

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 10th MAY 2016

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to Members:

The Bailiff:

First of all, I congratulate Members on being present today. It goes to show how much attention you pay to the Chair when the States were adjourned yesterday until next week. But I am delighted to see you all present.

1.2 Liberation Day celebrations - appreciation

The Bailiff:

Secondly, I would like to thank all those who were involved yesterday in the arrangements for the Liberation Day celebrations. Not just those who were employed in my department but also in the other departments across the States, and also many, many volunteers who turned out to help in lots of ways. **[Approbation]** I would like to pay tribute to all those who braved the rain to come to Liberation Square. It was a really good turnout despite the not terribly good conditions, although better than today's.

QUESTIONS

2. Written Questions

2.1 (9407) DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE ACCOMMODATION REQUIREMENT FOR INCOME SUPPORT:

Question

1. Will the Minister state whether, in all cases, the maximum accommodation component available for an Income Support claimant living in an Andium property is sufficient to cover the full rent?

Answer

Since April 2014, the accommodation component of Income Support for social housing tenants has been linked automatically to the actual rent of the property occupied, on condition that the property is appropriate to the needs of the household. Social housing tenants include tenants of Andium Homes, Jersey Homes Trust, Les Vaux Housing Trust, Christians together in Jersey Housing Trust and the FB Cottages Housing Trust.

The full rent is also covered if the tenant is under-occupying the property but is engaged in the transfer process to an appropriate unit.

2.2 (9408) DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE POSSIBLE INTRODUCTION OF GOODS AND SERVICES TAX FOR FEE-PAYING SCHOOLS:

Question

Has his Department investigated or discussed the possibility of introducing Goods and Services Tax (GST) for fee-paying schools within the last two years? If so, could he provide details of such work and state whether there are any current plans to introduce GST for some or all fee-paying schools?

What are the potential technical, as opposed to political, difficulties of introducing GST for fee-paying schools, particularly with regard to schools which may be defined as charities and are therefore currently exempt from GST?

Answer

The introduction of GST has not been considered by the Education Department because it is outside their remit. This is a tax issue and is therefore a matter for the Treasury.

For clarification, Schedule 5 (Article 48) of the Goods and Services Tax (Jersey) Law 2007 sets out exemptions and Group 7 refers specifically to education. This was approved by the States following a full Scrutiny review at the time.

It states:

- (1) For the purposes of this Law, the supply of a service, being the education of children at any of the following schools shall be exempt –
 - (a) Victoria College;
 - (b) Jersey College for Girls;
 - (c) Helvetia House School;
 - (d) St. Christopher's School;
 - (e) an approved school.
- (1A) For the purposes of this Law, the supply of a service, being the education of children below compulsory school age in a nursery school, or nursery class, established and maintained by the Minister shall be exempt.
- (2) For the purposes of this Law, the supply of a service, being higher education at Highlands College or an approved college, shall be exempt.

Under the law, schools that are charities or trusts are also exempt.

As the question of GST for fee-paying schools has not arisen, no work has been carried out on the potential practical difficulties of its introduction.

2.3 (9409) DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE POSSIBLE ESTABLISHMENT OF A NON-FEE PAYING COLLEGE WITH A SIXTH FORM:

Question

Has his Department considered establishing a non-fee paying college with a sixth form, with or without vocational courses, either as a single school for 11 to 18 year-olds, or as two schools, one for 11 to 16 year-olds and the other for 16 to 18 year-olds, or one for 11 to 14 year-olds and one for 14 year-olds and over? If so, can details be provided? If not, will he consider establishing such a college?

Answer

No specific options are being explored but there are ongoing discussions about the overall structure and performance of Jersey's education system, as is to be expected for an Education Department. A group comprising head teachers and senior officers is meeting on a regular basis to discuss issues and it is envisaged that this group will report to the Minister in due course on all feasible options.

2.4 (9410) DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE REDEVELOPMENT OF 1-2 VICTORIA COURT, ST. SAVIOUR:

Question

With regard to Planning application 2016/0457 made by Andium Homes for the demolition of two flats and the construction of three 3-bedroom dwellings at 1-2 Victoria Court, St. Saviour, could the Minister advise when discussions first took place regarding the possibility of redeveloping the site?

Can she also provide the minutes of any meetings held by Andium Homes and/or departments in the past 3 years during which this property was discussed as an agenda item, and if not, why not?

Answer

The Minister for Housing and Andium Homes have not met specifically about the proposed development of three 3-bedroom houses at Victoria Court. However, the Minister has received a presentation on the Andium Homes revised draft Strategic Business Plan, and the scheme at Victoria Court is identified along with other new build projects.

Other than the confidential minute of the Andium Homes Board meeting on 24th February 2016, where the Board approved the scheme drawings for Victoria Court, there are no minutes of meetings available where Victoria Court was discussed as an agenda item. However, Andium Homes is able to provide a timetable of events, which show when decisions were made in respect of the site:

DATE	ACTIVITY & OUTCOMES
12 th November 2015	Keys returned from former tenant.
13 th November 2015	Site visit to confirm property secure and to assess condition and future use strategy. Property does not meet the Decent Homes Standard and given its age (1940's) some doubt as to whether refurbishment is a wise use of funds.
13 th November 2015	Initial inspection by architect to consider options.
18 th November 2015	Initial proposals considered for redevelopment as four units. Further design work authorised.
20 th November 2015	More detailed proposals considered and decision made to reduce scheme to 3 units and to progress the proposals for presentation to the Board on 24 th February 2016.
26 th January 2016	Management Team review and approval of scheme drawings.
24 th February 2016	Andium Homes Board approve scheme for three 3-bedroom houses

2.5 (9411) DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING BUSKERS' LICENCES:

Question

Further to the undertaking he made on 26th April 2016 to look into this matter, will the Minister provide a breakdown of the number of buskers' licences issued per year for the last 10 years, as well as the cost of the permit in each year?

Answer

Busking permits are issued by the Bailiff in accordance with his long standing common law powers to regulate public entertainment. The Bailiff's powers are supplemented by the triennial Unlawful Public Entertainment (Jersey) Regulations 2013, which came into force on 21st July 2013 and which remain in force for 3 years from that date.

The Bailiff's Chambers holds the information sought by the Deputy but I have liaised with the Bailiff's Chambers to obtain the below. However, any future enquires should be addressed to the Bailiff's Chambers.

	Cost of Permit	Total
2005	£20	£400
Mar 2006 – Mar 2007	£20	£480
1 Apr 2007 – 31 Mar 2008	£20	£360
1 Apr 2008 – 31 Mar 2009	£20	£200
1 Apr 2009 – 31 Dec 2009	£20/£15 concession	£680
2010	£20 - 3 concessions at £15	£665
2011	£30	£1,170
2012	£30	£1,320
2013	£30	£810
2014	£30 (includes 1 concession of £28.76)	£988.76
2015	£30	£870

2005 – 20 buskers permits issued
 2006 – 20 buskers permits issued
 2007 – 38 buskers permits issued
 2008 – 30 buskers permits issued
 2009 – 50 buskers permits issued
 2010 – 54 buskers permits issued
 2011 – 57 buskers permits issued
 2012 – 61 buskers permits issued
 2013 – 44 buskers permits issued
 2014 – 43 buskers permits issued
 2015 – 33 buskers permits issued

2.6 (9412) DEPUTY R.J. RONDEL OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE USE OF LOCUMS AT THE GENERAL HOSPITAL:

Question

Would the Minister produce a table showing for the years 2014, 2015 and 2016 to date –

1. Departments within the General Hospital that use or have used locums, and
2. The number of locums that have been brought to the Island each year per department and the cost to each department within the General Hospital of those locums

Answer

Locum doctors are used by the hospital for a variety of reasons including:

- cover for doctors on leave, especially when the doctor on leave is a single-handed specialist
- cover when doctors are on extended sick leave or leave of absence
- cover for an established but vacant post and the workload cannot be managed in any other way.

Locums are used to cover all grades of doctors from foundation trainees to consultants.

The table below shows the number of locum doctor episodes (although the same doctor is often used for multiple visits) during 2014, 2015 and 2016 to date. This shows all doctors and then splits down to just consultant cover. This is shown by specialty.

Unfortunately the cost is not recorded in the ledger by specialty but by different business codes and does not directly correlate – therefore, a total spend figure is shown. Additionally, if a locum is secured for a longer period of time – for example, 6 months – they will be given a temporary contract and paid via payroll rather than invoice and it is not possible to disaggregate these in the timescale available.

Specialty	2014		2015		2016 (year to date)	
	Total Locums	Consultant Locums	Total Locums	Consultant Locums	Total Locums	Consultant Locums
Acute Medicine	24	1	16	0	0	0
Anaesthetics	12	1	7	0	0	0
Cardiology	1	1	0*	0	0	0
Dermatology	4	4	5	5	2	2
Diabetes	2	0	0	0	0	0
Emergency Medicine	29	0	6	1	1	0
Gastroenterology	9	7	8	8	2	2
General Surgery	8	3	4	2	1	0
Haematology	5	5	5	5	1	1
Histopathology	13	13	16	16	3***	3
Microbiology	3	3	2	2	0	0
Obs & Gynae	18	3	11	1	4	2
Oncology	6	5	14**	14	1	1
Ophthalmology	9	9	1	0	0	0
Oral Surgery	1	0	0	0	0	0
Paediatrics	5	2	8	2	3	1
Palliative care	1	1	0	0	0	0
Radiology	17	15	10	9	3****	3

Respiratory	6	1	0	0	0	0
Trauma & Ortho	5	0	5	0	2	1
Urology	3	3	8	8	1	1
Total Indicative £	1,511,200		1,014,964		116,974	

*Cardiology contract with Oxford provides consultant cover for Jersey consultant leave but is not captured in this data set

** Staff grade doctor left and this was upgraded to consultant level cover pending restructure and substantive appointment (interviews in June 2016)

*** Additional histopathologist appointed and starts August 2016

**** Additional radiologist appointed and starts September 2016

2.7 (9413) DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING REMUNERATION PAID TO THE CHAIRMAN AND BOARD MEMBERS OF THE JERSEY BANK DEPOSITOR COMPENSATION SCHEME:

Question

For what reasons the Assistant Chief Minister decided to pay the Chairman of the Jersey Bank Depositor Compensation Scheme £10,000 per annum and four other Board members £5,000 per annum when their predecessors did the job without remuneration and the Board's functions are carried out by the Chief Minister's Department until such time that a bank failure occurs and the Board takes up its duties? Would he further advise members of the number of times that the Board has met in each year since it was established in 2009?

Answer

The Jersey Bank Depositors Compensation Board was appointed by the States to take over the running of the Jersey Bank Depositors Compensation Scheme in 2011, following the development of the Banking Business (Depositors Compensation) (Jersey) Regulations 2009.

The Assistant Chief Minister found that there were two significant responsibilities which should be taken into account concerning the role: firstly, the requirement of greater discretion in triggering the scheme; and secondly the additional work involved as a result of the changing landscape of deposit insurance.

The decision as to whether to trigger the scheme in the event of a bank failure carries significant responsibility. This is coupled with the fact that under the proposed changes to the legislation that are currently being developed there will be a greater degree of subjectivity over whether to trigger the scheme.

It was accepted by the Assistant Chief Minister that the level of responsibility will increase as a result of the changes to the legal framework. It was also accepted that this heightened level of responsibility deserves some level of remuneration due to the associated risks. Finally, it was accepted that there is an increased workload for the Board because this is a fast moving area internationally.

The previous Board met on a number of occasions but not formally as a Board because the functions were not passed over to them. They met five times in 2011, 3 times in 2012 and then once a year with the Minister in 2013, 2014 and 2015. It is expected that the new Board will meet quarterly and they have already met twice in 2016.

2.8 (9415) DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING ALLEGATIONS MADE AGAINST THE STATES OF JERSEY POLICE BY MR. ROY BOSCHAT:

Question

For what reasons the Assistant Minister decided to ask the Police Service of Northern Ireland to investigate allegations made against the States of Jersey Police by Mr Roy Boschat, what powers she has used in ordering that investigation, what estimate has been made of the cost to the States of the exercise, and from whose budget such costs will be paid.

Answer

The Assistant Minister for Home Affairs commissioned an independent investigation, to be conducted by the Police Service of Northern Ireland, following the receipt of an official complaint against the States of Jersey Police from Mr Roy Boschat.

The Assistant Minister used the power in Article 26 of the States of Jersey Law 2005, as delegated, which enables a Minister to enter into an agreement for the purpose of her office. The purpose of the Minister's office includes having overall and ultimate responsibility for the functioning of the States Police Force in accordance with Article 3 of the States of Jersey Police Force Law 2012.

Following the completion of their initial scoping visit, the Police Service of Northern Ireland are estimating the cost for the investigation, although any such estimate will be an indicative figure given the early stage of the investigation, and decisions will be taken subsequently regarding the source of funds.

2.9 (9416) DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING NET MIGRATION:

Question

How does the Chief Minister reconcile figures contained in an FOI request dated 24 March 2016, which show that Registered Housing and Work Law cards issued by the Social Security Department to new arrivals to the Island numbered 1,903 in 2014 and 2,177 in 2015, with the Council of Ministers stated policy of allowing net migration of 325 people per year to Jersey.

Answer

The number of people arriving in Jersey each year, and requesting registration cards, will always be greater than net migration, because every year people also leave Jersey. There is a large ebb and flow of people coming to and from the Island, reflecting the nature of our industries. The Statistics Unit will release its official figures for population and net migration in 2015 on the 22nd June, 2016.

2.10 (9417) DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING PAY RISES TO STAFF AT MANAGERIAL LEVEL:

Question

How many staff at managerial level to senior level in the Department for Infrastructure have received pay rises of more than £1,000 per year since November 2014?

Answer

As pay negotiations for 2015-2016 have not concluded there has not been a general pay award since January 2014.

The only increases in pay that have taken place since November 2014 have been as a result of contractual incremental progression, in accordance with normal States of Jersey terms and conditions of employment.

Due to the short deadlines for responding to this question as a result of bank holidays it has not been possible to respond fully by the 12:00 noon Friday deadline. Work is ongoing on analysing the information into the above categories and information will be provided to States Members as soon as possible.

APPENDIX
(Circulated to States members on 10th May 2016)

Of the 88 individuals **receiving an annual increase in pay of >£1,000** since November 2014 (taken as any one year, not a cumulative rise of >£1,000 over the 2 years concerned), the figures break down as follows:

Reason for Increase	Other Employees	Manager	Senior Manager	Total
Increased Hours	1	0	0	1
Moved to New Role	7	0	0	7
Promotion	2	2	0	4
Re-evaluation of Role	5	1	0	6
Standard Increment	48	17	5	70
Total	63	20	5	88

Senior Managers are Assistant Director level and above

Managers include : section managers, maintenance managers etc

Other Employees include : maintenance staff, EFW operators, chargehands, electrical and mechanical technicians, motor traffic and parking control officers, drivers / labourers, management accountants, vehicle technicians, apprentices etc

Figures do not include Jersey Property Holdings, which was not part of DfI until January 2016.

As pay negotiations for 2015-2016 have not concluded there has not been a general pay award since January 2014. Incremental progression up the standard pay scales is the only pay rise that employees have received in the period where the reason for increased pay has not been in relation to a change in role.

2.11 (9418) DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING EXPENSES ASSOCIATED WITH CIVIL SERVANTS' FLIGHTS:

Question

Further to his answer to Question 9382 on expenses associated with civil servants' flights, if he will publish all of the information requested in that Question, or such information that has been collated up to now, immediately rather than when the review of travel policy is finally concluded.

Answer

As explained at the last States sitting, the extra information requested for 2014 and 2015 has been collated. It is now being analysed so that ministers' expenses can be extracted from payments made by senior civil servants which covered the expenses of both ministers and staff.

Work is still being done to establish detailed information for 2011-2013, as this information is not available on the same system as information from 2014 onward.

All this information will be published alongside the review into the States of Jersey's travel policy, which is due at the end of May. In future this information will be published regularly online.

2.12 (9419) DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IDENTIFICATION OF MEMBERS OF THE PUBLIC WHO HAVE SUBMITTED FREEDOM OF INFORMATION REQUESTS:

Question

What steps are taken to ensure that identifying information about members of the public who make a Freedom of Information request is kept confidential from the States departments which are required to deal with the requests?

Answer

Article 2(1) of the Freedom of Information (Jersey) Law 2011 (the "2011 Law") requires the person submitting a request to give his or her name and contact details. For most purposes the 2011 Law is applied without regard to the identity and purpose of the person making the request. However, scheduled public authorities do often need to know who has submitted the request so that they can:

- a) If necessary, seek further clarification or information in respect of the request so that it can be answered;
- b) Determine whether the request should be dealt with under the 2011 Law, or as a subject access request under the Data Protection (Jersey) Law 2005 (the "2005 Law");
- c) properly apply the provision in Article 16 of the 2011 Law (and in the Freedom of Information (Costs) (Jersey) Regulations 2014) concerning the cost limit on answering aggregated requests; and
- d) Determine whether the request is vexatious or repeated for the purposes of Article 21 or 22 of the 2011 Law.

Notwithstanding the above, individuals who make FOI requests should have their details handled fairly and in accordance with the 2005 Law. Steps are taken to ensure that information about individual requesters is not shared unnecessarily.

2.13 (9420) DEPUTY S. Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX INCOME COLLECTED FROM LANDLORDS RESIDING OUTSIDE JERSEY:

Question

How much tax income does the Minister estimate is not collected from landlords residing outside of Jersey but who derive a taxable income from their properties in Jersey?

Answer

Income from Jersey property is taxed at 20% regardless of the residency of the landlord – corporate or personal. The Comptroller of Taxes currently has no estimate of tax loss (either from undeclared rents or unpaid tax) in respect of non-resident landlords' income from Jersey rental properties.

The Taxes Office is currently exploring the feasibility of calculating Jersey's "tax gap" – the difference between what should theoretically be declared and what is actually collected.

Based on experience in other jurisdictions, this could take some years to achieve and to be statistically valid. It would be most useful as a longer-term indicator of trends in tax compliance.

It is unlikely that tax-gap analysis could of itself isolate any tax loss from non-compliant non-resident landlords but improved data and risk-analysis currently being developed in the Taxes Office may in due course help us to ascertain whether there is any disproportionate non-compliance by non-resident landlords.

2.14 (9421) DEPUTY S. Y. MEZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INTRODUCTION OF HEALTH AND WASTE DISPOSAL TAXES:

Question

What progress has been made on introducing a new health tax and waste disposal tax and how much money has been spent so far on investigating the feasibility of introducing these new taxes?

Answer

The proposed measures for raising income to fund essential services are charges, rather than taxes.

Health Charge

The Deputy is referred to the answer provided to written question 9245

<http://www.statesassembly.gov.je/AssemblyQuestions/2016/Dep%20Southern%20to%20TR%20re%20health%20charge%20as%20proposed%20in%20MTFP.pdf>)

Since the provision of the previous answer there has been further workshops with the Council of Ministers and Chief Officers where a detailed options paper was presented. As outlined in the previous answer the Council of Ministers is committed to outlining plans for the health charge in the MTFP2 addition, scheduled to be lodged in June 2016.

In 2011 the Treasury sought external advice regarding the financing options for health and social services in Jersey; this advice cost £71,500.

Waste Disposal Charge

This element of the question would have been better directed to the Minister for Infrastructure. The following answer has been obtained from that Minister.

The Department for Infrastructure has been engaged in a number of workstreams, reviewing the operational areas of Waste and Municipal Services in particular, over the course of the last 8 months. One of these

workstreams has considered the operational model for Waste and as a consequence includes work on the “user pays” basis for both liquid and solid waste processing. It is not possible to separate the cost of this work from the overall work on the operational model, efficiencies, structures, capital programme and consultations with interest groups.

The consultants employed by the department to review the operational model have submitted a draft Strategic Outline Case for the Waste Services division. Within this Strategic Outline Case there is discussion on potential “user pays” models for waste. However a decision on what model, if any, is adopted will have to be considered by the States at a future date.

2.15 (9422) DEPUTY M. R. HIGGINS OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING CONTRACTS RELATING TO THE ENERGY FROM WASTE PLANT:

Question

Will the Minister produce a table listing all contracts for more than £100,000 entered into by or for his Department relating to the Energy for Waste Plant since 2008, including information about the name of the firm involved, the nature or purpose of the contract, the dates the work started and was completed, and the amount paid.

Answer

It is not possible to collate the information required in the time allowed for this written question. The Minister and Officers from the Department for Infrastructure are happy to meet with the Deputy to share the available information and clarify what information the Deputy specifically seeks so that an accurate written answer can be provided.

3. Oral questions

Deputy G.P. Southern of St. Helier:

If I may, we were promised by the Minister for Education a paper on the grant situation by today but I do not see it on my desk.

The Bailiff:

On the grant situation.

Deputy G.P. Southern:

The grant situation, higher education grants. I do not see anything on my desk at the moment. I wondered when it would be coming.

Senator I.J. Gorst:

I am hoping that it will be during the course of the day. I have just reconfirmed the instruction to a staff member this morning, so I am hoping it will be by the end of the day.

3.1 (9427) Deputy M. Tadier of St. Brelade of the Minister for Housing regarding the potential existence of arrangements to circumvent the Tenants’ Deposit Scheme:

What assessment has the Minister made of the potential existence of arrangements to circumvent the Tenants’ Deposit Scheme without contravening current legislation on this matter; and what steps, if any, does she plan to take in response to the existence of any such arrangements?

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

The legislation does not allow landlords to circumvent the Tenancy Deposit Scheme. The Residential Tenancy Law is clear - that a deposit is a payment of money which a landlord may hold as security against a tenant's performance of their obligation for the discharge of any liability. So if this payment can be returned to the tenant it is a deposit and should be protected in the Tenancy Deposit Scheme. If there is evidence to suggest that landlords are deliberately avoiding the Tenancy Deposit Scheme then we will take action and we continue to monitor the scheme to ensure they comply with the scheme.

3.1.1 Deputy M. Tadier:

I thank the Minister for that initial response. The Minister, like me, will be aware that there is an individual who purports to be a spokesperson for what is called the Landlords Association, and boasts that he has found a way to subvert the scheme by charging 2 months' deposit in advance therefore not having to pay that money into the scheme. Could the Minister put it on record today, but also consider putting out a press release, that this is not a legitimate way to try and circumvent the scheme, which has been set up for the benefit of both tenants and landlords, and which is paid for by the tenant, and that such practices should not ... are not only illegal but they should be discouraged publicly.

The Deputy of Trinity:

Yes, I am very happy to do that. Just to correct the Deputy, he said that 2 months' deposit in advance, I think he was thinking about 2 months' rent in advance, but anyhow. If it is a deposit it is simple, it needs to be deposited in a Tenancy Deposit Scheme. If landlords take rent 2 or 3 months in advance that is rent and it should be actioned so, shown in the lease. We continue to monitor it and publications, and we talk to the Citizens Advice Bureau, the Community Bank and other organisations to try and make that very clear. But I am happy to promote more. Taking rent in advance is legal but it is rent. If it is a deposit for rental accommodation then that should be deposited in the scheme.

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

This new scheme was greeted with a lot of acclaim and criticism when it was launched. Can the Minister advise as to when the first review of the scheme is likely to occur? How enforceable is the S.L.A. (service level agreement) with the service provider should they fail to provide the service that the Minister is expecting?

The Deputy of Trinity:

We have a monthly update of how many deposits are put into the scheme. There is an annual report, which will be published at the end of November, being the end of the first full year. My Deposits come over regularly and continue to do workshops with landlords and also with the Community Bank which they are partnered with. Just to say absolutely at the end of the first 6 months, 1,200 deposits have been protected, which represents £1.5 million.

3.1.3 Deputy G.P. Southern:

I am somewhat confused by the answer. The Minister appears to be saying that if it is a deposit it is a deposit and if it is 2 months' advance rent it is 2 months' advance rent and seems to be indicating that this is a mechanism to get rid of the deposit.

[9:45]

Can she possibly pick another form of words so I might understand her?

The Deputy of Trinity:

If a landlord wishes to take it as rent then it is rent, so therefore ... and it needs to be shown in the lease that they have taken one, 2, 3 months' rent or whatever. But if it is a deposit it is a deposit and therefore at the end of the lease, providing the accommodation is left in good condition or there is an agreement as to how much deposit is taken back, then their deposit will be refunded back to them. It is clear, rent is rent but then if a landlord takes rent in advance the landlord, if there are problems with the accommodation, the way the tenant has left the accommodation, he has no recourse.

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

I think the Minister almost answered the question. Just to clarify: if 2 months' rent is taken and at the end of the tenancy the rent ... it is not used as rent but the actual landlord was trying to withhold it in case of any damage, would you prosecute the landlord, who is trying to misuse the scheme?

The Bailiff:

It is not a matter for the Minister to prosecute.

Deputy M.R. Higgins:

Would she try and make sure her officers deal with the people concerned in other ways?

The Deputy of Trinity:

Indeed, I would, because it is - trying to make it clear - rent is rent, deposit is deposit, and should be safeguarded. If anybody has any evidence to show that it is not the case then, yes, we will refer to the Strategic Housing Unit and we will take action, as we have done.

3.1.5 Deputy D. Johnson of St. Mary:

Sorry to revert to the basic question but I am still confused. My understanding from what Deputy Tadier asked is that landlords are trying to circumvent the deposit arrangements by a scheme, not for deposit at all but for 2 months' rent, and therefore there is no deposit to return at the end. Would the Minister please clarify whether if a landlord does not seek a deposit and asks for 2 months' rent in advance there is no breach of the regulations?

The Deputy of Trinity:

No, taking rent in advance is legal as long as it shows in the lease that they have taken 2 months' rent or whatever period of time.

3.1.6 The Deputy of St. Mary:

Again, going back to Deputy Tadier's question, my understanding is that the scheme which he alluded to does work: that the landlord requires 2 months' rent in advance, no deposit and therefore avoids the regulations, is that not the case?

The Deputy of Trinity:

If it is rent then the last 2 months, or whatever time that the person has, is rent so they do not need to pay the last 2 months, but the landlords are not protected. If the tenants leave the accommodation in bad condition the landlords have no recourse to come back to the tenant and say: "I will hold some of that rent money." If they do, then that needs to be referred to the Strategic Housing Unit because they cannot use the rent as a deposit.

3.1.7 Deputy M. Tadier:

It is just as well we are not debating shutting down tax avoidance loopholes here today, although it feels like it sometimes. It seems to me that the Minister is saying that I could pay 2 months upfront in January, that would cover my January and February rent, and as a renter I would simply not pay

anything until March. Then by the end of the year the landlord would have no deposit and the rent would be up to date or simply when it comes to 2 months before the end of my tenancy I stop paying rent and then it is up to the landlord to pursue me if there is any damage to the property, which does not help landlords. I think that is a dangerous message to send out to both the tenant and to landlords. Does the Minister agree with me that the problem with this scheme is that it is reactive and it is not proactive? It requires action on the part of the tenants, often whom do not have the wherewithal to know the law, who may not be fully conversant in the English language, and that we need a scheme, which is proactive, which puts an upfront requirement on what is expected both of tenants and of landlords. That requires the creation of a landlord register and that we should know in advance both what the rents are for properties and whether deposits are being taken and whether those deposits have been paid into the scheme; is that not the simplest way to go about this for everybody involved?

The Deputy of Trinity:

There are a lot of issues in that question, and I repeat, taking rent in advance - 2 months' rent - is legal but they can only use it as rent. If they take a deposit ... but also, a tenant needs to think: "Well, why is the landlord asking for all those months in advance?" That is a question that they need to ask too. Publicity is out with the Community Savings Bank, Citizens Advice, the other church organisations, and we will continue to publicise the scheme as much as possible.

3.2 (9428) Deputy M.R. Higgins of the Minister for Home Affairs regarding the disappearance of Adrian Lynch:

Will the Minister provide an update on the latest information she has relating to the disappearance of Adrian Lynch?

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

This is a case that has clearly caught the attention of every Islander, and I am grateful to the Deputy for maintaining the profile of this important case, and particularly among us, as most Members of the Assembly are parents themselves. I am sure we all want to remind Adrian's family how much we sympathise with them and express how we wish that after 5 terrible months of agony their pain could be eased by finding this young man, and answering the many questions they must have. I understand that the police have investigated all known feasible links of inquiry in relation to Adrian's disappearance. I am advised that the search for Adrian has generated over 560 investigative actions and more than 1,000 people have been spoken to, and nearly 250 witness statements have been recorded. This remains a live police investigation and 2 police officers are continuing to work full time on the case in order to ensure completeness and to make certain that no potentially relevant information has been overlooked. I understand that an internal review of documentation linked directly to the search is also nearing its completion for the purpose of addressing any vulnerability that might exist in the significantly resource intensive search phase of the operation. I am advised that there is still no credible indication of third party involvement or criminality, although the police remain alert to that possibility and are ready to respond to any new information that comes forward. The police also intend to issue a fuller update on the investigation in the coming days and it is hoped that Adrian's disappearance will remain high in the public's consciousness.

3.2.1 Deputy M.R. Higgins:

I would like to thank the Minister for Home Affairs for her answer. If I could just elaborate on one part of it. I know that it was stated that the police investigation was externally reviewed by a partner agency or outside police force and a number of recommendations were made. Could she

tell us what those recommendations were, whether they were accepted by the States of Jersey Police, and implemented and if not, why not?

The Deputy of St. Peter:

The Deputy is correct that 2 reviews have taken place from the National Crime Agency and the College of Policing. The police, I understand, have considered all recommendations in the context of local and detailed knowledge of our own officers and I am aware that most were implemented or are being implemented in some form. For the minority of recommendations that have not been implemented, the rationale has been recorded by the police as to why this is the case.

3.2.2 Deputy M.R. Higgins:

The answer, obviously the unknown, I would hope that the Minister will tell us what those recommendations were and why they were not adopted by the police, and then we can rest assured that everything is being done. Can the Minister also assure us that there are no financial reasons for not continuing the search?

The Deputy of St. Peter:

Let us start with the finances first. So far I am aware that the case has cost just in the region of £182,000 and that no additional funds have been requested to date. Purely because of the nature of the police's work there is always some case that requires a greater resource than another during the year, and so their budget allows for them to take account of that work and to be able to deal with it as and when it arises, because obviously we never know what is going to come before them. Then, for the second part of the question, which was the first point. I am afraid that I am going to have to give the answer that the Deputy will not want to hear but we often have this conversation. As the Deputy knows, I have political responsibility for the police but no operational control. It would be quite improper if I were to direct the police in any way, so therefore he might have to take up the first part of this question with the Chief of Police.

3.3 (9424) The Connétable of St. Helier of the Chairman of the Privileges and Procedures Committee regarding changes to the composition of the States Assembly:

Will the Chairman explain what changes to the composition of the States Assembly he anticipates may be achievable before the next election?

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

As Members, and indeed the Constable, will be aware the Reform Sub-Committee has held a number of lunchtime workshops to investigate reform options. We have taken into account views expressed by Members thus far and have drawn up 4 potential options for change, which will address voter inequality and equality in actual voting powers. However, before presenting these to the Assembly we have asked a senior research fellow in politics at Oxford University to verify the statistics upon which these options have been based. Once these have been confirmed a presentation to all Members will be arranged to gauge their views and hopefully identify one of the options to take forward as a proposition for debate. Our intended timeline has slipped slightly but we are still optimistic that if an option is acceptable to Members changes could well be implemented before the next election in 2018.

3.3.1 The Connétable of St. Helier:

The timetable published on a States website says that by now, April/May 2016, we would be debating the necessary amendments so that they could be taken to Privy Council in June. Is the chairman still convinced that we can get these amendments debated even though the timetable appears to have slipped by a considerable period?

The Connétable of St. Clement:

As I said in my opening remarks, the timetable has slipped because this is quite a complex issue and we have been trying to find a solution to the inequality and proportionality of voting for some 16, 17 years. It was not helped by the proposition a couple of years ago by the then Privileges and Procedures Committee to have a debate or to have a referendum on the Clothier proposals and we ended up with a referendum on the role of the Constables, which makes the proportionality and equality of voting very difficult if Constables are to remain in the States, and that was the view of the public, because we had a referendum on that. So the reason we have fallen behind is because of the complexity of the situation. But we are getting there and hopefully within the next 4 to 6 weeks we will have something to put before Members.

3.3.2 Deputy A.D. Lewis:

If I may say, I have been impressed so far with the Connétable and his committee's attempts to inform and involve States Members with this process. However, the public also want to be as involved with this as possible. They have made that very clear in the past. Could the Constable answer whether there is any intention to have any further referendum on this aspect of change within the States of Jersey, particularly in relation to the Senators, as consistently asked by constituents as to why we lost 4 Senators and what is the future of the Senators?

The Connétable of St. Clement:

Whether there will be another referendum will be a matter for the States to decide but I think would depend on the level of change that the States wanted to have. Secondly, I would not support a referendum unless the States were already committed to the change. The last time we had a major referendum on this, not the Constables one, the one before that, the States had not committed to the change, we had the referendum, got the result and then did not go along with the result. I really think if we are going to have a referendum we have to make the decision ourselves first.

3.3.3 Deputy M. Tadier:

I am sure the chairman is familiar with the old line: "How many P.P.C. (Privileges and Procedures Committee) members does it take to change a lightbulb?" and the answer to which is there is nothing wrong with the lightbulb. I would ask the chairman, how many of the 4 options that have been put forward currently have voter equity and voter power, in particular, so the amount of representation that any one constituent in the district gets? How many have that as its central tenet?

The Connétable of St. Clement:

We are seeking voter equity and power equity also.

[10:00]

But while you have Constables in the States, elected by considerably different numbers of electors, it is almost impossible to achieve both. We are going to get as close as we possibly can and bring the possibly potential changes to the States very shortly.

3.3.4 Deputy M. Tadier:

Does the chairman agree that with having the Constables in this Assembly really only gives one option if one does want to achieve equality of voter power, and that is to rejig the Deputorial districts, as was put forward by the former manifestation of P.P.C., so that some Parishes which are over represented would lose their Deputies because they are adequately represented by Constables, at least in terms of numbers, and that other Parishes and Districts would be allocated more Deputies? Is this not the only solution if we are to achieve both voter equity and keep the Constables in the Assembly?

The Connétable of St. Clement:

If we are going to be successful in finding a sensible way to reform the constitution of the States we have to have a consensus in the States and, even more important, a consensus of voters in the Parishes and in the Island. I think to suggest that the only way forward would be to remove the Deputies from some Parishes would immediately undermine any potential reform. There are a number of ways in which we can improve voter equity and, as I said, we will be bringing those forward very shortly. But I do not want to commit to one particular option at this moment in time.

3.3.5 Deputy G.P. Southern:

What consideration, if any, has this Committee given to the removal of the requirements to be a British citizen from those wishing to present themselves as candidates for election to the States?

The Connétable of St. Clement:

That is not a matter we have given any consideration to at all.

3.3.6 Deputy M.R. Higgins:

Has the chairman and his committee given any thought to the idea of a bicameral system whereby the Constables could remain in the States and deal with parochial matters in a second chamber and that the main chamber be used by Senators and Deputies?

The Connétable of St. Clement:

No, we have not. Less than 2 years ago the public of Jersey voted overwhelmingly to keep the Constables in the States. The States have already once overturned the view of the public at a referendum. My committee is not about to do that again.

3.3.7 Deputy M.R. Higgins:

The suggestion was not to remove the Constables from the States. It was changing the nature of the States as a unicameral body to a bicameral body, in which case the Constables could be in the States and represent their Parishes and equally the Deputies and Senators can be in the States.

The Connétable of St. Clement:

The Constables are already in the States. There is no need to make a change. If you remove them into another chamber to discuss, as the Deputy said, Parish affairs you are effectively removing them from the States and that is not what the public said they wanted.

Senator P.M. Bailhache:

I have had my light on for a long time waiting for your eye.

The Bailiff:

Senator, I certainly did not see either your light or your eye, but I am very pleased to give you the opportunity of asking a question.

3.3.8 Senator P.M. Bailhache:

Would the chairman agree that with our employees being told to face the possibility of redundancy it would be a scandal if the States failed to apply the same principle to the number of Members, which almost everybody agrees is too high?

The Connétable of St. Clement:

I have great sympathy with the sentiments expressed in that question. [Laughter]

3.3.9 The Connétable of St. Helier:

Deputy Higgins has taken the one I wanted to talk about - a bicameral system - but perhaps I could just ask the chairman what lessons has he learned, and his committee learned, from the recent elections in Guernsey, particularly the high turnout, the fact that more women have been elected, and there is voter equity in Guernsey and a smaller number of States Members?

The Connétable of St. Clement:

I will never admit or confess to learning anything at all from Guernsey. **[Laughter]** However, Guernsey did grasp the nettle of removing the Island-wide mandate, reducing the number of States Members and having equal-sized constituencies. We have tried that. The number of propositions that have come before this Assembly in its different form since the year 2000 to achieve precisely that have been numerous. But every time, somehow, they have been derailed and not acceptable to this Assembly. Unless a change is acceptable to this Assembly then there is going to be no significant change whatsoever. What I have learnt ... and of course the turnout, I do not think it was particularly higher than we normally have because they have a lot fewer people on their electoral register. So once you take that into account I think the turnout was probably very similar. As far as I am concerned, when I go to vote I do not go to vote for a woman or a man, I vote for the person who I think is the best candidate that will represent me the best. I am not sure if there was another question in there, but ...

The Connétable of St. Helier:

Just the achievement of voter equity.

The Connétable of St. Clement:

The achievement of voter equity, absolutely. We have tried that. Many times. We have what we call super-constituencies where we have constituents with a similar number of voters in it, who will elect the same number of people. That has been rejected quite a number of times. But hopefully we will be able to achieve voter equity and the equality and the power of voting will get an improved situation than we have now for the 2018 election.

3.4 (9425) Deputy G.P. Southern of the Minister for Treasury and Resources regarding the proportion of Gross Domestic Product spent on health in Jersey:

What proportion of Gross Domestic Product is spent on health in Jersey and how does this figure compare with other jurisdictions?

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

This is a question which a superficial answer does not do justice to. Different jurisdictions have different approaches to the funding of health care. Money available can also be spent efficiently or inefficiently. Relative levels of expenditure *per se* are not necessarily reliable indicators of better or worse health services or a right level of spending. Calculation of a percentage figure of spend for Jersey alone is problematic. To then compare that with other jurisdictions that fund and manage their health services in many different ways is misleading. However, to be helpful, I am advised that health spend in Jersey, as a percentage of G.D.P. (Gross Domestic Product), is estimated to be around 7 per cent, and raw published data for a basket of other jurisdictions suggests a figure of around about 11 per cent. However the KPMG report from 2011 of health spend for Islands and small countries showed our spend to be much higher, especially on the more relevant per capita basis.

3.4.1 Deputy G.P. Southern:

Will the Minister attempt to answer in a fuller way - a less superficial way - what figures he might have to compare spend on health, in particular, because if we are to devote more and more of our

own resources to health we must know, I would think, what position we start off from before we assess how well we have done over the coming, let us say, remainder of the Medium Term Financial Plan.

Senator A.J.H. Maclean:

I find myself agreeing with the Deputy entirely. I am very happy to supply more data. I think what I was alluding to in my answer that this perhaps was not the best question for an oral response. There is more detail that can be supplied in writing; I am more than happy to provide more information, together with health colleagues, in relation to the areas of particular focus for the Deputy. I agree with him, we must ensure that we are spending the right money and as efficiently as possible for the best outcomes. That is what we all, I am sure, in this Assembly want.

Deputy G.P. Southern:

I thank the Minister for his commitment to doing further research on this area.

3.4.2 Deputy M.R. Higgins:

The Minister has said that he is happy to provide information. Could I ask him if he would provide the information that he based his answer on? In other words, the report that you have mentioned so we can see the criteria that was used in the assessment?

Senator A.J.H. Maclean:

I will pull together as much relevant information, together with colleagues from Health, as I can, and supply it to Members. Certainly with regard to the KPMG report, I am not familiar with whether it has been put into the public domain or not. I am sure it is possible to share it with Members but I will assess the current status of that particular report that my comments in part were based on.

3.5 (9430) Deputy S.Y. Mézec of St. Helier of the Minister for Treasury and Resources regarding potential tax revenues not collected from individuals who reside outside Jersey who earn a taxable income from inside Jersey:

What measures, if any, does the Minister intend to take to investigate the potential tax revenues not collected from individuals who reside outside Jersey but who earn a taxable income from inside Jersey?

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

I have already signalled my intention to bring forward measures over the next 2 years, which will empower the Taxes Office to improve Jersey taxpayers' compliance with the law regardless of where they live. I have also signalled in a written response to the Deputy today that the Taxes Office will do more analytical and statistical work to better understand the size of any tax gap. That is to say, the difference between what people should, in theory, pay under the law and what is actually paid. The Comptroller deploys his resources according to risk. He tells me that he has no data or information to hand which currently indicates a disproportionate level of non-compliance with the tax law by non-residents.

3.5.1 Deputy S.Y. Mézec:

I thank the Minister for his answer both there and the written answer, both of which were very helpful, which makes it difficult to come up with a supplementary question. But would he give any sort of indication on to what scale he thinks this is a particular problem for Jersey, if indeed it is a problem, and could he indicate if there is any specific areas that he or his department are currently working on to try and crack down on any discrepancies there might be?

Senator A.J.H. Maclean:

I thank the Deputy for his comments. We did try to be as helpful as possible with the answer, as is always the case. At this stage, no, I can only repeat again what the Comptroller has assured me. He does not believe that there is any great extent of non-compliance but at this stage he also accepts, and has brought to my attention, the fact that there is a lack of statistical and analytical data available, and that is an area that he is certainly focusing on. But it does take time, as has been the case in other jurisdictions. But we certainly have a highly competent Comptroller who is going to address these matters over the coming few years.

3.5.2 Deputy G.P. Southern:

In an associated matter with this particular area, has there been any change in the frequency and the type of use of 134A investigations into deliberate tax avoidance on the Island?

Senator A.J.H. Maclean:

Not that I am familiar with, but I am more than happy to find out if that is the case. I certainly have no data available to suggest that is.

3.6 (9423) Deputy K.C. Lewis of St. Saviour of the Minister for Environment regarding the presence of Oxadixyl in Jersey's water supply:

Further to the news on 28th April 2016 that Oxadixyl has been found in Jersey's water supply, will the Minister bring forward legislation to ban the use of certain high-strength domestic weed killers?

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

Before I get to the answer could I just address the phrasing of the Deputy's question which may unintentionally be causing some Members just a little bit of confusion? I just want to be clear that Oxadixyl is not a weed killer, it is a blight spray and it is, and has not been, a chemical which has been available to domestic users. It was withdrawn in 2003 and has not been used in the Island since that time. When it was used by potato growers it was approved and only applied by trained operatives using properly calibrated equipment. Turning to the answer for the Deputy, the Pesticides (Jersey) Law 1991 states that: "The Minister may by Order impose specified prohibitions in relation to pesticides of a description specified in the Order. He [the Minister] may provide for the approval of pesticides of any description and he may provide for the imposition of conditions on an approval when or after it is given. Those conditions may apply to importation, sales, supply, storage and the use of those pesticides. Further, if any pesticide has been imported into Jersey in contravention of any of the specified prohibitions or any condition of approval of the pesticide the Minister may require that it shall be removed out of Jersey." So the answer for the Deputy is that I do not need to bring forward legislation to ban specific pesticides because the power already exists.

3.6.1 Deputy K.C. Lewis:

I am aware of the different Oxadixyl being used to combat potato blight. My question really was pollution of our water supply generally. We have had problems in the past. Obviously at Portelet with the dumped potatoes, we have had P-Phos contaminating west of the airport.

[10:15]

We have had Oxadixyl in the St. Ouen area with Val de la Mare reservoir, and I understand there is chemical pollution of the east of the Island as well, in those reservoirs. I am sure that both Environment and Jersey Water are doing the very best they can but we live in an Island 9 by 5 with over 100,000 people now living here, we must be extremely careful. My question relates to the high strength domestic weed killers, most of which contain Glyphosate, which the European Union

is considering banning. Most people when they use the weed killers domestically tend to use over strength and this is where the thrust of my question is coming from. Does the Minister believe that the high strength weed killers should be controlled and will he increase his amnesty for people who have garden sheds full of very toxic chemicals, sometimes going back 25 years, sitting on the shelf, which should be disposed of safely?

The Deputy of St. Martin:

I am happy to agree with the Deputy on all the points he raises there. I am also happy to say that I will extend the amnesty if he feels there is a need for me to do so. There is a distinction I could just make again between agricultural and domestic chemicals and he is quite right to point out that many domestic gardeners have garden sheds with chemicals and sprays; chemicals they have used for many years in the back of their sheds, which they dig out occasionally for certain problems that occur. In many cases some of these chemicals may well have been banned and removed from the approved list many years ago. The danger also with the domestic user is that he has not necessarily followed a course for using a piece of equipment, which may not be properly calibrated. As the Deputy quite rightly points out, the temptation is always if you have a little bit of a problem to just add a bit more to make sure it goes away. We recently had a highlighted incident in St. Peter where a chemical called Diuron, which is used to spray weeds, usually on hard surfaces against a wall or on tarmac, was found in a reservoir and quite clearly that is a domestic user who has inadvertently used this chemical, probably through a watering can, and it has ended up in a reservoir. So I would agree with the Deputy. Domestic users need to be just as vigilant as agricultural professional users and I would just agree with the Deputy again, water is a precious commodity. It is vital to our Island and the safety of it is non-negotiable, and I will come down hard on anybody I find abusing that privilege.

3.6.2 Deputy M.R. Higgins:

Can the Minister explain why it has taken 13 years - if it was last used in 2003 - for it to suddenly appear in the water supply? Or is it the fact that we have not been testing for it?

The Deputy of St. Martin:

I can confirm to the Deputy that we have not been testing for it in that time. The discovery of Oxadixyl in our water supply was a shock, not only to my department but also to Jersey Water. This chemical went out of use in 2003 and has not been used since. The half-life of the chemical in air and in the soil and in the sun is very short and after a number of months it disappears completely. What was not realised that if it gets into the water supply it sits there very happily for long periods of time without diluting. Jersey Water came across this chemical because they changed the lab that they use in England for testing their water and the new lab provided a test for Oxadixyl quite coincidentally where the other lab had not. Suddenly we had results coming back on to the Island which showed that Oxadixyl is present in our water. Since that time we have worked as a department very closely with Jersey Water and with the industry to increase our testing, up to 6 times more tests now being taken to identify where this problem is. But I have to say to the Deputy, I think he is quite correct in saying that the chemical has been there all this time and we have not detected it because the test was not being done.

3.6.3 Deputy M. Tadier:

Further to a question I asked on 20th October 2015: does the Minister agree that we need a general ecocide law in Jersey under which all of these issues to do with pollution, irrespective of whether these are currently banned or yet to be banned, can be taken into account?

The Deputy of St. Martin:

What I can say to the Deputy is that he will be aware, I am sure, that a new Water Plan was going to be published by my department earlier this year. But when the chemical issue came to light I asked it to be taken back so we could re-emphasise the sections of it which applied to pesticides and chemicals generally. This new Water Plan will be coming out now in the summer and I can assure the Deputy that there will be areas in it ... he will see that we are concentrating very heavily on all pollutants or potential pollutants. The plan was initially targeted at nitrates but it now will certainly have an equal, if not more of a bearing, towards chemicals, pesticides that may or may not get into our water. I cannot reiterate enough that water is precious and on our Island we only have storage capacity and the desalination plant. What we store is really important to us and keeping it safe is vital.

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

I found my father clearing out his shed and Lord knows if you lost it, it is probably in there. There are any amount of strange chemicals I imagine at the back of that shed. Is there, as the question from Deputy Lewis is regarding the public's use of chemicals, a point of contact within the Environment Department where the public can call and ask a question with regard to some of the strange fluids they may have in their sheds and if not, will the Minister commit to having a point of contact for advice and also possibly a web page where some of the more web savvy might also go and find out the answers to their questions?

The Deputy of St. Martin:

I can say to the Deputy I will investigate the possibility of a website which will help those who wish to use computers. But certainly anybody who phones the Department of the Environment will be put through to the officers responsible, the officers with the knowledge, the officers with the list in front of them, and the trade name and the active ingredient within the trade name will be known to officers and advice can be given to all domestic users. As I said before to Deputy Lewis, I am happy to extend the amnesty and if domestic users have chemicals there I am sure they are very welcome to bring them to the department for correct disposal.

3.6.5 Deputy G.P. Southern:

It has taken over a decade for this problem to surface. Is the Minister aware of any other toxic materials in the pipeline, as it were, which may surface in the future. Has there been commercially-used insecticides or whatever used in the last decade which may cause problems going forward?

The Deputy of St. Martin:

I have to say to the Deputy, of all the chemicals we have used, presently and in the past, we are happy to confirm that none of them are giving us cause for concern to be above the safety limit. But there is one chemical, which we have identified quite recently, which is in use at the moment. It is an old chemical which has been used for quite some time. Mancozeb is the name and we, are at the moment, still identifying a test for it. That is work I have prioritised and we will shortly have that. The Deputy can be assured that I have told officers and I am working very closely with Jersey Water to make sure that this Oxadixyl-type incident does not happen again. I do not want to be in a position in 10 years' where we identify another chemical which we have not been testing for. I know that my officers in Jersey Water have taken this very seriously indeed.

3.6.6 Deputy K.C. Lewis:

It was the chemical Glyphosate which I was concentrating on, which appears not only in farmland but also in domestic products. I am aware that farmers undergo training and the correct use of herbicides and pesticides but regarding the general public, it is literally in small print on the back of a container. I am sure Jersey Water does its absolute best, along with the Environment Department to keep our water clean but there is no Plan B. Jersey Water can shut down reservoirs and blend

with other reservoirs but if all Island reservoirs become polluted we are in serious trouble. Hopefully the Minister will take this on board and, as he said, come down heavily on any misuse of chemicals; does the Minister not agree?

The Deputy of St. Martin:

I do, and the Deputy quite rightly highlights the fact that while we have a number of reservoirs on the Island we have 2 that provide the vast majority of our water storage. One at Val de le Mare at the west and Queen's Valley in the east, and it is an absolute priority to make sure that those 2 reservoirs do not become contaminated. I know that Jersey Water are prioritising the updating and doubling in capacity of their desalination plant at La Moye. That work will be finishing towards the end of the summer and certainly I have asked them to prioritise other works to safeguard our 2 main water storage areas. But I can only agree with the Deputy that water has to be safeguarded as much as we possibly can.

3.7 (9432) Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding the rate of suicide amongst young men:

What action, if any, is the Minister taking to reduce the rate of suicide among young men?

Senator A.K.F. Green (The Minister for Health and Social Services):

Before I start, I would like to say that every suicide is an absolute tragedy and we must do all that we can to prevent it. Mental health is everybody's business. It is not solely the responsibility of health officers or even the Minister for Health. Cross-government voluntary sector, wider community support is essential to improve mental health and reduce vulnerability to the risk of suicide. That said, my department has taken the lead on co-ordinating a multi-agency partnership working through the mental health strategy and related prevention of suicide framework for action. A prevention of suicide framework has been developed and this is supported and endorsed by the States Corporate Management Board. It involves a collaborative approach across departments and wider agencies to address the wide range of factors that decrease the risk of suicide. Priority objective areas are: improving mental health and well-being in vulnerable groups, reducing the stigma about suicidal feelings, reducing the risk of suicide in high-risk individuals, and improving information and support to those who have been bereaved by suicide. A new programme called "Connecting with People" has been commissioned and funded jointly by the multi-agency membership of the Prevention of Suicide Steering Group. This training programme represents an up-to-date evidence-based approach to the development of skills, knowledge, attitudes to suicide mitigation in young people as well as adults.

The Bailiff:

You are coming to the end of your 90 seconds?

Senator A.K.F. Green:

I am, Sir, but it is a complex subject. Earlier this year a new local bereavement resource for people who have been affected by death and suicide was also realised. Mental health strategy and the prevention of suicide framework, actions working together in synergy have impact on reducing the risk of suicide. It is not one action but a collective action together that will support us in developing a health, more resilient Island population.

The Bailiff:

Minister, you might wish to tell your officials they are 30 per cent over the time limit.

3.7.1 Deputy L.M.C. Doublet:

I thank the Minister for his answer. Of course I agree all suicides are a concern, whatever demographic. I just wanted to press on the particular demographic of young men. Is the Minister aware of possible social factors behind this problem? In particular, that they have been highlighted by a new charity, which I mentioned to the Minister the other day, because it does seem that there is... in the health profile, from 2014, it showed there were significantly more suicides from young men. So is the Minister aware of the social factors behind why this demographic are particularly affected?

Senator A.K.F. Green:

What I am aware of is that throughout Europe young men seem to be more vulnerable. The figures I have for Jersey - and every death is unacceptable and a tragedy - but the figures I have for Jersey show that we are considerably lower than U.K. (United Kingdom) and the rest of Europe. Having said that, one is too many. Young men seem to be particularly vulnerable and the strategy that we have developed is helping to support with education, with the police, and voluntary sector, helping to support those families.

3.7.2 Deputy L.M.C. Doublet:

Would the Minister consider an awareness campaign perhaps as part of a broader campaign which would be targeted at this demographic to help mitigate some of the social factors? The charity I mentioned is called C.A.L.M. (Campaign Against Living Miserably) and they feel that the pressure on boys and men to be strong, to be a winner, they feel they are not able to talk as much. Could the Minister target these social factors somehow with a campaign to young men feel that they can talk and they can access the services that are provided by his department?

Senator A.K.F. Green

The quick answer to that is of course, yes. I want everybody, not just young men - but young men is what we are talking about today - to be able to discuss their feelings safely to get the support that they need at the right time. Not quite the right word but for the community to empathise and sympathise when someone has a mental health issue or is suffering from stress, just in the same way as they would if somebody had a broken leg. We have the mental health strategy day tomorrow and we have the Mental Health Awareness Week next week and we will certainly look at targeting young people as the Deputy requested.

[10:30]

3.8 (9429) Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the potential impact on the Jersey economy of a U.K. exit from the European Union:

Could the Minister advise members what work, if any, he has carried out to assess the potential impact on the Jersey economy of a U.K. exit from the European Union?

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

The Council of Ministers have been considering over the last 18 months the interests of Jersey whether the U.K. decides to remain in or to leave the European Union. Indeed States Members were recently invited to a presentation by the Ministry for External Relations on the work that has been undertaken so far. I am pleased to say for those who were unable to attend that presentation there is going to be another presentation tomorrow on the same subject. What I can briefly say is that Jersey participated in the U.K. Government's balance of competencies exercise and have looked at the implications, including the economic implications of Protocol 3 no longer applying to Jersey. As Members know, Jersey is part of the European Union for the purposes of trade in goods and we are part of the E.U. (European Union) customs union. We are, however, not part of the E.U. for other purposes including trade and service and accordingly the direct impact on the Jersey economy is likely to be limited. We would be subject to the same macroeconomic and market

influences as the U.K. and other countries, irrespective of the actual result of the U.K. referendum and there are numerous, often contradictory, analysis as to the possible economic impact under the 2 different scenarios.

3.8.1 Deputy M.R. Higgins:

The Minister mentioned that services are not part of the Protocol 3 but is the Minister also aware that many of the services that we do provide to people living within the European Union are because of our links with the U.K.? For example, recognised funds, to get access to the population of Europe we first had to satisfy the U.K. Treasury and it was through their sort of sponsorship in a sense those funds were then marketed in the U.K. So if the U.K. does leave the European Union, is it not the case that many of the services that we provide we may also not be able to provide them to Europe?

Senator A.J.H. Maclean:

No, that is not appearing to be the case. Certainly as far as equivalence is concerned, with financial services to which the Deputy was referring, we have an equivalent country status, we have market access for areas like A.I.F.M. (Alternative Investment Fund Managers) directive for financial services and therefore it is my advice that I have received that we would not be impacted by a decision by the U.K. to leave the E.U.

3.8.2 Deputy S.Y. Mézec:

The Minister will almost certainly be aware that there are people involved in business in Jersey, and particularly the financial services industry, who have said that it is their view that a Brexit could be bad for Jersey's economy. On that basis would the Minister agree that Jersey residents who retain the right to vote in U.K. elections because they lived there fewer than 15 years ago should be encouraged to take part in that referendum if they have a vote and to consider the implications for the Jersey very carefully when they do exercise that vote?

Senator A.J.H. Maclean:

That is a matter for any individual that is, as the Deputy says, qualified to vote in the referendum. It is not a matter that I would particularly comment on any further than that, other than to say that there are views on both sides of the argument as to what the potential impact may be from a U.K. perspective and therefore potentially from a Jersey perspective. But, again, there are strong feelings on both sides of the argument and I think I have made the position clear and indeed the Government's position here is that we prefer a *status quo* and we will react accordingly after the 23rd June referendum.

3.8.3 Deputy A.D. Lewis:

Would the Minister go as far as publicly stating that he would encourage those that had contacts, family and business contacts in the U.K. encourage those people to consider voting against the exit? Would the Minister go on record as promoting that as a concept?

Senator A.J.H. Maclean:

It is not the Minister's position, or indeed the position of the Council of Ministers, to fall on either one side or the other. We have made our position clear, it was made clear in the presentation to States Members recently and again I have no doubt will be repeated tomorrow, that the preferred position is the *status quo* to be retained. We will wait and see the outcome of the referendum. That is a matter for those who are able to vote in the U.K. If there are some Jersey residents who wish to exercise their right then of course they should do that. But it is for them how they decide to vote.

3.8.4 Deputy A.D. Lewis:

The Minister will know that the Gibraltar Government has taken a particular view on this. I know their status is slightly different, but they have been very public in their view. Should the Minister not take a similar view as it is very clear from many quarters that staying with the *status quo* is of huge benefit to Jersey?

Senator A.J.H. Maclean:

I think the Deputy's comment about Gibraltar being slightly different is an understatement, it is hugely different and I think I have made it clear exactly what both what my position is but more importantly the position of the Council of Ministers with regard to this matter.

3.8.5 Deputy M.R. Higgins:

My question was about what work had been done on the impact or potential impact on the Jersey economy. We have recently had the F.P.P. (Fiscal Policy Panel) downgrade some of their figures towards growth, towards employment and various other sorts of things that they came up with. Have they or has the department come up with any figures showing how the economy will deteriorate even further if the U.K. leaves the European Union? Figures.

Senator A.J.H. Maclean:

It is fair to say that the U.K. themselves have not published any figures. There are some who believe there will be a benefit outcome and others who believe there will be a more negative one. There are differing views but there are no independent assessments that can be relied upon, if I can put it that way, as to the likely impact, bearing in mind the renegotiation and the process that will be followed based on a Brexit would take a minimum of 2 years, many believe up to 5. The likely impact is very difficult to assess. All we can do, and it is one of the key messages I have made about the M.T.F.P. (Medium Term Financial Plan) for some time now is ensure we retain within our future spending plans plenty of flexibility to deal with circumstances such as a potential Brexit in the future.

3.8.6 Deputy M.R. Higgins:

So I take it then there were no figures, no calculations done in that sense because you have not offered any figures whatsoever?

Senator A.J.H. Maclean:

Of course some assessments have been undertaken but certainly nothing that would be worthwhile or relevant to put into the public domain. As I have said, the Council of Ministers have been considering this matter, including the economic impacts for 18 months or so and will continue to monitor very closely as we come to the 23rd June, and more importantly the period after that, should the vote go or end up in a Brexit occurring.

3.9 (9425) Deputy G.P. Southern of the Minister for Housing regarding measures to increase the supply of housing:

Following the Chief Minister's statement to Members on 26th April 2016 that increasing the supply of housing alone will not solve the problem of rental stress on the Island, what additional measures, if any, does the Minister have under consideration to address this issue?

The Deputy of Trinity (The Minister for Housing):

The cost of housing is an important issue for us all. Housing stress is a 2-sided issue, we need to deliver more homes while also supporting growth in household incomes. This means building 1,000 new affordable homes, ensuring the planning system is working effectively to enable housing

supply, it also means driving an agenda of economic growth, more employment opportunities and higher household incomes will also improve household affordability.

3.9.1 Deputy G.P. Southern:

We come back to the definition of terms here. What is the Minister's definition of affordable? Is any property affordable when it comes in at 9 times the average wage?

The Deputy of Trinity:

Affordability is obviously different in everybody's household but the most important thing is as a department we need to build affordable housing through the criteria ... whether it is social housing or housing to purchase and that is what we aim to do over the next 3 or 4 years as identified in the Island Plan, to build more homes on our own States-owned sites as well as other sites that have been rezoned. It is coming online.

3.9.2 Deputy G.P. Southern:

To repeat the question in search of an answer, if I may, what is the Minister's definition or definitions of affordable?

The Deputy of Trinity:

Well, I think I have answered the question. It is down to everyone's household income. For someone who earns over £100,000 the level of affordability is different to someone who lives in social housing.

3.9.3 Deputy M. Tadier:

What information does the Minister have, if any, about the situation with property hoarding in the Island?

The Deputy of Trinity:

Could the Deputy elaborate on that? Does he mean that the landlord is hoarding or people hoarding their ... I do not quite understand the question?

Deputy M. Tadier:

The Minister, I am sure, accepts that just building housing on its own is not going to be the solution to Jersey's housing crisis. Therefore, does she have any information about who owns what properties and how many individuals own numerous properties perhaps in the region of dozens, if not hundreds, in the Island. If she does not have that, why not?

The Deputy of Trinity:

I think the Deputy is talking about landlord registration. I think that is ...

Deputy M. Tadier:

Not necessarily, I did not say landlords, I talked about property ownership, who owns how many properties in the Island.

The Deputy of Trinity:

I do not have that information but I go back to the landlord registration because I know that the Deputy talks about it and I know the Minister for Health and Social Services is bringing ... going to launch Rent Safe, which is a voluntary accreditation scheme in the law. When that does come to the States there is a proviso in that law for a landlord accreditation scheme.

3.9.4 Deputy M. Tadier:

The Minister chooses to answer a different question to that which I asked so if I may use my supplementary to ask again. Does the Minister accept that whether it comes to home ownership or people having affordable homes, for every property that somebody else owns above the property that they live in that is one less home that somebody can buy for their family? Will she take steps to investigate to what extent that is a problem in Jersey so that we can make home ownership a real aspiration in Jersey for young families in particular.

The Bailiff:

Deputy, that is a completely different subject from the question which was about rental, it is not about buying property.

Deputy M. Tadier:

Okay, I accept that, thank you.

3.9.5 Deputy R. Labey of St. Helier:

The Minister in her first answer stated that she would have to ensure that the planning system is working effectively to hit her targets. What does she mean by that?

The Deputy of Trinity:

I think it is important that the planning is quick and efficient. I know it has improved under the present Minister and also that if third party appeals are gone through it is done in a timely fashion. Housing and the number of housing is finely balanced. Therefore, we need to press on because any delay, whether it is third party appeals or a delay in the planning application, is a delay in homes being built.

3.9.6 Deputy R. Labey:

So the Minister is talking about a quick and efficient planning system and that third party appeals should be timely. Is she suggesting that there should be changes to the system. Is she unhappy with the current system and, if so, in what areas?

The Deputy of Trinity:

I think it is well known that the third party planning is ... it is a new change of system that sits with the Judicial Greffe and like any new system it is taking a while to bed-in. But we need to continue with ... obviously third party appeals are important and it is everybody's right, but they need to be done, as I said, in a timely fashion.

3.9.7 Deputy A.D. Lewis:

The Minister will be aware that the subject of vacant properties has been raised before in this Assembly and there are dozens, if not hundreds, of homes that are empty in the Island for various different reasons. Would the Minister consider any penalties for those that leave properties vacant without making any attempt to make them habitable or rentable, in other words to encourage those that have vacant properties, for all sorts of varied reasons, to make them habitable and make them capable of being occupied for rental purposes, and if not, why not?

[10:45]

The Deputy of Trinity:

In the Housing Strategy it is one of the points that we will be addressing over the next months and years. We need to find a way of how to get to know the vacant properties and why each property is still vacant. I know later on in the year we will be talking to the Constables to see if we can add something into the rates assessment that goes out each year. So it is something that we are actively looking at. One issue could be if someone does have a vacant property, for one reason or another,

perhaps they are in a nursing home or whatever, could a letting agent take over that property while they are deciding what to do with it. That is just one thought.

3.9.8 Deputy S.Y. Mézec:

Does the Minister consider it helpful to pursue rental increases above inflation and, for that matter, 90 per cent market rates in the social housing sector? Does she consider that to have a positive impact on the problem of rental stress in the Island?

The Deputy of Trinity:

That is a question that we have discussed here many times and we have to go back to the reason why we decided as a States Assembly to do 90 per cent of market value rents. It is because the housing stock was in such bad condition that we needed to do something widely about it, by taking out a bond and putting 90 per cent at market value that has helped the refurbishment of other properties, which is something that I hope that we all want because some of our housing stock was in very bad condition. But also, alongside that very importantly, those who cannot afford the 90 per cent quite rightly will be assessed and picked up by Social Security. So there is a safety net there and that is important.

3.9.9 Deputy S.Y. Mézec:

That is a Social Security budget that, of course, is facing £10 million worth of cuts as part of this Council of Ministers' austerity drive. Of course all Members support increasing the number of properties available on the rental market but can the Minister just confirm whether she has carried out any sort of assessment specifically on the problem of rental stress and 90 per cent market rate rents for some of the poorest people in the Island and how that possibly makes things better for those individuals and their lives?

The Deputy of Trinity:

If he is talking about the poorest and most vulnerable people that is Social Security. They are there to do the housing component, to pick those people up to make sure that they can afford the housing rental. People need to live in decent homes and, as I said before, some of the homes - and some still are - are in appalling condition and they need to be refurbished and brought up to decent home standards. As regarding a view of the 90 per cent rental, it has been going just over a year and I know some work is going to begin to be done in the next couple of months.

3.9.10 Deputy S.M. Brée of St. Clement:

I seek clarification from the Minister on a previous answer that she gave relating to empty properties. Would the Minister confirm that she both supports and is looking to introduce state involvement in a private individual's or families' property affairs relating to empty properties and is seeking to take over effectively any empty properties that may for one or another reason be looked after by a family at the moment?

The Deputy of Trinity:

I do not think the Deputy heard me well. There are, if I remember rightly, over 3,000 empty properties and for some legitimate reasons, between letting, *et cetera*, but there is a certain proportion of, as we understand it, vacant properties that have been left vacant for quite a while. So it is important that we understand the whole reason for what the problem is and working with the Constables, because that is the only way we can know if a property has been vacant with a rates assessment and see if we can add in questions there about how long they have been vacant, *et cetera*. But there are some people that might just need that little bit of help renting. I have no intention at this moment in time of stepping-in and taking over letting.

3.9.11 Deputy G.P. Southern:

Can the Minister assure Members that the emphasis in her new housing plan will be on social rental homes, for which we have the greatest need and not necessarily in homes to purchase?

The Deputy of Trinity:

I think the emphasis should be on both. People living in social rental as well as those, young families especially, that want to buy affordable housing.

The Bailiff:

Minister, forgive me, you have been answering questions for 10 minutes on rental stress and I just do not know what it means. Do you understand it to mean tenants who cannot afford their rent, rents being too high or not enough properties to rent, because it seems to me it could mean any of those things? So it means all of them, does it?

Deputy G.P. Southern:

No, rental stress is the situation where a family find itself having to pay more than a third of its total income out in rent.

The Bailiff:

But that is not the basis upon which the Minister was answering some of the questions, that is why I asked it.

3.10 (9431) Deputy S.Y. Mézec of the Minister for Social Security regarding Social Security contributions for the self-employed:

What progress, if any, has been made on introducing further classes of Social Security contributions for the self-employed?

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

I thank the Deputy for his question. He is aware of my concern for the self-employed and their contributions. The first project listed in my department's published business plan for 2016 is, to quote: "Commence a major review of the Social Security Fund's sustainability." The review is currently in the planning stage and a public consultation is scheduled for later this year. As part of the review we will be looking at the level of contributions paid by the self-employed. The full review will last several years but the section on self-employed contributions will be one of the first areas to be examined in detail.

3.10.1 Deputy S.Y. Mézec:

This was, of course, one of the few promises made by this Council of Ministers when they took office and it has taken a year and a half to not particularly get very far, which cannot be satisfactory. Does the Minister recognise that if a new system of Social Security contributions is to be pursued for the self-employed in recognising their real incomes and the fact that many of these people are not particularly wealthy, in fact many of them take a pay cut to become self-employed and start a business, that to have a progressive system of social security contributions will likely mean a reduction in revenue for the Social Security Department from these people? What measure would she consider taking to make up for that lost revenue so that this can be done for these people?

Deputy S.J. Pinel:

As I said in my opening remarks, I am very aware of the difficulties faced by self-employed people and especially those who are newly self-employed, which with the current economic situation are

increasing. The Deputy will be aware that we have in 2012 at Social Security introduced a deferred rate of contributions because in the past there has been criticism that someone starting a new business was charged Class 2 contributions based on their previous salary rather than their earnings from the new business, which could make it difficult to cover the cost of their contributions. In 2012 the department introduced a new scheme to assist new business owners and they now opt to pay contributions based on a set income for the first 2 or 3 years of the new business.

3.10.2 Connétable J. Gallichan of St. Mary:

Can the Minister give me some assurance that this review will also focus on the treatment of people who have recently lost their employment, who can find themselves on top of this cataclysmic event, faced with a bill for several thousand pounds at the end of the next quarter when they are deemed to be self-employed?

Deputy S.J. Pinel:

The review, the Social Security Fund review, is largely based on the sustainability of the fund. So we will be looking at contributions across the board in order to ensure that the pension fund as is is sustainable into the future. So it will be looking at encompassing all things. On page 129, I think, of the Medium Term Financial Plan there are 10 bullet points which the review will be addressing.

3.10.3 Deputy R. Labey:

Does any data currently exist or is an evaluation currently being made on how important the self-employed entrepreneur is to the local economy and how much of a detriment it is to tax them twice?

Deputy S.J. Pinel:

Yes, as I say, the planning process is already underway with the Social Security review and that will be taken into account as will all other aspects of the fund review.

3.10.4 Deputy R. Labey:

In which case, how important do you think the self-employed are to the local economy personally, as the Minister?

Deputy S.J. Pinel:

Extremely important and I have said that ever since I was elected as Minister, which is why it is first on the list of priorities within that review.

3.10.5 Deputy M. Tadier:

Will this review also take into account looking at abolishing the upper earnings limit cap so that Social Security can be charged on all earnings and not just on those under the ceiling?

Deputy S.J. Pinel:

Yes, that will be looked at as well as changing the levels, the lower earnings rate, the standard earnings rate and the upper earnings level. It will all be taken into consideration.

3.10.6 The Connétable of St. Mary:

Having just taken a moment to digest the Minister's last answer to my last question, I am still not sure that the Minister has given me any assurance that the effect of paying self-employed rate contributions on the newly unemployed who are not, in their own eyes, self-employed because they are not yet engaged in a function. They are seeking work perhaps but she understands the complete double impact that this has; (a) you lose your job, you lose your salary, you lose your income and

then (b) you are faced with a bill that you had no idea was coming. Can the Minister assure me that she understands my thrust?

Deputy S.J. Pinel:

Yes, I can understand the Connétable's concern and this is something we are addressing with the increasing number of people becoming unemployed. It is part of the ongoing situation and Social Security is certainly very well behind people becoming unemployed in every aspect and Back to Work under the auspices of helping to support and enable people to find new jobs.

4. Questions to Ministers without notice - The Minister for Housing

The Bailiff:

We come then to Questions to Ministers without notice. The first question period is for the Minister for Housing. Deputy Labey.

4.1 Deputy R. Labey:

Just drilling down a little further into the Minister's opinions on the third party appeal system. I wonder if she thinks that the Planning Department and her department have anything to learn from the third party appeal adjudication brought by the Tunnell Street residents, and ultimately successful against the granting of planning permission on the Gas Place site.

The Deputy of Trinity (The Minister for Housing):

Yes, I think for every planning application that goes to third party appeal and the recommendations are made by the inspector. Obviously the Planning Department and the Housing Unit look at the recommendations. But the Tunnell Street was a private development and so, therefore, it is something that they too will have to address.

4.2 Deputy C.F. Labey of Grouville:

With regard to the recent changes in the U.K. on second homes - on taxing second homes - is the Minister planning to bring forward any changes to our laws on second homes but especially those of empty properties that there are in the Island?

The Deputy of Trinity:

So there are 2 questions there. Regarding second homes in the U.K., I have been following those, especially over the weekend with a lot of information about it in the newspapers, and it is something I think we will watch and see how things go with the U.K. As regarding vacant properties, as I said earlier, the only way that we know exactly how many vacant properties was by the Census back in 2001. So that is why it is important to get an initial update and by working with the Constables, with the rates form, that goes out. Therefore, if we ask the right questions, hopefully we will get a better understanding of exactly why they are vacant and to see if we can work with the owners to bring them back into use.

4.3 Deputy M. Tadier:

On a similar line, it is the question I asked earlier, what statistics does the Minister have about who owns what properties in Jersey, particularly when it comes to multiple property ownership in the Island?

[11:00]

The Deputy of Trinity:

As I said, I understand that we do not. The ownership is, as I said, with the Constables, with the rates assessment form, so that is why it is important to work with the Constables to get a full understanding as to vacant properties. It is about landlords, not only about ownership.

The Deputy of Grouville:

Could I ask my supplementary?

The Bailiff

I will come back to you, Deputy, if I may. Deputy Tadier?

4.3.1 Deputy M. Tadier:

I can understand the frustration, I ask a question about property ownership and the Minister wants to always talk about vacant properties, which is not what I am asking about. So sticking on the issue of property ownership in Jersey, who owns what, does the Minister accept that it is an issue if we have instances of multiple ownership, even in the dozens, perhaps sometimes in the hundreds, where one person or one company owns many properties. Does that have an impact on the housing distribution, in particular home ownership in the Island? Is that something she is concerned about? What steps will she take with the Comité des Connétables to make sure that her department have all the information that is germane to making these kind of high level policy decisions to do with housing?

The Deputy of Trinity:

There were a few questions in there. Yes, working with the Constables and finding out about vacant homes is important. If you are talking about multiple home ownership, some of the companies, *et cetera*, will be landlords. That scheme, as I said, is going to come towards the end of the year. So it is a combination of issues. But, yes, I am concerned, as we should all be, but we need to work that out as we go through doing the Housing Strategy.

4.4 The Deputy of Grouville:

The thrust of my question was on vacant homes and it was my understanding that the figure was about 3,000 across the Island of vacant homes. Should this not be a priority before we start rezoning any land or looking to provide more housing, which we clearly need, but should these vacant homes not be a priority?

The Deputy of Trinity:

Yes, the Deputy is quite right. I think in the Census there was 3,000 ... I cannot remember the exact number but 3,000-odd vacant homes. But a certain proportion of those were people who were between lets, people who were moving on and had not been able to sell their property, as well as people who moved into nursing homes. So there are a lot of different reasons and so it is important, as I have said many times, working with the Constables to understand the reasons. So we get a true picture of what it means, rather than saying: "Every vacant home should ..." we get a broad brush. We need to understand the reasons. But any home, within reason, should be re-let or sold or whatever but it will not be the answer to the housing problem.

4.5 Deputy M.R. Higgins:

Recent figures have shown that in London, whose house prices are comparable if not large on their own, that most of the price rise is due to the demand for housing by foreign owners buying up the properties. Does the Minister have any idea of buy-to-let in the Island because remember the external demand is pushing up prices in the Island and if she does not have any data will she try and get some data?

The Deputy of Trinity:

Regarding the data, I do not have any with me at present but I can let the Deputy know. The prices of houses are high, as we know with the price index that comes out regularly, but the most important thing to lower the prices or to keep them level is to build. We need to build, whether it is affordable housing on States-owned sites as well as those sites that have been rezoned.

4.5.1 Deputy M.R. Higgins:

If, as in London, it is foreign demand that is driving up the prices, would the Minister consider bringing in some form of restrictions so we have a local housing market and making sure that people can buy homes if they can afford them, but without the external demand that is pushing up prices even higher?

The Deputy of Trinity:

I am not aware it is a big problem but, as I have said before, I will look into it. Somebody from the U.K. cannot just come in, they need housing qualifications to buy a house and we have to take that into consideration too.

4.6 Connétable C.H. Taylor of St. John:

I am just a little confused and perhaps it is because I am new, but the Minister has not consulted the Constable of St. John yet as to how she is going to tackle this problem. She keeps referring to the Constables and working with the Constables but I have not seen her yet.

The Bailiff:

Is that a question?

The Connétable of St. John:

Does she agree or when is she going to come and see me?

The Bailiff:

When are you going to knock on the Constable's door, Minister?

The Deputy of Trinity:

I certainly will knock on the Constable's door. As I said before, the Strategic Housing Unit is a small department, it is in the strategy as work that needs to be done and we are looking at coming to see the Comité des Connétables later on in the year. But it is a partnership, we need to understand what is behind these vacant homes and I think the Constables are in the best position to be able to help us. But that dialogue, as I said, quite rightly needs to happen and it is going to happen towards the end of the year. We will not forget the Constable of St. John.

The Connétable of St. John:

Just a supplementary. I would hate to think that the Constables were being in any way connected with the short supply of housing on the Island when we have not yet been consulted.

4.7 Deputy G.P. Southern:

I will try again. What measures, if any, apart from building massive new housing schemes, does the Minister have to reduce or alleviate rental stress on the Island?

The Deputy of Trinity:

As I said, by building more houses hopefully that more people will be able to afford, the prices will steady or may even, hopefully, come down. But building houses, whether it is social rental or affordable housing, or even those in the private sector, as I said before, it is not a one-sided issue.

It is issues looking at economic growth, getting more people back to employment so they can afford rents or buying their own house. It is not just one particular issue.

4.7.1 Deputy G.P. Southern:

Could she define her version of affordable housing relative to the average wage?

The Deputy of Trinity:

It is after housing costs, 26 per cent of households were living in relatively low income.

4.8 Deputy P.D. McLinton:

In the spirit of *entente cordiale* between the Minister for Housing and the Connétables in working together to find out any vacant housing stock in the Parishes, will the Minister commit to publishing the data, the breakdown of the data - as I understand it there are many people who are unable to rent their property out, and some who are just holding back on their property - in order to inform the strategy moving forward to make this property, which has been sat on by many, available to help the housing stock?

The Deputy of Trinity:

Yes, I am sure in agreement with the Comité des Connétables that will be published. The last published one was back in the Census in 2011 and identified, as I said, 3,000 homes. But bearing in mind there are also some very good reasons why homes are left vacant and I have already mentioned those. I will not repeat myself.

4.9 Deputy M. Tadier:

Does the Minister agree with the supply of housing review from the Scrutiny Panel only last year when it says that by January 2016, which has already passed, the Minister for Housing should investigate the possibility of bringing empty homes back into use using a variety of tools, including the introduction of a form of empty property tax or charging an annual sum in addition to the current Parish rates?

The Deputy of Trinity:

Yes, I think we did agree to that and that is why it is in the Housing Strategy. This does take resources and it does take working with the Comité des Connétables and I have given that undertaking that work will start towards the end of the year so we properly can understand the true extent of the vacant homes.

4.9.1 Deputy M. Tadier:

Is it the case that ultimately what this boils down to is political will? If the Minister supports the principle of property tax or something similar then that is what needs to be made by Ministerial Decision with discussion with her officers. Once that decision is made I am sure time in consultation with the Comité des Connétables will be well spent. Can she confirm whether or not she is minded and supports the principle as suggested by the previous Scrutiny Panel that an empty property tax of similar should be introduced as a lever to get more of these properties back on to the market for people to start living in those properties rather than being vacant.

The Deputy of Trinity:

I am not going to say one way or the other because that work needs to be undertaken to understand the reasons behind the vacant property. If I made a Ministerial Decision on property tax, which I cannot I do not think because it is for the Minister for Treasury and Resources, quite rightly we would be asking for what work has been done to undertake that. We need to fully understand the

problem working with the Constables and come up with a policy and with a strategy going forward. Also, very importantly, out to consultation.

5. Questions to Ministers without notice - The Minister for Infrastructure

The Bailiff:

We come to the end of the period for question time to the Minister for Housing. Accordingly, we come to the Minister for Infrastructure. The Connétable of St. John.

5.1 The Connétable of St. John:

In the written answers, number 15, the Minister declines to answer it saying he does not have the time to collate the information required. Is he confirming he does not have the necessary management accounts required to run the department in order to answer this question?

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

No, it is just purely with the Bank Holidays coinciding with the asking of this question that we did not have time to collate the quite considerable amount of data that was required. Luckily this morning, Deputy Higgins has agreed that we will produce the data for all contracts over £1 million, which will be a lot speedier to collect and to publish, so that is what we are doing.

5.2 Deputy K.C. Lewis:

Further to news that many T.T.S. (Transport and Technical Services) or Infrastructure employees face losing their jobs, or as has been referred to recently as “being moved on”, what action is the Minister taking to mitigate this by way of redeployment and/or finding alternate employment for the employees, many of which have given years of loyal service?

Deputy E.J. Noel:

I have already explained to the Assembly on a number of occasions, we are working with individuals when we are doing the service reviews and when we identify areas of change. A number of staff have already transferred to the Parish of St. Helier and some of our parks and garden teams are combining with the Environment Department and moving to the countryside rangers to strengthen their team and to provide a more responsive unit of labour that can do more for the same cost. We are working with our colleagues at Social Security and with Jersey business to help those individuals that have indicated that perhaps they want to start-up their own businesses so we are doing a range of activities and we will continue to do so.

5.3 Deputy G.P. Southern:

Yes, following on from that question, has the Minister finalised the numbers of potential compulsory redundancies against his cleaning and gardening staff and when will he be in a position to come to the States with whatever plans he has, complete with the business case and the economic impact of his proposals?

Deputy E.J. Noel:

No, we have not completed the service reviews for our cleaning services that we provide.

[11:15]

As soon as we do so, we will be going into the consultation with the employees, as we have done with other areas, to again look at what options are available and to listen to suggestions coming from the shop floor, so to speak, because we have many examples where there proves to be merit in what they are suggesting. The process is ongoing, which is an agreed process with the unions; we

are working on a weekly basis with the full-time Convenor that we have and we are also having regular meetings with both Unite and Prospect. So we are working on this to ensure that those compulsory redundancies are minimised where at all possible.

5.3.1 Deputy G.P. Southern:

Does the Minister have any idea or thoughts on when he will be able to bring his proposals to the States? Will it be September this year, will it be December this year, will it be next year? Does he have any timescale at all?

Deputy E.J. Noel:

Deputy Southern knows full well that it is not my intention to bring the proposals to the States. I will be keeping States Members informed. This is an operational matter; it is business as usual. Our key task is to continue to provide the services that Islanders need and want at a price that is acceptable to the taxpayer.

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

Could the Minister please let the Assembly know what are the estimated amounts to maintain the roads at Rue des Prés Trading Estate to the main road standard?

Deputy E.J. Noel:

That is a piece of information that I do not currently have to hand. I will quite happily go and research it and get back to the Deputy with it.

5.5 Deputy M. Tadier:

With regard to his earlier answer to the Constable of St. John with regard to written question 15, would he clarify what he means by saying: "Because of the Bank Holidays we did not have enough time to collate this", given the fact that lodging periods for written questions and orals is adjusted to make sure that departments have exactly the same time as they would in any normal week?

Deputy E.J. Noel:

Unfortunately, as with many organisations, the States is no different; our workforce is no different. When you have 2 Bank Holidays in consecutive weekends, many staff take the opportunity to take 4 days off work and have an extended holiday. We have had limited resources to deal with that question. There is a second written question answered today that we have not been able to provide full information for. Officers have been working over the weekend to get that information and it is being forwarded on to the Greffe for distribution. With regards to the particular question from Deputy Higgins, I was in email correspondence with him last week and I agreed with him this morning that we would provide that information for contracts over £1 million as opposed to £100,000.

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

Yes, just in respect of this answer that he gave in relation to Rue des Prés Trading Estate, it is my understanding that the land contracts there contain clauses that placed responsibility for the cost of maintenance on to the landowners of that estate, which is not us. Assuming that is the case, and given the very constrained circumstances of the public finances, why is it acceptable to let landowners at Rue des Prés Trading Estate off the hook by transferring their significant liabilities to us, the public? To assist the Minister, my recollection to the maintenance liability is in the order of £2 million to £2.5 million.

Deputy E.J. Noel:

As I said, that is an outdated figure; I need to verify what the current estimate is for works that need to be ongoing to maintain the roads. Our big problem at Rue des Prés is not the state of the roads, it is the fact that parking is the issue there and we have currently, under the existing legislation that we have, no means to police that parking in any practical way so we are looking to address that. I have signed an M.D. (Ministerial Decision) - M.D. 23 - a couple of weeks ago which is requesting the Law Officers to draft some legislation up to change the status of those roads which will be brought back to the Assembly for debate.

5.7 Deputy P.D. McLinton:

I know the Minister has given some historical thought to hiding the Energy from Waste plant from public view. I think you will need David Copperfield the magician for doing that. Has any more thought been given to ways we can shroud this carbuncle from public view? I would be interested in hearing the Minister's views on that.

Deputy E.J. Noel:

If there was a simple solution, we would have done it. It is a substantial building; I think it is some 30 metres tall. It is a substantial building on the southern side of our Island. Beauty is in the eye of the beholder. [Laughter] It has won awards, I believe. It is not a building I particularly find attractive although some aspects of the glazing are of interest when it is backlit. It is not an easy solution. I do not see that we are going to come up with a solution in the foreseeable future that (1) would be acceptable to Islanders and (2) that would be affordable.

5.8 Deputy R. Labey:

Is the recent case of a Parish being quoted £28,000 by T.T.S. - that was to build a bus shelter - where the work was eventually carried out in the private sector for £11,000 evidence that T.T.S. had become unsustainable? But is it those at the coalface or road surface that are paying the price, not the management under whom the situation arose?

Deputy E.J. Noel:

No, I just think it is unfortunately another indicator to see why we have to carry out these service reviews and to get the public sector working more efficiently to get better value for money out of the services that we provide. I am delighted in the fact that the Constable of St. Peter was able to install those works to provide yet another bus shelter for our route.

5.9 The Connétable of St. John:

Could the Minister just confirm that the Energy from Waste plant has now been signed over to the States? Because I understand the original contract was it had to work for 90 days without breaking down before it would be signed over to the States. Can he confirm it has worked for 90 days without breaking down and it is now signed over to the States?

Deputy E.J. Noel:

As far as I am aware, I believe that the Energy from Waste plant was signed over to the States quite a considerable time ago. I will get the exact date and issue it to Members.

5.10 Deputy M.R. Higgins:

Just to offer a possible suggestion to the Minister for trying to hide the carbuncle of the Energy from Waste plant, is he aware that military authorities are using light as a means of camouflaging buildings? In other words, they can try to get them to merge with the backgrounds. That is one, if they have done any research into that and, secondly, if you cannot hide it, why not use it as a tapestry for projecting images on from the St. Clement's side and use it as a piece of art? Would the Minister consider those suggestions?

Deputy E.J. Noel:

Yes, those suggestions have been investigated previously. They do have some merit; in particular, I am quite keen on using it as a screen for projection on, particularly when we have festivals, to advertise those. I believe the feedback that we have had from the residents of the Havre des Pas area is less keen.

5.11 Deputy S.M. Brée:

I, like a number of other Islanders, I am sure, recently received a letter from the Department for Infrastructure requiring verification of particulars on a motor vehicle I owned. When I queried this, they said: "We need to know what the gross vehicle weight is." I queried and said: "Why?" The reply I received was: "Because of new charges that will be coming in the next 2 years relating to the weight of a vehicle." Would the Minister like to confirm or deny the fact that new charges are going to be brought in relating to the weight of your vehicle?

Deputy E.J. Noel:

For commercial vehicles, we are working with the whole of the industry on a long process that is going to be over the next 5 years about how we regulate and how we ensure that our fleet of commercial vehicles is less polluting and safer on our roads. As part of that, we need to identify on our database which vehicles fall into which categories. For example, from memory, I think vehicles up to 3,500 kilograms or 3.5 tonnes can be driven on a normal car licence, vehicles over that fall into a category of heavy goods and, again, vehicles over 7,500 kilograms fall into another category. We need to get that information in our database so we can work with the industry to find ways of bringing in appropriate regulation to, as I said, (1) make the fleet safer and (2) make sure that we are moving towards less-polluting commercial vehicles.

5.11.1 Deputy S.M. Brée:

If I may ask a supplementary? My vehicle happens to be a 1988 Jeep Wrangler. Please explain why that is being classified as commercial?

Deputy E.J. Noel:

It just goes to show that there are omissions in our database that need to be corrected and I am sure that the Deputy will be quite willing to provide that information so we can update our database accordingly.

5.12 Deputy M. Tadier:

I have a question about the continuing maintenance of Sir Winston Churchill Park. Has any decision been made to outsource the provision for that park? If so, when was that made and with what consultation?

Deputy E.J. Noel:

The final works with Parks and Gardens, the service reviews have been completed. We are now in a process of the consultation with employees, and I alluded to that earlier when I said that we are taking information and ideas back from employees and exploring those, but Sir Winston Churchill Park is one of those that we are looking at to possibly test with the private sector. The work is ongoing and that consultation is ongoing with the staff members concerned.

Deputy M. Tadier:

Sir?

The Bailiff:

No, I am sorry, Deputy, because we are coming out of time. You have had lots of questions. The Deputy of St. John.

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

Could the Minister advise whether the proposition that was agreed by the States Assembly which established the Jersey Property Holdings still stands with the transfer of functions?

Deputy E.J. Noel:

Yes, it purely was a move of Jersey Property Holdings from Treasury to the Department for Infrastructure and the exact remit of Jersey Property Holdings has not changed.

5.13.1 The Deputy of St. John:

A supplementary, if I can? Could the Minister explain where in the States Strategic Plan then as per that proposition that I can find the States Property Plan?

Deputy E.J. Noel:

Obviously you will not find it in the Strategic Plan. It was not included in the last Strategic Plan.

The Bailiff:

That brings the second period of question time to an end.

Deputy G.P. Southern:

If I may? Can I just point out that there were 2 partial answers given today on questions of taxation? There was a question asked by Deputy Mézec from a month ago which he got a partial answer on and more information to supply and Deputy Vallois has also asked a question in the last month about taxation matters. There is a whole pile of questions that require answers sitting on the Minister for Treasury and Resources' desk. He is not here at the moment. Can I seek the Chief Minister's assurance that he will get something moving because those questions need answering at some stage and it is very easy to forget them?

Connétable J.M. Refault of St. Peter:

I can offer a partial solution. Yes, we are very much aware of that. We are working on it and one of those questions is about to be answered almost within the hour. But we are very much aware and apologise for the delays in getting through to them.

PUBLIC BUSINESS

6. Draft Connétables (Miscellaneous Provisions - Consequential Amendments) (No. 2) (Jersey) Regulations 201- (P.27/2016)

The Bailiff:

Very well. There is nothing under J or K. We come to Public Business. The first item is P.27 - Draft Connétables (Miscellaneous Provisions - Consequential Amendments) (No. 2) (Jersey) Regulations - lodged by the Comité des Connétables. I ask the Greffier to read the proposition.

The Greffier of the States:

Draft Connétables (Miscellaneous Provisions - Consequential Amendments) (No. 2) (Jersey) Regulations 201-. The States, in pursuance of Article 5 of the Connétables (Miscellaneous Provisions) (Jersey) Law 2012, have made the following Regulations.

6.1 The Connétable of St. Clement (Chairman, Comité des Connétables):

Members will recall that the Connétables (Miscellaneous Provisions) (Jersey) Law 2012 repealed the operational policing functions of the Connétables. At that time, and indeed subsequently, a number of laws were amended to remove the permissive power of Connétables to impose fines or to set bail or make charges in criminal offences. We found a couple of examples which were overlooked in the past and now need to be put right: that is in the Sunday Trading Law and in the P.P.C.E. (Police Procedures and Criminal Evidence) Order 2004 that would remove the right of the Constable to impose a fine or to be involved in the charging of the criminal offences. I propose the principles.

The Bailiff:

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

The Connétable of St. Clement:

Yes, please, Sir.

The Bailiff:

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

The Connétable of St. Clement:

Yes, please, Sir.

The Bailiff:

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

7. Draft Rates (Amendment) (Jersey) Law 201- (P.28/2016)

The Bailiff:

We now come to the Draft Rates (Amendment) (Jersey) Law - P.28 - lodged by the Comité des Connétables and I ask the Greffier to read the proposition.

The Greffier of the States:

Draft Rates (Amendment) (Jersey) Law 201-. A Law to amend the Rates (Jersey) Law 2005. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

[11:30]

7.1 The Connétable of St. Clement (Chairman, Comité des Connétables):

These make some relatively minor amendments to the Rates (Jersey) Law 2005 but nevertheless are important. The Supervisory Committee is made up of all the Constables and their role is to debate, discuss, report on all rating matters and to ensure consistency throughout the Parishes on rating matters. Currently the law requires the Supervisory Committee, which meets monthly, usually just before the Comité des Connétables, to appoint a person to preside at each meeting, so each meeting we have to appoint a chairman, which is not terribly satisfactory. So what we are wishing to do is to appoint a chairman and a vice-chairman for the duration of the term of the States. We would also wish to increase the quorum for the Supervisory Committee which is currently at 5 only to one

in excess of half the number on the committee which would be 7. That is more consistent with modern and good practice. The reason it was 5, up until 1996 the Supervisory Committee dealt with rate appeals which were transferred at that time to the Rates Appeals Board. Parish Assessment Committees have a similar problem which the law demands that they elect a chairman each time they meet. This is not very practical and I suspect that particular Article in the law is observed more in the breach than the observance because chairmen of Assessment Committees do need to meet among themselves, to meet the Supervisory Committee and Connétables from time to time, so this would really tidy-up an anomaly which exists. The other amendment would be to the rates list itself. Currently, the law requires that the rates list is a public document which is available at the Parish Halls and in the Library and which includes the address of the property with the rateable values but also includes the name of the occupier and the owner. Now the Constables wish to publish the rates list online so it will be accessible to a lot more people a lot easier and we feel there is no need for the name of the occupier and the owner to be included because the majority of use of the rates list is to enable people to review their property, compare it with other properties in their Parish or in other Parishes to see if they wish to appeal against their assessments. For that reason, there is no need for the name of the owner or the occupier to be included, so we are asking for those changes in this amendment. I propose the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Brée, does your Corporate Services Scrutiny Panel wish to scrutinise this legislation?

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

No, Sir, we do not.

The Bailiff:

Chairman, how do you wish to proceed?

The Connétable of St. Clement:

The Articles do exactly what I said in my opening remarks and I would like to propose the Articles *en bloc*.

The Bailiff:

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

The Connétable of St. Clement:

Yes, please, Sir.

The Bailiff:

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

The Connétable of St. Peter:

If I may, could I just update my answer to the question about the taxation question? The answers to both were lodged late on Friday so they have both now been completed. The delay has been caused by the staff who are working very hard on this review of the M.T.F.P.

8. Channel Islands Lottery: allocation of proceeds from 2015 (P.32/2016)

The Bailiff:

Yes, we come to P.32 - Channel Islands Lottery: allocation of proceeds from 2015 - lodged by the Minister for Economic Development, Tourism, Sport and Culture and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to agree, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, that all monies standing to the credit of the Channel Islands Lottery (Jersey) Fund which have not already been set aside by the Minister (representing 100 per cent of the total Jersey portion of the proceeds of the Channel Islands Lottery for 2015) should be paid to the Association of Jersey Charities for the benefit of the local community and the charitable needs of the Island.

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

Deputy Norton has responsibility for the lottery and will therefore be acting as rapporteur for this proposition.

8.1 Deputy M.J. Norton of St. Brelade (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):

Responsibility for the Channel Islands Lottery sits with Economic Development, as does its operation, Economic Development, Tourism, Sport and Culture Department, to be precise, and specifically with me as the Assistant Minister. As Members will recall, as recently as 2010 the Channel Islands Lottery was in decline and facing an uncertain future. I am delighted that in recent years the lottery has been rejuvenated for the benefit of all Channel Islanders. Improvements to the product have led to increased sales. Increased sales have led to greater footfall for local retailers and increased sales have meant higher and better quality prizes. At its heart, the Channel Islands Lottery is, in all its formats and games, a very simple concept: the more tickets sold, the more money raised for local good causes. This is the primary purpose of the Channel Islands Lottery, to generate proceeds for the benefit of good causes in our community. The *Public Lotteries: report for 2015* was presented to the Assembly earlier this year. The proceeds from lottery activity in Jersey in 2015 were announced as being £453,996. If Members approve the proposition today, the proceeds will be transferred to the Association of Jersey Charities. As Members know, the Association represents over 300 member charities and allocates funds from the Channel Islands Lottery on the basis of need. We are currently working with the Association to allow them to distribute lottery proceeds beyond its membership to a wider range of good causes in the community on the basis of need as well. This will form part of this year's service level agreement. We are also working with the Association to enable them to provide development support for the voluntary and community sector. Channel Islands Lottery funding is vital for allowing these organisations to continue their valued work in our Island and I would like to express my thanks and, if I may, those of this Assembly for the tireless voluntary work undertaken by them in support of their community. **[Approbation]** Our vision is to continue to grow and develop the lottery for the maximum benefit of Channel Islands communities. In Jersey we have set an ambitious but achievable goal of generating £1 million profit on an average per year between 2016 and 2020. To achieve this on behalf of the community, we will require the support of indeed the whole community. To continue to improve the lottery over the next 12 months, we will focus on the lottery offering, in growing our relationship with our customers and with the effective use of

different channels in order to achieve this goal. Finally, I would like to acknowledge those who have contributed to the success of the Channel Islands Lottery in 2015 and thank Islanders for their continued generosity in supporting the Channel Islands Lottery and in turn the local good causes that benefit from its operation. Long may that continue. I maintain the proposition.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak? Yes, Connétable of St. Martin.

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

I recall the last time that this was brought to the States back in December of last year the Assistant Minister then confirmed the allocation of profits for 2015 would be early in 2016, and likely to be in March or April, and I congratulate him for doing so. There are a couple of questions I would like to ask and I wondered if the Assistant Minister would be able to update the Assembly or enlighten us on the subtle changes - and there are some subtle changes - in today's proposition. Paragraph 2 of the report has the additional sentence: "In addition, the Association has agreed to utilise lottery proceeds to provide development support for the voluntary and community sector." I know the Assistant Minister has explained this but this is new from the previous proposition and I do not know if the Assistant Minister is able to explain as to what the voluntary and community sector will do with the money, the proceeds of the lotteries. Could it be to part-fund the Charities Commissioner? As we know, we are looking for some funding for that post. The Dormant Bank Accounts has already been opened and we are going to be discussing that again in late June, but we were looking for funds for that. Could the proceeds be used for funding additional staffing? It has been left quite open in the proposition we have today. I think he has confirmed it is not just for charitable purposes now, it would be for other events taking place on the Island. Paragraph 3 of the report also differs in that it states everyone is working together. Now because the E.D. (Economic Development) Department has changed now and we now have got Tourism, Sport and Culture, and they have been working with the Chief Minister's Department, as it was in the last proposition, and also the Association of Jersey Charities to ensure that the annual proceeds of the Channel Islands Lottery and I quote: "Are accessible beyond the current membership of the Association of Jersey Charities to a broader spectrum of 'good causes' in the Jersey community on the basis of need." Now I am a little bit cautious about these few words, the suspicious hat that I have got on, I am sorry, the "broader spectrum of 'good causes'" and I wondered if the Assistant Minister could enlighten us a little more what it means. As a Parish Constable we receive - and all the Connétables do - requests for grants and donations throughout the year and many like ours wait until the Rates Assembly, and parishioners approve a sum of money for charitable grants, and the approved funds are then distributed accordingly. It is easy to get drawn into these requests from some of them that are on the fringes that might not be a charity. I am dealing with one at the moment that is not an actual charity request but I could move the goal posts slightly to say: "It is probably a good cause and we could use it" and I am still working on that one. I am not trying to liken today's proposition with this but since that last proposition, the E.D. Department, as I said, is now combined with Tourism, Sport and Culture, so we have a lot more things that we could be using there. I do not think the service level agreement has been signed. Could this allow for the pressure from the Minister of the department for those proceeds to fund something that the department wishes to see happen but cannot support financially? Maybe a sporting event with a small questionable charity connection to it and the Association of Jersey Charities finding themselves in an awkward and difficult position? I think it is not that long ago that the Tourism Development Fund board members found themselves in a difficult position, at loggerheads with the Minister, when funding was provided by the Minister for something that did not have their full support or approval. Unfortunately, with the paper we have today, we have not got a service level agreement accompanying it; I do not think it has been signed yet. I know Deputy Martin raised

service level agreements last time and was assured it was exactly the same as in previous years but of course this time it will be different. So if the Minister is able to tell us how different it is on this occasion and when is it going to be signed? Thank you.

The Connétable of St. John:

The Constable of St. Martin read my mind verbatim most ably and even corrected the grammar mistakes in doing so. Thank you.

8.1.2 The Deputy of St. John:

Within the actual proposition itself it states: “That all monies standing to the credit of the Channel Islands Lottery (Jersey) Fund which have not already been set aside by the Minister”, could the Assistant Minister make it quite clear what that means? Does that mean that the Minister sets aside some money out of the fund first and then the remaining money goes to the Association of Charities, just to make it absolutely clear so I understand what I am supporting or not supporting, but also it talks about a service level agreement in the financial and manpower implications. I am wondering if the Assistant Minister could explain what we expect in that service level agreement as the public sector on behalf of the taxpayers and the Channel Islands Fund. Also it states that the money will not be transferred until approval by the States and the signing of the service level agreement but it states that this will not happen until it is reasonably practicable to do so. So could the Minister explain what “reasonably practicable” is? Is that 2 months, 10 months, 20 months? I mean, how long will this go on for? Will we be required to have to re-agree this every year or is this set in stone from now all the way into the future, and whether the service level agreement will be made public once it is signed and agreed? Thank you.

8.1.3 Deputy S.M. Brée:

My concerns possibly lie as well with the service level agreement but I was also hoping that the Assistant Minister could confirm, with the transfer of 100 per cent of the funds to the Association of Jersey Charities, what audit or checks are going to be carried out by the Department for Economic Development, Tourism, Sport and Culture as to where the funds are spent or given to? Thank you.

[11:45]

8.1.4 Senator P.F. Routier:

I think this is one of these propositions which we should be really supporting wholeheartedly because the good work that will be carried ... I should declare an interest here as a trustee of an organisation which does benefit from receiving proceeds and also a member of another charity which makes applications to the Association of Jersey Charities. But in saying that, I think the Island as a whole does benefit from the proceeds of this lottery and I think that we need to ensure that we have in place the correct service level agreements with the Association of Jersey Charities. I think we can only look at this in a positive way that things will be put on a good standing and a good footing to ensure that the money is used effectively. There was a mention about the Charities Commissioner possibly being funded from this. There is no intention, on my understanding, of that happening, that the Charities Commissioner will be funded from elsewhere. But there was also talk about the scope of what money could be used. Of course the Charities Commissioner will be making a judgment on organisations, whether they are considered to be charities, and that will widen the scope a little bit more than what currently is experienced by our community, but I think if it is proved that it is of charitable purpose, it certainly would be worthwhile supporting. I look at this as a really positive proposition which I hope all Members will be able to support wholeheartedly.

8.1.5 Senator L.J. Farnham:

This really is very good news and offers a lot of opportunity for other good causes and I am sure Deputy Norton will deal with the questions he has been asked fully. I just wanted to say there is absolutely no question of Ministers being involved in where or how this money is spent, which is why it goes to the Association of Jersey Charities who are completely independent, with a full board of experienced members of the community who will make those decisions. The Constable of St. Martin did refer to the Tourism Development Fund, so just for the avoidance of doubt, there were 2 requests that were declined, advice was given by the T.D.F. (Tourism Development Fund) that I overruled. One was for the Air Display, we granted additional funds to the Air Display, and the other one was for the Literary Festival. The Literary Festival is a new one but both events were very successful. I think we can safely say if we had not have granted additional money for the Air Display, the future of that very, very valuable event for Jersey would have been at risk.

The Bailiff:

Does any other Member wish to speak? If not, I call on the Assistant Minister to reply.

8.1.6 Deputy M.J. Norton:

I am obliged to Members who have asked questions and indeed spoken since. I will try to do my best to answer as many of these questions as I can that have been put forward. My thanks to the Connétable of St. Martin for his concerns and his questions. With regard to lottery sales, can I first point out that there is no funding whatsoever, and I can confirm that, or intention to fund the Charities Commissioner. To provide development support for the voluntary and community sector is what the intention would be to do this. The reason for doing this, is that the voluntary and community sector was funded on a 3-year agreement. That 3-year agreement has come to an end and in order for that valuable and vital work to continue, the Association of Jersey Charities is being tasked within the new S.L.A. to undertake and to ensure that that role continues. That is being left with the Association of Jersey Charities and it is essential that that point is made and I am obliged for the question being asked. With regard to the broad spectrum and widening of, if you like, the offering to charities, can I remind Members that the Association of Jersey Charities has 300 members in its membership? However, there are over 800 good causes within this Island. Some of those good causes do not meet the criteria that is set out for the Association of Jersey Charities in that they must have 10 members, in that they are an ongoing established charity. There are events that are one-off events. There are events where there are very small but very worthy causes that do not fit, not necessarily in sport or in culture, sometimes in a charitable status. They do not fit and therefore they do not become members, so they do not become eligible for any of the funding from the Association of Jersey Charities. To widen that within the service level agreement will mean that more local community events, charities, good causes will be eligible to apply. This is just broadening the membership outside of the original membership. Can I also point out we are hopeful that the S.L.A. will be with us by June, that under that service level agreement which will be signed by June - we are very optimistic of that and we are working with the Association of Jersey Charities now - once that is done then any decision whatsoever that is made to where charities' money goes, Association of Jersey Charities' money, lottery funding, is done independently by the Association of Jersey Charities at arm's length and under no duress, stress or influence from States Members, ministerial or otherwise. It is really important and that is why it was set up in the first place. There is no reason to have concern about that. That will continue exactly as is. I am obliged for other Members that have spoken. With regard to Deputy Brée's question regarding where do we find out where the money has gone and are their accounts, the Association of Jersey Charities do publish their accounts. Their accounts are published and there is a full list completely on their website of where money has gone to at any time. There were other questions as well. One from the Deputy of St. John and I believe that that was ... and I am trying

to remember because I was trying to write down as quickly as I possibly could. I wonder if you would not mind repeating that question. Is that alright, Sir, so that I can answer it fully?

The Deputy of St. John:

Which question? I asked about the service level agreement being made public and what would be in it in terms of holding to account between the Association of Jersey Charities ... I think you have covered a little bit of that anyway but that was the basis of my ...

Deputy M.J. Norton:

I am very grateful to the Deputy of St. John. Yes, indeed, the service level agreement will be published and the service level agreement is undergoing negotiation at the moment. We are very close to completion and we are optimistic that it will be signed by June. The service level agreement will give the Association of Jersey Charities very much the same agreement that it has now but there will be a broadening, we are optimistic, of their membership so that other people, other groups, other associations would be eligible to apply for the money raised from the Channel Islands Lottery. I hope that I have answered questions fully to those who have asked them. I am grateful for their questions and I maintain the proposition.

The Deputy of St. John:

Sorry, there was one question I did ask. Sorry, I asked a few, I know. But there was a clarity around the actual proposition wording about the funding where it stated about money already being set aside by the Minister. I just wanted clarity of what that meant.

Deputy M.J. Norton:

Yes, the 1975 Regulations allowed for money to be allocated by the Minister. That power has never, ever been used. The allocation of funds given to the Association of Jersey Charities, money was put aside at the request of the Association of Jersey Charities for a reserve to be held back for emergency needs. I should remind Members that last year there was a sizeable drawdown from the Association of Jersey Charities on the basis of need from the reserves which were no longer required. The Association of Jersey Charities asked for some to be kept back and to be held back in account just in case they needed them on a, if you like, a charitable rainy day on a needs basis. That money was identified as not being required in reserve and was released in conjunction with work with the Treasury and was given to the Association of Jersey Charities on that need, and that was the reason for there being a reserve to be held back. It has not been used apart from that and it will not be used. The proposition does ask for 100 per cent to be given to the Association of Jersey Charities. I hope that answers everything. I maintain the proposition.

The Bailiff:

All Members in favour of adopting the proposition ...

Deputy J.A. Martin of St. Helier:

Can we have the appel, please?

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether or not to accept the proposition of the Minister for Economic Development, Tourism, Sport and Culture regarding the lottery and I ask the Greffier to open the voting.

POUR: 37		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Senator Z.A. Cameron		
Senator A.J.H. Maclean				
Senator I.J. Gorst				

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

9. Law Society of Jersey Disciplinary Panel: re-appointment of lay member (P.35/2016)

The Bailiff:

We come to P.35 - Law Society of Jersey Disciplinary Panel: re-appointment of lay member - lodged by the Chief Minister and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with Article 18(2) of the Law Society of Jersey Law 2005, to re-appoint Mrs. Margaret Ann Rondel as a lay member of the Disciplinary Panel of the Law Society of Jersey until the end of September 2018.

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

I would like to thank Mrs. Rondel for her service on the Disciplinary Panel and I propose her for a further term and ask that Members support the further term.

The Bailiff:

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

10. Nursery funding: implementation of proposed changes (P.39/2016)

The Bailiff:

We come to P.39 - Nursery funding: implementation of proposed changes. Deputy, before I ask the Greffier to read the proposition, do I understand that you are seeking a deferral? Deputy Tadier?

Deputy M. Tadier:

That is right, Sir. I would like to defer that and I would be grateful if it could be put down to the next sitting.

11. Collective Responsibility Statements: propositions, amendments, comments or statements lodged or submitted by a Minister (P.40/2016)

The Bailiff:

Very well. So we come to P.40 - Collective Responsibility Statements: propositions, amendments, comments or statements lodged or submitted by a Minister - lodged by Deputy Wickenden and do you ...

Deputy S.M. Wickenden:

Can I just ask? Obviously I was hoping that the comments would be out there. It is kind of my fault that they have not been out earlier, so I was hoping if I could defer this to the next States sitting as well, please, so that people can have the comments.

The Bailiff:

Very well, deferred to the next sitting. Chairman, sorry, I did not see you at your normal place. The arrangements for future business. I am sorry, before we come to you. Chief Minister.

Senator I.J. Gorst:

About half an hour ago, I thought that we might find ourselves in this situation and that causes me a problem, that I had hoped to make a statement after lunch on attendance at the Anti-Corruption Summit on Thursday. I have only just finalised the wording of the statement. You have not given permission for it to be approved or circulated. I am putting you, I appreciate, in an extremely difficult position as it is going to take time for the Greffe to print it anyway and you ...

The Bailiff:

Are you getting to the point of suggesting the adjournment until 2.15 p.m.?

Senator I.J. Gorst:

It would not need to be until 2.15 p.m. I would hope that we could adjourn for, I am suggesting half an hour, but that again is putting pressure on yourself and the Greffe.

The Bailiff:

Well it is your choice to propose what you want to propose, Chief Minister. Half an hour?

Senator I.J. Gorst:

If I may, Sir, thank you.

The Bailiff:

Well when are we going to get the text?

Senator I.J. Gorst:

I have just agreed it and therefore it will be hopefully emailed to the Greffe perhaps as I am standing now.

The Bailiff:

Very well. Seconded? **[Seconded]**

Deputy M. Tadier:

Would it be something that could just be circulated to States Members for reading and for reflection and then if we have got questions at the next sitting we could put them to the Chief Minister?

Senator I.J. Gorst:

That is possible but I would have thought for Members it is an important and extremely topical point of view that they would want to question me prior to my attendance at the summit, but I am entirely of course in States Members hands.

Deputy M.R. Higgins:

I would also endorse what the Chief Minister is saying. I think it is a very important summit and I think it is very important that we hear the Chief Minister's statement and we have an opportunity to comment on it.

The Bailiff:

We will resolve whether you wish to question the Chief Minister by voting for or against the proposition for the temporary adjournment for half an hour. Those in favour of adopting the proposition to adjourn for half an hour, kindly show. Those against? We will adjourn until 12.30 p.m.

[12:00]

ADJOURNMENT

[12:30]

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

12. The Chief Minister - statement regarding anti-corruption

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

This Thursday I will be attending the Anti-Corruption Summit being hosted by the U.K. at the invitation of the Prime Minister. The summit is aimed at stepping-up global action to expose, punish and drive out corruption in all walks of life. Jersey has a good record in this respect. Only in February of this year a Jersey company owned by residents of Kenya was convicted in the Royal Court of laundering the proceeds of corruption, and a total of £3 million will be returned to Kenya. There has been much public comment ahead of the summit on the subject of transparency and exchange of information on beneficial ownership. Jersey holds a leading position on transparency and exchange of beneficial ownership information, which is critical for the successful fight against corruption, money laundering, terrorist financing, tax evasion and other financial crime. Jersey has considerable experience in ensuring that accurate and current beneficial ownership information is available to law enforcement and tax authorities and is willing to share this experience with international partners through technical assistance. Jersey's central register of ultimate beneficial

ownership has been in place since 1989 and the regulation of trust and company service providers since 2000, and our considerable experience in this respect has been recognised internationally. The U.K. Prime Minister has said that he wants all those at the summit to sign-up to the first ever global declaration against corruption that would commit them to working together to tackle it, acknowledging that corruption undermines efforts to end poverty, promote prosperity and defeat terrorism and extremism. Jersey has for long pursued a policy of commitment to and compliance with international standards in the fight against all forms of financial crime and I intend that we should continue to do so.

The Bailiff:

Does any Member wish to ask questions of the Chief Minister?

12.1.1 Deputy M.R. Higgins:

Yesterday in the special sitting of the States our attention was drawn to the fact that the Chief Minister from the Isle of Man was present in the Island. Can I ask the Chief Minister what discussions he was having with him generally, and also in particular about this particular conference that was taking place? Is there a joint line from Jersey, perhaps Guernsey, but certainly with the Isle of Man?

The Bailiff:

You can ask questions about the statement but not otherwise.

Senator I.J. Gorst:

It is not normal in diplomatic or ministerial engagements that one would divulge the content of such discussions but needless to say that the Isle of Man has joined with us historically in supporting international standards in ensuring that we are well regulated and there is no difference in this issue and supporting what we hope will be the outcomes of the summit on Thursday.

12.1.2 Deputy G.P. Southern:

Will the Chief Minister genuinely lead the way and offer to make his register of beneficial owners of companies a public document as we see of the English Prime Minister?

Senator I.J. Gorst:

The Deputy has asked me that question previously and I have given him an answer to that question. So far the United Kingdom is the only country that will have a public register of beneficial ownership in place and that will not be in place until later this year anyway. The issue that we need to... there are other European Member States though who are also working on it but none of them that have them in place. The issue is about fighting out corruption in all its forms wherever it is. The understanding who is the ultimate beneficial ownership of structure is important in helping to do that, whether that be terrorist financing, whether that be money laundering, whatever type of crime or financial crime that it is. It is important that that information is available to relevant authorities. So that could be tax authorities, that could be law enforcement authorities. We have of course focused on beneficial ownership and we all know here that our system works well because it is verified and vetted and it is regulated. In jurisdictions where they cannot have that verification and vetting then they are proposing an open register. But that in itself is being rapidly overtaken by the automatic exchange of information, which would mean that registers would not be required.

12.1.3 Deputy G.P. Southern:

It is going sideways a bit. Will the Chief Minister be reporting to this body the actions taken by the Jersey Financial Services Commission in Jersey to ensure that no illegality is going on with Panama?

Senator I.J. Gorst:

If that issue is raised then of course I will talk about what the Jersey Financial Services Commission is doing. The Deputy will be aware of a media release that they did only recently, updating the public on the work that they are doing in that regard, and we of course are also aware that further several hundred thousand documents have now been put on a website and they are searchable for all sorts of criteria, and we will continue to monitor that as well.

12.1.4 Deputy M.J. Norton:

The Chief Minister may well be aware the Economic and Financial Affairs Council, or EcoFin as it is known, agreed a proposal on corporate financial reporting back in March. I wondered if you could give us any headlines on whether we will be aligning ourselves with that at all.

Senator I.J. Gorst:

Yes, the G5 initially started a pilot project to further enhance automatic transfer of information around beneficial ownership. The European Finance Ministers met 2 or 3 weeks ago and further E.U. Member States have joined in that initiative. Our position is that of course we support such initiatives on the basis that they are applied on a global level playing field. One expects now that that initiative will be taken up by the O.E.C.D. (Organisation for Economic Co-operation and Development) or F.A.T.F. (Financial Action Task Force) that there will be a proper monitoring and regulation of the implementation of that initiative and that it will be on a global level playing field, and on that basis we will continue to support such international standards.

12.1.5 Deputy J.A.N. Le Fondré:

That is very useful to follow on after that answer. Does the Chief Minister agree that given we do occupy a high standard of regulatory credentials, if you like, that we should be pressing other jurisdictions, such, for example, as Delaware, to meet - i.e. implement - this same level of regulatory standard that we achieved?

Senator I.J. Gorst:

I thank the Deputy for his question. He will be aware that the President of the United States on Friday, I think it was, made a statement, and the Financial Secretary to the United States also made statements, in this regard and said that they would be putting legislation before Congress to deliver such mechanisms. We are currently meeting the very highest of international standards when it comes to tackling the financial crime and ensuring that Jersey is not used for such crime and, where it is found to be so, appropriate decisions are being made about prosecuting and being brought to justice through the Royal Court. That is as it should be. I think we can be proud of that. But we do, if we are to tackle this around the globe - which is what the Anti-Corruption Summit is about on Thursday - we do need to make sure that there are standards not just in place but they are delivered upon right across the world. It is not sufficient for these things just to be political statements but jurisdictions and countries then have to put in place legislation vetting provisions, regulatory provisions to ensure that in practice these standards are being adhered to. The Deputy makes a good point with regard to a particular state where it is difficult to argue that they reach the high standards that we do. But they need to if we are going to be serious about tackling corruption around the world.

12.1.6 Deputy R. Labey:

Is the Chief Minister considering a response to the Oxfam "End the era of tax havens" initiative, which states that: "The U.K.'s own overseas territories and Crown Dependencies are at the heart of a global network of tax havens depriving poor countries of 170 billion dollars of revenue"?

Senator I.J. Gorst:

Yes, I am, and that is being worked on. We have seen that letter, we have seen a letter from 300 economists as well, and there seems to be a conflation of issues around what a tax haven is, about secrecy jurisdictions, about banking secrecy laws and how we need, together, to fight corruption in all its forms around the world. There needs also to be a recognition that some international finance centres meet the very highest standards, work with the O.E.C.D. and the I.M.F. (International Monetary Fund) and when they have been reviewed - as is in Jersey's case - it has been shown that larger countries and states around the world do not meet the same standards that we do. So we have to help people to understand the regulatory environment in which we work and the need to tackle this on a global basis so that everyone has legislation on their books to deal with these issues. Let us not forget we have had a register of beneficial ownership of corporation since 1989. We have had the All-Crimes financial legislation since 2000. We have been showing the way and we should not be afraid to let the world know that.

12.1.7 Deputy M. Tadier:

In his statement the Minister talks about the need to “expose, punish and drive out corruption in all walks of life”. Does the Minister agree that dishonesty in public office, and indeed in ministerial office, is a form of corruption and that when that occurs and when there is evidence of that, that it is important that we do investigate thoroughly, and that those who may have been dishonest in public office are held to account for their actions?

Senator I.J. Gorst:

Ultimately Parliaments and the electorate hold Ministers and parliamentarians to account for their actions and their political positions that they have taken. If there is corruption by such individuals then it is right that the police authority in any given place investigates and the prosecution authorities make decisions accordingly.

12.1.8 Deputy M. Tadier:

So when it is a case of a particular parliamentarian actively or otherwise misleading or indeed lying to the Assembly, if that were to occur, clearly that cannot be dealt with the police due to parliamentary privilege. Is it important that that kind of corruption in terms of political terms is also driven out?

The Bailiff:

Just a minute, Chief Minister. Chief Minister.

Senator I.J. Gorst:

As I said, it will ultimately be for fellow parliamentarians if they think that someone has, one would hope, inadvertently misled the Assembly. We have a tradition in this Assembly where people are very hot to stand up when they think that a Minister or any Member of the Assembly has said something out of turn, and that is as it should be. Of course ultimately it is the electorate that if they feel that their politicians have been acting and speaking inappropriately that would remove them from office.

12.1.9 Deputy M.R. Higgins:

Can I say first of all that I agree with the comments of some of the other Members about the hypocrisy of the U.S. (United States) Government when it comes to this particular topic with Delaware, Nevada, Arizona and other states as well, not complying and having shell companies? However, can I ask the Chief Minister, there has been speculation that the U.K. Prime Minister has got himself into a bit of a box on this particular issue and that he is going to come down hard on British Crown Dependencies and overseas territories and although we may be having better

standards than they do, or they may have non-existent standards, we could all be tarred with the same brush.

[12:45]

Is he expecting any pressure from David Cameron in this meeting on Thursday and will we be sacrificed to meet the criticisms he is facing?

Senator I.J. Gorst:

I expect it to be the reverse. The standards that we meet, I think it is fair to say we are one of the only jurisdictions around the world that have a functioning central register of beneficial ownership. We have been exchanging information with relevant authorities on a request basis from that register for many years, and we have continued to sign further agreements with countries to enable us to continue to do so, to tackle these very issues. So I would say we have a lot to offer the international community when it comes to experience of putting in place mechanisms and legislation that help in the fighting of corruption wherever it appears around the world.

The Bailiff:

Nothing further? That brings that question time to an end. We come next to the arrangement of public business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

The public business for the next few weeks are as per the Consolidated Order Paper. The next sitting is on 24th May, with the addition of the 2 items which were deferred from today, I would suggest would be at least 2 days' worth of business there. I propose the arrangement of public business as per the Consolidated Order Paper.

The Bailiff:

Thank you. Very well, the States now stand adjourned - I will try and get this right - until 9.30 a.m. on 24th May.

[12:46]