to alter, in any way, the membership of the States of Jersey must be adopted by an absolute majority of Members.” So that safeguard is already there in terms of when legislation comes forward, if legislation comes forward after the referendum, there must be a 50 per cent number of Members to adopt it. I do not believe these 2 propositions are necessary. I believe that we need to get back out there in the Royal Square and further afield to raise interest in the referendum. We had a meeting in the Town Hall last night attended by only a few dozen people which was disappointing. The Chairman of the Committee of Constables is not here today, he is unwell, but he reminded us during the debate on the referendum that if St. Helier turns out, then option A will win. Well judging by last night, St. Helier is not turning out and I certainly want to get out there and do some work rather than being in here debating a proposition and amendment which I do not believe are going anywhere. Thank you.

6.2.5 Deputy T.M. Pitman:

Usually I have a lot to say on reform issues but not today. I just think it is a great shame so close to the death of one of the greatest democratic leaders the world has ever seen, certainly of the modern era, indeed a leader who oversaw the creation of an electoral voting system which is regarded by outside observers as one of the best in the world. I am talking obviously about the late and legendary Hugo Chávez [Laughter] ... not the tyrant who left us recently. Jersey has allowed its reform and democracy to become a complete farce when we allowed the hijacking of what was meant to be an independent Electoral Commission. Indeed, when we see in the paper and hear on the radio day after day, total fabrication of facts being spun by those supporting B about an option that is completely non-compliant with the Venice Convention and basic human rights, I think both of these amendments are well-meaning. I acknowledge both Deputy Maçon and the Constable of St. John’s intentions in bringing them. We had a Deputies’ meeting in St. Helier the other day and people were talking about are we going to have enough staff to deal with it. Well I think if you have a couple of people you are going to have enough staff. Sadly, because of the absolute farce of giving in to political interest, this is going to be a complete shambles and all it means is that the next Assembly that comes in is going to be debating this all over again. If B wins, I am afraid, you are probably going to see the Parish of St. Helier at least challenging this with the Privy Council because you cannot have a Government putting forward or supporting moves that discriminate against people simply because of where they live. It is going to make a huge town and country divide far worse. It is appalling that we have heard a Chief Minister supporting this so, with due respect to the Constable and the Deputy, I say I will not be supporting either because I do not think we should make an incredible shambolic farce even worse. Thank you.

6.2.6 Deputy M. Tadier:

I do not think it is appalling that the Chief Minister is supporting one option. I think the more things that we can do to encourage the members of the public to vote is good. I think what it is is those States Members who are remaining silent on a very important issue which the public are looking for leadership and different opinions and inputs, those are the ones who should be feeling ashamed, although I appreciate people go about politics in different ways and they may be genuinely undecided States Members in this Assembly. These amendments and propositions are basically a nonsense. The reason for that is because they do not have any statistical understanding of what the statistics mean. In the amendment, and I will address both issues because I have no intention of speaking twice but I think the comments will be germane to both of those, we talk about an absolute majority: 50 per cent is not an absolute majority because we do not know what the other 49 per cent would think. So if we have 51 per cent of people turning up and 60 per cent of them say: “I like B”, 40 per cent say: “I like C” it is quite entirely possible that the ones that abstained would have voted for the other options. It is particularly important I think in the case of C because those who favour “none of the above” will not necessarily come out and vote, they will

stay at home and not vote so we do not know about those 49. So the only way you can have an absolute majority is when you know that most people have voted; you need a 100 per cent turnout for that. We need to look at this, and I have discussed this with the Chairman of P.P.C., that when the results come back, and bearing in mind that it is consultative, we need to look at the statistical significance of the results and Deputy Luce, the Deputy of St. Martin, has beaten me to it. It is clearly more significant to have a 35 per cent turnout which says 80 per cent want B or 80 per cent want A but that is statistically significant because you can extrapolate from a small sample size and once you get past a certain percentage, you know that the rest of the population will vote in the same way provided that there has been a reasonable representative turnout. Similarly, you can have a 50 per cent, 60 per cent turnout which is equally split meaningless. It does not tell us anything; go back to the drawing board. So we need to get input from statisticians, whether it is our own statisticians in the department or somebody independent who is used to interpreting data from referendums. Then P.P.C. will take that and will look at that and we will have to come back to the States. There is no silver bullet in this respect. But the fundamental principle that I agree with Deputy Maçon and with the Constable of St. John is that we do need to get people out there. These whole series of public meetings, we had a very good Chairman. I did not organise it; it was organised and we had somebody from the media who chaired in a very dynamic, charismatic way, he held the 3 speakers to account and this is engaging people outside of election time. If we as States Members can really push this kind of thing, and I will be talking, and I have been making sounds on the committee for that as well, if we can engage the public in real issues outside of election time where they can test their politicians and their elected representatives and perhaps would-be politicians, that is how we engage people. I have no doubt that the referendum, although we can learn a lot from it, is not being perfectly organised. This is a great opportunity to engage people and I would encourage the 2 protagonists in this proposition and amendment to go out there and knock on doors and make sure that their electors are coming out to vote. Again, I do have some sympathy for Deputy Maçon because I know he would have liked to try and amend this in the positive. We discussed it the other day in the computer room. He would have liked to have said that if it is more than 40 per cent then it becomes binding but we do not have those provisions yet. That is another thing we can consider as a States Assembly and at P.P.C. But we have to work on the basis of where we are at the moment and let us really all get out there, try and get a good turnout and I think it has been a healthy debate, robust of course, but I think it has been very positive.

6.2.7 Deputy G.P. Southern:

Well as Senator Walker used to say: “We are where we are and we may not like where we are but we are.” One has to ask, though, how we arrived at this position. We allowed political interference in the choices. We have 3 choices with a transferable vote which means that we are unlikely to get anything that is very clear. As my Constable said, there is no requirement on us to act, whatever the result is, it is not binding. So, while one might have sympathy with the attempt to correct what is wrong with the referendum that we are having, the answer is: it cannot be mended. It does not matter how big a wrench you get and how you strain yourself, do not think the mechanism we have can be mended. Does either of these numbers produce a majority? No, 50 per cent of 50 per cent is a quarter. It looks like a majority but it is not. If we get 15 per cent or 50 per cent on the turnout, does it make any difference? No, because we do not have to act. This does not say we have to act. Nothing should be done unless nothing will be done. Now I do not want to be acting on a 15 per cent turnout with one result, whatever it says, even if it is the one I want, I do not think, because it will show extremes of apathy and nobody really cares, so there is no backing there. Finally, to illustrate how wrong this is, I am here, I am committed to modernising and reform of this Assembly. I have been for over 10 years now. But quite frankly I do not know if I am going to vote because option A, which is the one I would prefer and the only one I think that is workable,

can say is a reduction to 42 Members and I do not think that is a very effective way of behaving. I think we need more than that: around 46, 48 and it is workable; 42 it is not. So even the option that I prefer - and I am fervent for reform - I am not sure that next Wednesday I am going to turn out unless my wife, who will vote, drags me down there and says: "Come on, do it" and that is me. A lot of people out there say: "Does it make any difference whether we have 40 per cent, 50 per cent or 15 per cent of turnout?" I do not think it does. We do not have to act and I do not believe we will.

6.2.8 Senator P.F.C. Ozouf:

The Constable of St. John's amendment which we are dealing with is of course 50 per cent and like other Members, I am sure that the Connétable is sincere in his reasons for bringing this proposition. Perhaps it was unfair of one member of the Electoral Commission, Dr. Renouf at First Tower, who said about this debate, I am paraphrasing, but he said something like: "It sounded though that these debates on minimum thresholds could be justification for voting against the outcome of a referendum that you do not like and getting in your opposition early."

[12:00]

It could be said that that might be the case but I am sure that it is not the case by the Connétable. It is important that we understand the consequences of accepting a 50 per cent minimum threshold. The aim of this reform that has been spoken about by a number of Members is to deal with this unacceptably low voter turnout in Jersey. We have got apathy in our electoral systems and it is a 'chicken and egg' and this is the difficulty that we have. Unless we change the system, we are not going to get voter turnout. But it seems we are not getting a lot of traction in the referendum; let us be blunt about that. Last night at St. Helier in the largest area, I know that Deputy Hilton has organised 2 other meetings, there were probably 20 people out of 20,000 potential people. It did not seem to me, having been to lots of Parish meetings at the Town Hall and other things, that the Island is somehow debating these issues, that these things are being discussed over the dinner tables and the breakfast tables of families and Island households. I just think it is not there. I think it is quite clear that we could... I hope it does not happen, and we all need to do everything that we can, I do not think that we are going to get, it seems, a very high turnout in this referendum. It may well be, and I say this controversially, that this Assembly is going to have to make some decisions irrespective of a referendum outcome. But not doing anything, and I find myself agreeing with Deputy Southern again, is not an option. I think that is what he said: it is simply not an option. We do not need to make these decisions today; we need to reject both the Connétable of St. John's amendment and Deputy Maçon's proposal. In relation to the 50 per cent, I congratulate the Greffe and all the work that the Parish have done on getting more people on the electoral register. But there is a problem, and there is a serious problem, in relation to this simple issue of minimum thresholds and the percentage, and particularly the 50 per cent, which neither Deputy Maçon or the Connétable of St. John I think understands. There are inevitably thousands of people on the electoral roll that not only will not come out to vote, but are ineligible to vote now because of the 3-year registers. There are people on the register that will not vote because they are no longer here. Now that means that we have this inflated number of people of which the minimum threshold will be applied of which we will never get all of those people to vote. I make no criticisms to the Greffe or to the Parishes or anybody, it is the nature of a 3-year rolling election register that you will have people that are no longer here because of the ebb and flow of populations and there may well be some duplication. I know the Parishes do a great deal to do that. That overestimate of the voter registers could be up to, I calculate, about 10 per cent. It might be more but it is certainly going to be in my calculation about 10 per cent. Now if I am right about that analysis, then that means that the 50 per cent is almost then unachievably high. Because if you have 10 per cent, even if you combine the issue of a pretty low turnout and a turnout itself that cannot be reached because you

have electoral registers that are too high because the people are not there, you have set yourself up to fail. I am afraid, given the track record of elections in Jersey across the board, added to the electoral register overstatement number, 50 per cent is simply not going to work. We have set ourselves up for failure. I think that that is a very serious issue and I would say that even more strongly in the amendment debate of the 50 per cent, it cannot be reached. It will not be reached; it is setting up to fail. If the Connétable disagrees with me, if he has not done his homework in relation to electoral registers and how they are done, then I would appreciate him explaining in detail how he thinks that we are going to get realistically in an election with an overstated electoral register 50 per cent. Let him deal with the details in his summing-up.

6.2.9 Senator A.J.H. Maclean:

I stand to agree with Deputy Southern. It may be a bit like an eclipse, I do not do it very often, but I do agree with him. I think the members of the Island, large numbers of them, agree. The Constable of St. Helier made the comment about the meeting at St. Helier yesterday, 2 dozen or so people turning out. Why do we think only 2 dozen people turn out? It is quite simple: the options produced are disappointing and quite frankly **[Approbation]** ... I am tempted to say: "Encore." **[Laughter]** **[Approbation]** But in truth it is absolutely right: they are 3 very disappointing options. I am very keen on reform but I think Islanders think that reforming ourselves in this Assembly is probably a secondary consideration at this time. We are in the deepest recession globally - and Jersey is being impacted - that we have seen. What do people in this Island really want this Government to do right now? They want us to tackle unemployment, they want us to deal with matters **[Approbation]** that really make a big difference. What do we do: we spend hours talking about trying to reform ourselves. **[Approbation]** I think I might add that if the referendum was binding, there would be greater engagement even if there are 3 bad choices. At least the public would have a feeling that what they were going to say was going to make a difference. What I think they think is going to happen - and I think they are right - is that whatever decision is made, we will come back here and we will spend even more time talking about it. **[Approbation]** While on the subject of options, of which there are 3, the third option - option C - has been handicapped anyway by the process. If you look at the wording, and we agreed to it, I hasten to say, it says on it: "Option C is a no change option." Well it is not. It may be a small change but there is a change and that is going out in all the official ... and it will be on the voting slip and all the rest of it. Not even a level playing field. It is an absolutely horrendous situation in my view. **[Approbation]** It reminds me of the election trail **[Laughter]** but not usually after I was speaking. I would just go on to say that as far as the actual process itself is concerned, and in terms of what we are seeking to achieve from a referendum, that is to engage more with the public, get greater public turnout and engagement in the electoral process, I am struck by the table produced by Deputy Maçon which is taken showing the Senatorial votes for 2005, 2008 and 2011. What we see is an increase in voters for Senators. More voters are turning out and voting for Senators. I find that striking. When you also look at the statistics you see less are turning out for all the other categories. I think that is a really interesting point. So going back to the point in question, which is the amendment brought by the Constable of St. John, and indeed the main proposition - you will be relieved to know I am not going to speak again after the comments I have made - I think the points apply to both and I understand the sentiment and, I think, to be fair, Deputy Maçon is more balanced, more reasonable when you look at the averages. I can see where he has got his figure from and that does make some sense. But the point made earlier about it is not just about the turnout, it is about the margin of victory. There are so many variables; the Deputy of St. Martin made the point. I do not think the actual turnout is the only defining issue as far as this referendum is concerned. It is a bad referendum, it is a bad choice for the public and we need to get on with dealing with what really matters for this Island. Thank you very much. I will not be supporting either the amendment or the main proposition.

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

Just very briefly to say that I came in to support the proposition this morning and that was my intention. I have listened to the arguments though and I have come around to the conclusion I will vote against both the proposition and the amendment. I would also like to say that I agree very much with Senator Maclean and other Members of the States who have spoken this morning. We have set ourselves up to fail in this task. I am afraid people would not like me saying it, but the truth of the matter is we originally set out to have an independent Electoral Commission [**Approbation**] that would have no political input whatsoever because we all know that we all have our views, and quite strident views, in this House, and we set it up to be independent and then what did we go and do? We allowed ourselves to make it 50/50, 3 politicians who all had very, very strong and longstanding views, and 3 independent members ... well we say they are independent, I do not know; I would like to think they were. But the truth of the matter is, what did they come up with? A fudge. We should have had a straightforward question, yes or no on a particular issue, and given the public the opportunity and we blew it, and we blew it big time. All I can say is if the turnout is as bad as we think and we are going to be coming back here and debating this, it is our fault because we deviated from what we should have done in the first place. [**Approbation**] So all I can say is, in response to this debate, as much as I say I came in with one particular view, I have been persuaded and I shall be opposing the proposition and the amendment. Thank you.

The Bailiff:

Does any other Member wish to speak on the amendment? I invite the Connétable of St. John to reply.

6.2.11 The Connétable of St. John:

I know if I was the chairman of a public company and I was wanting to do reform, I would need a much larger majority than 51 per cent to have any changes in that particular company. But we are not in a company, we are in an Assembly. That being the case, and I have heard everything that has been said by everybody, and I am not going to keep Members any longer, I will just ask for the appel.

The Bailiff:

Very well, the appel is called for then in relation to the amendment of the Constable of St. John. I invite Members to return to their seats and the Greffier will open the voting on that amendment.

| POUR: 7 | | CONTRE: 36 | | ABSTAIN: 0 |
|----------------------------|--|-----------------------------|--|-------------------|
| Senator A. Breckon | | Senator P.F. Routier | | |
| Senator S.C. Ferguson | | Senator P.F.C. Ozouf | | |
| Connétable of Grouville | | Senator A.J.H. Maclean | | |
| Connétable of St. John | | Senator B.I. Le Marquand | | |
| Deputy G.C.L. Baudains (C) | | Senator F. du H. Le Gresley | | |
| Deputy of St. John | | Senator I.J. Gorst | | |
| Deputy of St. Mary | | Senator L.J. Farnham | | |
| | | Connétable of St. Helier | | |
| | | Connétable of St. Clement | | |
| | | Connétable of St. Peter | | |
| | | Connétable of St. Mary | | |
| | | Connétable of St. Ouen | | |
| | | Connétable of St. Brelade | | |
| | | Connétable of St. Martin | | |
| | | Connétable of St. Saviour | | |
| | | Deputy R.C. Duhamel (S) | | |

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|--|-------------------------------|--|--|
| | Deputy R.G. Le Hérisssier (S) | | |
| | Deputy J.A. Martin (H) | | |
| | Deputy G.P. Southern (H) | | |
| | Deputy of St. Ouen | | |
| | Deputy of Grouville | | |
| | Deputy J.A. Hilton (H) | | |
| | Deputy of Trinity | | |
| | Deputy S.S.P.A. Power (B) | | |
| | Deputy K.C. Lewis (S) | | |
| | Deputy M. Tadier (B) | | |
| | Deputy T.M. Pitman (H) | | |
| | Deputy T.A. Vallois (S) | | |
| | Deputy M.R. Higgins (H) | | |
| | Deputy A.K.F. Green (H) | | |
| | Deputy J.M. Maçon (S) | | |
| | Deputy J.H. Young (B) | | |
| | Deputy S.J. Pinel (C) | | |
| | Deputy of St. Martin | | |
| | Deputy R.G. Bryans (H) | | |
| | Deputy R.J. Rondel (H) | | |

6.3 Referendum on States reform: minimum turnout threshold (P.39/2013) - resumption

The Bailiff:

Very well, now we return then to the debate on the proposition of Deputy Maçon. I hope Members feel that they addressed both issues during the debate on the amendment and therefore I invite no one to repeat their arguments but if anyone wishes to say something new then of course now is the time to do so. Deputy Pitman.

6.3.1 Deputy T.M. Pitman:

Yes, I just want to say one thing that I missed out before saying that I will not be supporting the proposition, sadly, and that a huge contributing factor to this apathy in the whole referendum is the fact that despite the spin that has been put out, it is heavily loaded, whether we like it or not, in favour of keeping the Constables. Now whether you support them or not, that is the reality. It was an incredibly foolish decision by the Chairman and his colleagues to allow construction of a referendum which was so clearly biased, manipulated to hopefully get the result they wanted. I think really Deputy Maçon is just doing his best to try and give something that is broken beyond repair a slight shot in the arm but I think it is a walking corpse and I would say, sadly, we will all be back - or some of us might be back - in the next Assembly going through this all over again. So I am sorry, Deputy, but I cannot support you.

6.3.2 Deputy S. Power of St. Brelade:

I did not vote on the amendment, I did not speak on the amendment. My view is similar to what a number of other Members have said and I did not support the amendment and I am not going to support this report and proposition. I think there is a very important paragraph on the comments by the Privileges and Procedures Committee which the Constable of St. Helier has brought our attention to: "Our own referendum is already consultative. It purports to do nothing more and nothing less than to gauge the views, and strength of feeling, of the electorate." This Assembly is going to be, depending on what happens next week, in an invidious position as to how we interpret what I think also is going to be a very low turnout. The decision is going to be whether it is going

to be acceptable to have 10,000 or 15,000 or 20,000 people across the Island to express a wish or express an option.

[12:15]

Even when the results come in and they are low, the onus will be on us to how we gauge that strength of feeling as the Chairman of P.P.C. and the comment paper has said. It is going to be a very difficult task. It is not for us to decide whether it is 10 per cent of the registered electors vote, 20 per cent or 30 per cent, it is up to them. I heard a Member say in the coffee room a while ago: "Well if 80 per cent do not vote, that is more important than the 20 per cent that do vote" and that is absolutely not the case. People who take the trouble to get to a polling station and vote and express a view on this, no matter how many reservations people have about option A, B and C, that is what we have to take into account. It is up to this Assembly then in accordance with Standing Order 89A to take it to the next stage. I was interested in what Senator Ozouf said about the database and the register of electors and the rolling register that we do have. They found out in Guernsey a few years ago after the reform of the constituencies in Guernsey that their database was hopelessly inaccurate. They have dumped the whole database and started from scratch based on activity. What they found out then is while the percentage of voting increased overall in Guernsey, the actual number of people that voted has gone down since the reform of the constituencies in Guernsey. I think that is important that we may have quite a degree of inaccuracies in our database here in the register of electors and we are going to have to factor that in. So that is why a hypothetical 40 per cent or 50 per cent attainment figure is simply not an option for me and, I suggest, to colleagues. There is a general lack of interest out there about this referendum and we cannot fool ourselves by saying that we can try and cajole people to vote. It is simply not going to happen. There is disinterest, there is voter apathy and, as Senator Maclean said, people are concerned about a number of different things. Right down the line in the hierarchy of priorities on this Island, what we say and do about ourselves does not attach a great deal of importance with the ordinary man on the street or the woman on the street who are struggling with a mortgage and an electricity bill or something else. So we are going to have to analyse the strength of feeling reflected in the results of this referendum next week and I really think that is going to be the difficult one. I do not think there was anything else I wanted to say. I did want to make one final comment on Senator Maclean's interpretation of the figures on Deputy Maçon's P.39. A large part of the increase of the voting for Senators between 2005 and 2011 is largely probably due to the population increase more than anything else and I think if he were to accept that, it would be the case. The percentage has not really increased that much; it is about 1 per cent. So, with those words, I am sorry to tell Deputy Maçon that I will be voting against his report and proposition, but a good effort. Thank you.

6.3.3 Deputy G.C.L. Baudains:

Like Deputy Power, the previous speaker, and referred to alike by the Minister for Treasury and Resources, I do agree that the electoral register is probably oversubscribed, but I might suggest that the percentage might not be sufficient to make a great deal of difference to either 40 or 50 per cent. I would not take Guernsey's yardstick quite as deeply as Deputy Power has done, I think. Also, like the Minister for Treasury and Resources, I fear too that the turnout is probably going to be quite low and I think that is the problem. For all the reasons which the Minister for Economic Development so clearly put to us, the referendum is a shambles and, again, as Deputy Southern said, we are where we are. My worry is that the turnout could be very low. We talk about democracy very often but sometimes we tend to treat it rather cheaply because to me there are 2 categories of people who will not be voting: those who traditionally do not bother ... well if they get a government that they do not like then I have no sympathy for them because they did not bother. But with this referendum there is going to be another class of people who do not vote: those who

find they cannot support either option A or option B because they do not like the rest of the package that it comes with. But they do not feel they can support option C either because they do want change and they are not going to vote for no change, so they will not be voting for very good reason. As a consequence, we may end up with one of the options with perhaps a 5 or, at the very most, 10 per cent favour over the others and to me that is not a mandate for us to change anything. But the whole referendum is, as I say, as the Minister for Economic Development said, a shambles and we are now paying the price for that. I think that the proposition which Deputy Maçon has brought does assist a little bit in that it makes a bad situation slightly less bad and I will be supporting it.

6.3.4 Deputy J.H. Young:

Like other Members, I have always been concerned about the situation in the event of a low turnout and, in fact, I remember speaking to Deputy Maçon when he was formulating his amendment, and gave him some encouragement that this was something that we should have a discussion about. But subsequently to that I have done research that shows other Members have not realised that this is an arrangement imposing a quorum on turnout that does not really work. Greater Assemblies than us have discussed it at length and rejected it for all the reasons that have come out. So, of course, the problem is no matter how we deal with this referendum, it is a bad one; no question. The options are bad for all the reasons we have said and can we make it into a better one; I just do not think we can. We cannot escape, as Deputy Higgins says, dealing with the result of what comes. We were responsible for that and we have to decide. It will be absolutely wrong to make preconditions now on how we are going to treat a result one way or the other. We have to wait and see what we are dealing with. The reality is, I fear, that there will be a very low turnout and I think the reasons may be, certainly for those who are really committed on those options, there is a very, very divisive debate which worries me, because divisive debates are not what we need at the moment with our economy and so on. But for the large majority of people, they do not seem to be inspired by either option but equally they want to see change but recognise ... so I think they will be staying away. I have done nothing to encourage that but I think we have to recognise that next week, unless things turn around, that that may be the situation we have to deal with. I cannot support the amendment. We have to deal with what is and make our decisions once we see the result.

6.3.5 Deputy G.P. Southern:

Briefly, we put politicians on the Electoral Commission; that was a serious mistake. Worse, we made the Chairman a Senator who stood on a platform and thought he had a mandate and already had the answer which had turned out to be exactly option B. He cajoled, persuaded the rest of his Commission to put that option on there. That is the reality. The reality is that that produces 2 options which keep the Constables and one option which does not. In and of itself just on sheer numbers that is a biased questionnaire. It is wrong from the beginning and it is wrong now. Whether it is 40 per cent or 15 per cent does not matter; the fact is the election is stewed, it is biased and it is broken.

6.3.6 The Connétable of St. Mary:

May I just say, as someone who stood on the Commission, that the assertion of Deputy Southern that the Chairman cajoled and persuaded to get his own way, I would have to say is without substance. The Commission was robust and there was certainly much robust discussion. Thank you.

6.3.7 Connétable S.A. Rennard of St. Saviour:

I have been listening with interest to everything and we all know exactly why we are having this referendum but what I find very, very hard, we are moaning now in this House about people turning

out to vote. People who are listening to us on Radio Jersey this morning will wonder why the hell they need to come out... excuse my language. They will be wondering why they need to come out...

The Bailiff:

Connétable, you must not use language like that.

The Connétable of St. Saviour:

I do apologise. They will be wondering why they need to come out because we are not happy with what is going on either. We are not encouraging people to come out and vote and say: "Please come out and change" because we cannot agree among ourselves. There is only one thing that is needed in this House: they do not want the Constables in full stop. So whatever people vote for, if it comes back and the Constables have been voted in, it will be discussed again. This is not why we are here. We want people to vote and we want people to know what they want. Not what we want in this House and what we think we want: that we do not want the Constables or we do not want the Senators or we do not want the Deputies. We want to know what the outside people know. If we are very, very negative in this House over this, which is what we have been this morning, we cannot expect people to come out and vote when we do not seem to care either way in this House. But I would ask the people listening on Radio Jersey this morning, do not listen to the rubbish that is going on in here because it is nothing any different [**Laughter**] to what normally goes on. If we do not get our way, some of us, we throw our toys out of the pram. Come out, vote and show the people in this House what you want. Then, when we come in this House, we will have what you wanted us to do. If they still vote against it, or some of us still do not agree with it, then next time they come up for election, sweetheart, come out and vote and make sure they are not in it. Thank you.

Senator L.J. Farnham:

I am not sure whether she was addressing the chair.

6.3.8 Senator P.F.C. Ozouf:

I do not quite understand how this debate has turned into this veering of a criticism of the Electoral Commission. I would just remind Members respectfully, if I may, that this Assembly on 20th February 2013 in P.5/2013 agreed the referendum, 37 votes to 12. That is what we did. It was this Assembly which agreed and Members are setting aside the decision that this Assembly made, and that is wrong. I thought we make decisions and move on; we decided to have a referendum. The decision was made, the vote was made, it was pretty overwhelming and that means we should always respect that decision and we should be getting behind the referendum. I think it is completely unfair to try and reinvent history and to try and say that those are people who do not ... maybe Dr. Renouf was right, maybe Members are getting their opposition early to justify their decisions later on from what I have heard during the course of the debate and I think that is absolutely wrong. We can have storming and stamping feet of option C supporters if they want, but we have made this decision and maybe that is unpopular to say it but it is true. I would like Deputy Maçon, to come back to the proposition if I may, for him to particularly respond to, as the Connétable of St. John was clearly unable to or unwilling to, my serious issue of the electoral turnouts being on numbers of electoral rolls which are wrong and could he confirm if he understands that, that he is asking for, effectively with his 40 per cent threshold, something which is more like a 50 per cent threshold or probably 45 per cent, and that is unachievable. Would he confirm if that is his understanding that his proposition is flawed in relation to 40 per cent because he is asking us for 45 per cent threshold and he is setting us up to fail?

The Bailiff:

Can I remind Members that certainly some of the speeches so far seem to have borne a considerable resemblance to earlier speeches on the amendment. I do remind Members that they are not to repeat arguments unduly. Deputy Tadier.

6.3.9 Deputy M. Tadier:

I take that direction. I will not repeat the arguments but I think there are just a couple of things that need to be responded to. I can tell the Minister for Treasury and Resources why this has veered towards a criticism by some of the Electoral Commission, it is because they do not like the findings that the Electoral Commission have come out with. I would also say that do not complain about the recommendations that came out if you voted to put politicians on there in the first place. We knew that B would come out. Option B was there from the beginning before it even started because Senator Bailhache told us that is what he wanted and we appointed him and we appointed 2 others who would normally have supported him. Now there is evidence, I would suggest, contrary to what the Constable of St. Mary said that there was cajoling on the Electoral Commission and I think I have email evidence to prove that but that is not a debate for today. What we should be talking about are the real issues.

[12:30]

The Constable of St. Saviour is spot-on. When we stand up in this Assembly and we are being negative, that gets broadcast, not just live ... and incidentally the reason we cannot use colourful language in the States is because the BBC only broadcast in black and white so they do not like colourful language being used. We should be talking about this. I think I am more positive because I believe that once somebody has voted for the first time in their life, they will come out and vote again. It is a habit. If you vote for the first time, you carry on voting because you know you become empowered. So I believe that people who come out to vote in the Deputies, the Senators and the Constables elections will come out to vote for this. They may have to take the next week to get their head round it. I know that there are some people whose doors I have knocked on who have said: "My son is definitely voting for one of the options. I am not so sure because I am not happy" but that person will definitely come out and vote. She will come down one way or the other; she will vote. There are new people out there who are getting excited about the referendum and they understand they do not have to read hundreds of manifestos potentially, or certainly tens of manifestos, they can see that there are simple ways to effect change. I also agree with Senator Maclean when he says we should not be in the long term. We have really fundamental issues to do with jobs, to do with housing, to do with healthcare, to do with building new schools, building new hospitals which do need to take precedence. We cannot do that as an Assembly if we do not at some point draw a line under the reform issue. I think that the public will think very carefully about which of the 3 options, when they come out to vote, will finally draw a line under the reform issue so we do not come back here, not simply when we debate this but also in the next 10 years. They have to make sure that when they vote, and they will vote, I am sure, that they vote for the option which will draw a line under reform. So I think we do need to be positive. Let us not talk this referendum down before we even know what the results are and let us get out there and encourage people to vote.

The Bailiff:

The Constable of St. Mary, you have flashed your light but you have already spoken.

The Connétable of St. Mary:

I was hoping you would accept that I was trying to correct something which I thought Deputy Southern had said incorrectly. If that is not the case, I will retract ...

The Bailiff:

I think, no, because if everyone did that everyone would be speaking umpteen times, so I am afraid I must treat that as your speech. Senator Farnham.

6.3.10 Senator L.J. Farnham:

I would like to re-emphasise a point about this proposition that the States must remember. Senator Ozouf - he does not usually miss a point - but he has missed this one, and that is by not allowing a vote for “none of the above” in this structure of referendum, people not turning out is an option. If people do not turn out they are exercising their right, their option to vote for “none of the above” because they do not want them, so we have to take that into consideration. I just wanted to impress that point. Thank you.

6.3.11 Deputy R.G. Le Hérissier:

I am not going to go into the details. I want to build on what the Constable of St. Saviour said. I think we should be very thankful for Deputy Maçon for having done this. I had a lot of chats with him about this. This work should have been done by the Electoral Commission and P.P.C. I think he did an excellent job, he made a very good case. He knew he was in a sense having to row against the tide - not *a la* King Canute - but he knew he was doing that. What I should also say, I am as cynical in my private moments as have been a lot of people who have spoken here about the real politics that are going on and the fact that certain people in the States have a total misunderstanding of what conflict of interest amounts to. **[Approbation]** This belief that because you are a jolly good chap or chappess you can be on any sort of conflicting situation and just ride through is utterly naïve and it goes to the heart of what is so badly wrong with a lot of what we do. But having said that, I have to say I have been very impressed, with all the imperfections that have surrounded this process, at the way that the 3 groups have taken it, have worked with it, have fought it and the way certain young people, as Deputy Power said at a meeting the other night, have come out of the woodwork and have shown real leadership and drive, commitment and great professionalism in the way they have handled themselves. They have not been burdened down by the cynicism, by the history, by the whole sort of farrago that has been on display today, and I think that has been fantastic. It may not lead to high turnout but I think it is an incredible example to the rest of us and I hope it does lead to great turnout and I hope it leads to these people playing a much more active role in Jersey politics in replacing a lot of us. Thank you.

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

Just one extremely small point which will not take too long. There has been a lot of negativity this morning about how many people are going to come out to vote for this. Before we run it down too far, I think one point we should be making is that the pre-poll I am told is almost up to the 2011 level now, so people have been out to vote and I wanted to implore people to carry on what they were doing with their pre-poll in 2011 and come out and give us the sort of percentages we had in 2011. Let us not give up on it yet. I think people are interested and we need to use the next 7 to 10 days to ensure that people do get out and vote.

The Bailiff:

Does any other Member wish to speak? Very well, then I invite Deputy Maçon to reply.

6.3.13 Deputy J.M. Maçon:

Yes, while we did have many speeches discussing individual points on the process of the referendum: the referendum itself, the referendum options, being clearly able politicians, many Members sidestepped the very question I asked them at the beginning and I did not get an answer from them.

The Bailiff:

You have my sympathy, Deputy Maçon. **[Laughter]** I do not think you have many speeches to reply to. **[Laughter]**

Deputy J.M. Maçon:

Thank you. The deafening silence that Members did not answer the question about what participation turnout represents a valid indication of the community’s opinion perhaps speaks more than anything because how can the public go from this? All Members discussed certain issues about the problems of interpreting the result. I have tried here to put something in place which will give confidence to the public and which helps Members going forward because it removes an argument and an issue out of the equation before the referendum and I thought that was right. I thought it was right that the public knew that. Of course, I did not expect every Member to agree with me. If I can respond to the speech of the Constable of St. Saviour, this is exactly why I brought my amendment because she said we need to know and we want to know what people out there in the community think. But if we do not get enough of them, how can we realistically say anything? How can we do that and how can we be taken credibly by anyone? Now, Deputy Tadier did make the point that the interpretation of the result will be dependent on various factors. I do not argue with that and I agree with him. But he did also say in determining that you would need a reasonable representative turnout. He did say that as well. What I have put before Members is to try and establish so that the public know what States Members think that is. There are not many other points to respond to. Senator Ozouf spoke and raised a very legitimate point, a perfectly valid point, about the accuracy of the electoral registers. Well there is the accuracy of the electoral register and I am surprised no Constable stood up and said: “This is something which we are on top of, this is something our Parish has worked very hard on in making sure that they are accurate and they are up-to-date” and all these types of things. Because it seems very strange to say that the Parish is so important, they do such a good job, and then turn around and say: “Well we think some of their work might not be as accurate as we believe to be.” I do not believe that to be the case. I think the Parishes, when it comes to the electoral registers, are fairly accurate. Therefore, to respond to Senator Ozouf’s point, I understand how it works and I do accept that there is a problem in that there is some inaccuracy in there because people move, people move off-Island. I accept that, but I do not think it is to the extent that he proposes. Now he did not give us the methodology about how he came to his conclusion, and that is for individual Members to come and decide about whether they think that is. As I say, with everything that I have said I think it is right that we have a result which is valid. International best practice is around 40 per cent: 40 per cent is a level that we do reach in an Island-wide level on a regular occurrence. It is not unreasonable and I thought it was right that the public knew what States Members thought what is a valid indication that a participation level does of the community opinion. I thought that was right and I thought the public should know that before they go to the referendum. I conclude my response and ask for the appel, thank you.

The Bailiff:

The appel is asked for then in relation to the proposition of Deputy Maçon. I invite Members to return to their seats and the Greffier will open the voting.

| POUR: 13 | | CONTRE: 31 | | ABSTAIN: 0 |
|-------------------------------|--|-----------------------------|--|-------------------|
| Senator A. Breckon | | Senator P.F. Routier | | |
| Senator S.C. Ferguson | | Senator P.F.C. Ozouf | | |
| Connétable of Grouville | | Senator A.J.H. Maclean | | |
| Connétable of St. John | | Senator B.I. Le Marquand | | |
| Connétable of St. Saviour | | Senator F. du H. Le Gresley | | |
| Deputy R.G. Le Hérisseier (S) | | Senator I.J. Gorst | | |
| Deputy of Grouville | | Senator L.J. Farnham | | |

| | | | | |
|----------------------------|--|----------------------------|--|--|
| Deputy T.A. Vallois (S) | | Connétable of St. Helier | | |
| Deputy J.M. Maçon (S) | | Connétable of St. Clement | | |
| Deputy G.C.L. Baudains (C) | | Connétable of St. Lawrence | | |
| Deputy of St. John | | Connétable of St. Mary | | |
| Deputy S.J. Pinel (C) | | Connétable of St. Ouen | | |
| Deputy of St. Peter | | Connétable of St. Brelade | | |
| | | Connétable of St. Martin | | |
| | | Deputy R.C. Duhamel (S) | | |
| | | Deputy J.A. Martin (H) | | |
| | | Deputy G.P. Southern (H) | | |
| | | Deputy of St. Ouen | | |
| | | Deputy J.A. Hilton (H) | | |
| | | Deputy of Trinity | | |
| | | Deputy S.S.P.A. Power (B) | | |
| | | Deputy K.C. Lewis (S) | | |
| | | Deputy M. Tadier (B) | | |
| | | Deputy T.M. Pitman (H) | | |
| | | Deputy M.R. Higgins (H) | | |
| | | Deputy A.K.F. Green (H) | | |
| | | Deputy J.H. Young (B) | | |
| | | Deputy of St. Mary | | |
| | | Deputy of St. Martin | | |
| | | Deputy R.G. Bryans (H) | | |
| | | Deputy R.J. Rondel (H) | | |

Deputy J.M. Maçon:

May I thank those Members for their support.

The Bailiff:

Now there are 2 matters that have been lodged: 2 amendments. First of all, an amendment lodged by Deputy Vallois for the Reform of Social Housing - that is Projet 33; and also an amendment by the Minister for Treasury and Resources to the Jersey Innovation Fund: establishment, funding and operation - that is Projet 124. Deputy Tadier, you indicated you might wish to make some application. Do you wish to do that?

Deputy M. Tadier:

Yes, Sir. I will not be asking to take this at this sitting, I think partly because I may need to amend the date on it because it does bind a future Assembly, which may not be the best thing to do. But I do think it is an important proposition which can be lodged, so I will leave it lodged subject to amendment.

The Bailiff:

Very well, thank you, Deputy.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

That concludes Public Business, so we come now to the Arrangement of Public Business for Future Meetings and I invite the Chairman of P.P.C. to address the Assembly.

7. The Connétable of St. Helier (Chairman, Privileges and Procedures Committee):

Public Business is as set out under M. However, due to the amendment to the Innovation Fund (P.124), that will have to be taken on the second day of the next sitting. The same will apply to The Reform of Social Housing (P.33), because of today's amendments, that will not be able to be taken until the second day of the sitting. I believe that is all, although I understand Deputy Southern wishes to seek to defer P.33 from the next sitting.

7.1 Deputy G.P. Southern:

Yes, I believe that a substantial amount of information has come certainly to my attention, in particular the complete absence of any population or migration figures in this particular paper, and that is a fundamental of the demand for the resource that is housing and makes a significant difference. It is not there, it is not anywhere, in the full business case, or in the proposition; plus the fact is, as often happens, we have 128 pages of Scrutiny review which came barely in time to lodge any amendments and needs serious study because it contains a number of criticisms. Then finally we have an absence again of information based on how Social Security will adjust income support. We hear there are amendments and changes to private sector rent rebate as well in the pipeline that I think we have to know about before we debate and vote on such a major change which is going to tie our hands for the next 30 years. I believe for the sake of a fortnight of extra time so that we can make sure we understand all of the issues that are involved and I believe get fresh information from the Statistics Unit about population projections which are vital to this particular issue, if we were to wait for a fortnight we would do a better job and we would have a better proposition in front of us than if we debate on 30th April. So I urge Members to encourage the Chief Minister and the Council of Ministers to put this back for a fortnight's time, better than rushing this now.

The Bailiff:

Deputy, are you proposing that it be stood out of the list for 30th April and be deferred to 14th May? Is that seconded? **[Seconded]** Deputy Green.

[12:45]

7.1.1 Deputy A.K.F. Green of St. Helier:

It comes as no surprise that I am not supporting that proposition. This has been 2½ years of very hard work. The report that is a full business case with all clear explanation on the way we came to the conclusions that we came to was lodged 8 weeks ago. What I would say is that there were no surprises in there. I have been open with Members and with the Scrutiny Panel all the way through my work and there was absolutely no surprises in that report other than I gave a lot more detail on how we got to that conclusion. The fact is that this is about delaying the debate to allow a late amendment to be debated or to be part of this process. In the spirit of co-operation, I have agreed that we will take it on the second day of the next sitting in order that - and I have not seen it yet; I know it exists but I have not seen it yet - that late amendment from a Member can be included in the debate. Deputy Southern made comments about the information lacking from the Population Office. It is the people coming through the gateway that is the concern around affordable houses and around rental. We have clear information from the gateway. Yes, I will want to at some time expand the criteria of the gateway, but that information is known, it is published every month; we know that now. The truth is this is about allowing a late amendment to be debated and in the spirit of co-operation I am happy to do that by debating this on the 1st May.

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

This is the problem with this States Assembly. Not everybody just has one area in particular to focus on when we are doing this job and the social housing is an extremely important change to people's lives in this society. We are being asked to agree, apparently in principle, a social housing transformation programme, but we are going to be asked to change something and then get told later on when the Regulations come: "Oh, but you agreed that in the transformation programme." I am sorry, but I have had enough of this. This is a States Assembly which is representing all Islanders. We have a Social Security report for some reason that has not been published yet. Apparently it is there but it has not been published yet. I wonder why, because the deadline for amendments was yesterday. I asked the Minister for Housing, who I have been speaking to for over a year now, about this 90 per cent of market rent levels. I have been speaking, I have been putting alternatives forward and I have spoken to the Minister for Treasury and Resources, the Chief Minister and the Minister for Social Security, so it is not like I have not tried. But the point is, is that we need proper debate around this. Not just be told: "This is the right way to go so nod your heads; well done." I appreciate that Housing have done a fundamental amount of work on this. I cannot fault the chief executive and a couple of members of the senior management team in terms of the Housing Department. I think they do a great job with the circumstances that they are dealt with but this is asking for 2 weeks. Two weeks. Have the published report from Social Security, have the actual financial strategy which is referred to in the report of P.33. We have a full business case, yes, but guess what? We do not just deal with housing. There are social policy implications here which we have not even heard from the social policy group about. So, I am sorry, I would please ask this Assembly just to delay for 2 weeks. Yes, I have put an amendment in but that is because I asked the Minister for Housing yesterday if he could delay this by 2 weeks; just to give 2 weeks and he refused. Point blank refused.

Deputy A.K.F. Green:

The question was: "Would you agree to a delay?" Not why or anything like that: "Would you agree to a delay?"

Deputy T.A. Vallois:

Sorry, the Minister did not give me a chance to explain to him; he walked off. So, I am sorry, do not give me that. This is [Laughter] ... no, I am sorry. This is asking ...

The Bailiff:

Can we remain parliamentary, please?

Deputy T.A. Vallois:

This is asking for 2 weeks' delay; that was it. Thank you.

7.1.3 Deputy M.R. Higgins:

I just want to take slight umbrage with the Minister for Housing's comment about amendments. He seems to think that amendments are undemocratic. Surely, if someone wishes to bring an amendment ... first of all, let me just say, I do not think we have sufficient information and I do want to see more. If, as a result of information that is coming, an amendment comes, why not, because the point is an amendment may even lead to a better proposition. Now the other thing I would say is I would like to remind the Minister for Housing that no one has the monopoly on wisdom. He may say that they spent years working on it, but people have found fault with it so far. We would like some more information, and if an amendment comes forward it may make it a better proposition and we may get something that is properly fit for the Island. So I would strongly urge that we delay this for the 2 weeks. Two weeks is nothing to get the information, especially with a 30-year programme.

The Bailiff:

I have a lot of people who want to speak on this, so this is just a question of wanting to address it. Chief Minister.

7.1.4 Senator I.J. Gorst:

It might be helpful if I speak at this time. It is a proposition in the name of the Council of Ministers. Perhaps I could start by reiterating a point that I made yesterday when it came to the Home Loan Deposit Scheme. I do get concerned, and I think Members expect me to be concerned, that Ministers are delivering on the priorities that this Assembly has set. I consider it as part of my role to make sure that Ministers are delivering and where they are not, I have to encourage corrective action. I want to say that I congratulate the Housing Department for the great amount of work and effort that they have put in to getting this proposition and this proposal to the state that we find it in and hope to debate at the next sitting. It is only 2 weeks and that sounds an appealingly short length of time but I am sure if the Minister for Housing were able to stand again, he would say there is a lot of detailed and time-consuming work that will need to be undertaken to deliver on the decisions that we are asking the States to make. It is not simply the decision of this proposition but there is a lot of other work that needs to be done after that decision. We are committed to ensuring that this process is as largely complete as is possible by the end of the term of this Council of Ministers. That, I believe, is what this Assembly wants to hold us to account for and wants us to deliver upon. I should also say that I am very grateful for the work of the Scrutiny Panel. I think they have done an excellent piece of work and they have put forward [**Approbation**] some amendments to this proposition and I have already started to discuss those with the Minister for Housing and Ministers are due later this week to consider them as well. We will consider amendments that are put forward carefully in regard to what we are trying to achieve. Having said all that, and in light of that, this Assembly itself is perhaps taking a little risk by asking for it to be deferred because of the downward stream of work that needs to be put in place. I am prepared to accede to Deputy Southern's request but bearing in mind those comments that I have just said. It will not be fair for Members of this Assembly to criticise the Housing Department if in due course things do not happen quite as quickly as Members would like because this Assembly is asking once again ... let us not forget that the Minister for Housing himself has deferred the debate, deferred lodging this proposition, because Scrutiny needed to do their work carefully and thoroughly and he has worked in a very co-operative manner. I think it is only right that that is put on the record. In light of that, then I am prepared to defer the debate until, I believe it is 14th May that is being requested, but it may have implications. Thank you.

Deputy G.P. Southern:

I thank the Chief Minister for 2 weeks in 30 years.

The Connétable of St. John:

Can I say that I do not take kindly to seeing the Chief Minister override his Minister?

The Bailiff:

Well, it is a proposition by the Council of Ministers. So that matter then comes out. Do Members agree to take all the other matters listed ...

7.2 Senator P.F. Routier:

May I just raise one other matter as regards to the Order Paper for the next sitting on 30th April. We have the Appointed Day Acts for the Control of Housing and Work Law and the Names and Addresses Register. Appointed Day Acts do allow for amendments to be made in a period of a week. I will be, on behalf of the Chief Minister, lodging amendments to those but I am just putting

in a confirmed enforcement date: Appointed Day Act for 1st July. So it is just really to inform Members there will be amendments coming but we have maintained the dates for debate.

7.3 Senator A. Breckon:

For Members' information, I had exchanges with the Minister for Economic Development and he informs me that the J.C.R.A. is undertaking a number of investigations. As a result of that I moved Committee of Inquiry: costs for local businesses to 4th June. I asked the Greffier to move that and that is the reason why.

The Bailiff:

Very well, so do Members agree to take the business listed on 30th April then with the exception of Projet 33? Very well, so that concludes the business of the Assembly and we will reconvene on 30th April.

ADJOURNMENT

[12:56]