

4. Oral Questions

4.1 Deputy T.M. Pitman of St. Helier of the Chief Minister regarding the impact on the so called 'Troy' rule of the creation of a post of Minister for External Relations:

Does the Chief Minister plan to propose the creation of a Minister for External Relations and if so, has he considered how this would impact on the so-called Troy Rule in the eventuality of the number of States Members being reduced, as proposed by the Electoral Commission?

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

The Council of Ministers decided in December that a proposal to create a new Minister for External Relations should be brought forward for the States to consider. The next step will be for the necessary Draft Regulations to be scrutinised by the Corporate Services Panel. The final report of the Electoral Commission notes that the so-called Troy Rule will need to be considered by the States if the Commission's recommendations were to be accepted. The report also notes that this rule evolved from the assumption that Ministers and Assistant Ministers would act as a Government bound by some form of collective responsibility but that in practice, experience has shown that Assistant Ministers do not always vote with the government. My own view is that that is illogical. I hope the States will therefore consider this matter as the Electoral Commission's recommendations are taken forward.

4.1.2 Deputy T.M. Pitman:

I thank the Chief Minister for his answer. However, even allowing for the fact that the Electoral Commission does not seem to fully acknowledge the importance of the Troy Rule, in order to prevent us slipping into what some would probably call a Chinese type of democracy, does the Chief Minister not concede that really any decision on the increase of Ministers and the inevitable increase in Assistant Ministers must wait until that issue has been decided, i.e., are we going to have a 42-Member Assembly?

Senator I.J. Gorst:

I can see the Deputy's argument and I certainly think or I hope that the decision-making process will be aligned with P.P.C.'s (Privileges and Procedures Committee) Sub-Committee and the work that they are doing but I think at this point, it is important that they work in parallel. I hope that during the course of the year, they will come together and inevitably the States will be required to make decisions, certainly about a referendum question, with regard to the Electoral Commission's work, but it is important that Scrutiny do their work so that the States can be in a position to make a decision.

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

Does the Chief Minister anticipate giving any guidance to the P.P.C. Sub-Committee currently looking at the machinery of government on whether the Council of Ministers would wish to see an increase in the size of the Executive as implied by this proposal or a reduction as implied by the Electoral Commission's proposals?

Senator I.J. Gorst:

I think we have to be clear that should the Electoral Commission's recommendations, whichever option A or B, be approved, then we will need to consider the Troy Rule and the number of Ministers and Assistant Ministers so I am absolutely supportive of that. The Privileges and Procedures Committee have invited me to attend the problem to discuss this issue. I have not yet been able to find an appropriate date but I hope that I might be able to attend upon them in February.

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

Since one of the functions of the Electoral Commission was to put a hold on piecemeal changes, does the Chief Minister not think that he has come in with his own piecemeal change in the wrong timescale?

Senator I.J. Gorst:

Absolutely not. I have been supportive of this particular work, that is the work of a person responsible for helping the Chief Minister acting concurrently in relation to external relations. I have been supportive of this post being a Ministerial post right from the start when it was initially decided to create it as an Assistant Minister post. It is incredibly important. The challenges that we face we need to be out engaging and addressing them and liaising with our political partners around the world and that is why this post is so important and it needs to be given the appropriate value and one that is internationally recognised.

4.1.5 Deputy G.P. Southern:

Notwithstanding the Chief Minister's answer, does he not accept that it was part of the reason for setting up the Electoral Commission that we should suspend piecemeal changes to the structure of the States in the meantime? Does he not accept that that was the wish of the House and of P.P.C. at the time?

Senator I.J. Gorst:

This is not a piecemeal approach to changes to the structure of the Assembly. It is quite simply we do already have a department with an accounting officer that is dealing with external relations. This, on one level, is quite simply ensuring that the individual fulfilling this function is appropriately named a Minister rather than an Assistant Chief Minister because that is how that office is understood around the world.

4.1.6 Deputy M. Tadier of St. Brelade:

The Chief Minister will be aware that there have been calls for the creation of other ministries and Ministers, notably the Minister for Children which I believe at least one report a few years ago, the Williamson Report, suggested that it should be taken ahead. Will the Chief Minister be giving priority to this ministry to be created? If not, why not, and which of the 2, the creation of a Foreign Minister or the creation of a Children's Minister, is his priority?

Senator I.J. Gorst:

Both are important but as I think I just said in answer to the last question, this department already exists so it is relatively straightforward to create a Minister to head up the department to carry out the functions concurrently with the Chief Minister, which is exactly what happens in virtually every other jurisdiction around the world and we would be coming into line with that international standard which is understood, accepted and functions well around the world. The Deputy is right and I know that he was one who supported the creation of a Ministerial post for external relations rather than an Assistant Minister when it was first created and therefore I hope that he does support this particular element, but he is also right that when we reform government as a whole, and there are lots of issues that need to be considered and I know that P.P.C. are considering them in their various subgroups or the Electoral Commission, we should be considering how we deal with children's issues, how we deal with housing issues. There are lots of functions that I am supportive of individuals being given responsibility for.

4.1.7 Deputy M. Tadier:

May I have a supplementary? It is quite a simple question. Does the Chief Minister think that the good safeguarding of care for our children is more important than the perception of our image internationally?

Senator I.J. Gorst:

As I have said before, it is not that straightforward. They are both important.

4.1.8 Deputy T.M. Pitman:

I would just like to put it to the Chief Minister that far from getting to a position of honing down and making government more lean and effective, given as Deputy Tadier said the need for a long overdue Children's Minister, there has been talk of a Disability Minister and a Justice Minister, which Senator Farnham is bringing, is there not a danger that we end up with a situation with lots of chiefs and hardly any Indians? Does he not agree that that could not lead to very effective government at all?

Senator I.J. Gorst:

I do not think we can say that approach would not be an effective government. It is an approach that the Isle of Man has where they try to ensure that Members across the Assembly have specific responsibility for specific portfolios. I am in a position where I cannot even juggle individual Ministers' portfolios even though I might think it is in the best interests of Jersey to move responsibilities across portfolios. I cannot do that without the approval of the individual Minister, without the approval of the Council of Ministers and without the approval of this Assembly. There are some things which I believe have to change in the way that we carry out and function as a government currently.

4.1.9 Deputy T.M. Pitman:

From what the Chief Minister has just said, is he not making a case that we need more Members so he can juggle to his heart's content?

Senator I.J. Gorst:

No, simply that I can try and get the best person to do the best job in any particular portfolio requirement for the best interests of Jersey.

4.2 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Social Security regarding steps to prevent over-prescribing by G.P.s:

What steps, if any, are in place to prevent over-prescribing by G.P.s (General Practitioners) and how many such cases have been identified by the department in the last 5 years?

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

I can confirm that the general principles that apply to hospital-prescribed medicines also apply to G.P. prescriptions and that community pharmacists check all prescriptions to confirm they are safe and appropriate before they are dispensed. In addition, the Health Insurance Law includes statutory limits on the number of days of supply that can be provided on a single prescription. The Social Security Department provides a Medicines Management Team which works very closely with local G.P.s. All prescribing data is analysed and a number of key prescribing indicators are published quarterly. The team provides regular educational sessions for G.P.s and pharmacists and has recently organised a software system for G.P. practices which provides guidance to the G.P. at the time the prescription is written. A report of all prescriptions issued by each G.P. is discussed at an annual meeting with a member of the Medicines Management Team and this now forms part of the evidence for the G.P.'s annual appraisal. With the recent appointment of a Primary Care Medical Director and the ongoing changes to health legislation, a much more robust local governance system is being established and any concerns regarding the prescribing habits of G.P.s, including over-prescribing, will be investigated by the Primary Care Medical Director working with the prescribing adviser. Prior to these recent changes, the only formal route in respect of G.P. governance was through the U.K. General Medical Council and 2 cases in respect of prescribing issues have been referred to the G.M.C. (General Medical Council) since November 2006.

4.2.1 Deputy R.G. Le Hérissier:

I infer that the situation was not satisfactory until very recently. I wonder if the Minister could tell me, in cases like alleged over-prescribing for depression where there is the possibility of other therapies being available, to what extent has this issue come to his attention and what steps have been taken to examine whether current procedures are working?

Senator F. du H. Le Gresley:

I officially refute what the Deputy inferred, that we have only just improved. In fact, I have had a number of emails from G.P.s and the primary care body expressing great satisfaction with the systems in place and saying it is a model which other communities might want to follow, so I am very pleased with what we are doing. However, in response to the matter of prescribing drugs for depression, this is one of the business cases that the Health and Social Services Department is pursuing known as the Improved Access for Psychological Therapies and, in fact, the department will be participating in that and it is all about using other therapies as opposed to drug treatment.

[11:00]

4.3 Connétable P.J. Rondel of St. John of the Minister for Economic Development regarding a projected cost range for the Hanger8 project:

As Members have been given a cost profile for the new police station and other major projects, will the Minister identify a project cost range for the Hangar 8 project to fully inform States Members and if not, why not?

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

Unlike major public sector capital projects such as the police station, the Hangar 8 project is a private sector development with no public sector financial input. Therefore, I am not at liberty to release any financial or commercially sensitive information.

4.3.1 The Connétable of St. John:

Is the Minister telling this House, who are masters of all they survey, that he will not give us this information on the grounds of confidentiality yet he and fellow Ministers can give out confidential information about projects that we are ourselves committed to or going to commit ourselves to as I have already mentioned like the police station, *et cetera*? Are we dealing in the same world with projects? Is that what the Minister is saying?

Senator A.J.H. Maclean:

To be clear, what I am saying is that at this stage and in this forum, it is not appropriate to give commercially sensitive information. There is a process that can be followed should Members wish to investigate an arrangement such as this, a commercial arrangement, and that would be to refer the matter to Scrutiny and ask Scrutiny to have a look at it under the appropriate terms of confidentiality and such like.

4.3.2 Deputy M.R. Higgins:

Can the Minister at least tell us what the estimated cost of the hangar is, the size of the hangar and the length of the lease that will be given for the ground that it is going to be built on?

Senator A.J.H. Maclean:

What I can tell the Deputy is that the existing cargo facility it is intended, subject to planning approval of course, to increase by around about 20 per cent and that would provide something in the region of about 55,000 square feet of hangarage space, the intention being to increase the capacity and services available at the airport to provide growth, job opportunities and so on.

4.3.3 Deputy M.R. Higgins:

Following up the question about the length of the lease for the grounds, is it going to be 50 years, 100 years, or whatever?

Senator A.J.H. Maclean:

The exact details are still subject to negotiation and I cannot give any further details.

4.3.4 Deputy J.H. Young:

Would the Minister confirm or otherwise that public expenditure is involved with this project and if so, would he confirm that there are in place proper tendering procedures and accountability arrangements to ensure that those decisions in respect of that contract are subject to property review?

Senator A.J.H. Maclean:

Yes, I can. In fact, a process has been followed to get to this stage as Members would expect; a process of expression of interest, a tender and a short-listing process. Of course, concurrently with that, the Property Holdings Department oversees such transactions as well.

4.3.5 Deputy G.P. Southern:

When all the dealing is done and the deal is signed, sealed and delivered, will the Minister commit himself to come to the House and reveal the details of what is proposed for this particular project?

Senator A.J.H. Maclean:

As I have said, the available details for this particular deal will be available to the Scrutiny Panel should they wish to investigate it at a later stage. I cannot necessarily undertake that other details will be publicised at this stage.

4.3.6 Deputy G.P. Southern:

Will the Minister commit himself to informing all Members of this House what the details of this proposal are and not just Scrutiny?

Senator A.J.H. Maclean:

Not at this stage.

4.3.7 The Connétable of St. John:

The Minister mentioned job opportunities. Will he confirm that the job opportunities will be for local people and local people alone and we will not be bringing in a load of (j) cats to cover many of the jobs that will be required for servicing all the special aircrafts that supposedly we are going to be bringing in to this Island and possibly house here?

Senator A.J.H. Maclean:

I am pleased that the Connétable mentioned that. This is one area that the new operator is proposing, which is a facility for maintenance for largely heavy jets. This is a service that is not currently available at the airport. It is an opportunity for growth and I think it is potentially an exciting opportunity that we should embrace. The company itself is one of the largest if not, I believe, the largest corporate aircraft operator in the United Kingdom with a global network and that in itself brings further opportunities. As far as jobs are concerned, yes there will be on-Island jobs created for local people. I cannot guarantee at this stage that there will not be some expertise in the initial stages brought to the Island if that expertise is not currently available here but what it will do is it will produce local jobs for local people and that is really important.

4.3.8 The Connétable of St. John:

The Minister mentioned there is a likelihood we will be bringing people in from off-Island. That being the case, what term contracts will they be and will they be fixed term contracts, i.e., if it is 5 years, it is 5 years and they go back and they cannot move off that job into some other part of industry. Secondly, will they be bringing their families so that we have to educate the children as well?

Senator A.J.H. Maclean:

The Connétable is jumping ahead a little bit. An application would need to be made clearly to Regulation of Undertakings and given the due consideration which each and every application for a business, new or existing, is given. In this climate, there is a very heavy emphasis on local employment and not, unless there is no other option or there is not available talent in the Island, to give opportunities for businesses to bring in people to Jersey. We want to ensure that we create job opportunities for locals and I would hope that the Connétable will be satisfied that when it goes to that process, that Regulation of Undertakings Law will provide the safety net and, if necessary, it will go to the Migration Advisory Group for further oversight and decision.

4.3.9 The Connétable of St. John:

A final supplementary has come out of this. The Minister mentioned heavy jets. Is our airport designed to take heavy jets on our runway?

Senator A.J.H. Maclean:

They land every day but, in fact, what we are referring to here is business jets and so in that respect, it is heavy business jets as opposed to the large commercial ones I think the Connétable may be concerned about.

4.4 Deputy M. Tadier of the Minister for Home Affairs regarding an estimate of the cost incurred by Department in respect of the surveillance, arrest, security and conviction of Curtis Warren and associates:

Will the Minister provide an estimate for the costs being incurred by the department in respect of the surveillance, arrest, security and conviction of Curtis Warren and Associates and the cost to date of the investigation and subsequent disciplinary action being pursued against 3 of the officers involved in that said case?

Senator B.I. Le Marquand (The Minister for Home Affairs):

I cannot give an accurate figure because I do not have any figures for normal police time with their normal salary so the figures I am going to give will be extraordinary expenditure over and above normal salaries. I also, in these figures, cannot answer for the Law Officers' Department in relation to legal costs but I note that the Attorney General will be answering a question on that. Subject to those caveats, the figure which I have in relation to the initial case of unusual expenditure is £1,116,000 and the figure which I have in relation to the disciplinary investigation and subsequent disciplinary hearings to date is £217,674.

4.4.1 Deputy M. Tadier:

If I might ask the initial supplementary, although in an ideal world there would be many, would the Minister explain what the extraordinary spending means for the most part of that £1,116,000 figure?

Senator B.I. Le Marquand:

Yes I think the main breakdown there is between the expenditure on the case itself, that is the *Warren & Ors* case, which was £344,352 and the expenditure on the security. There was a very high security risk, which I am prepared to talk about now that the case is completely over, and I was not prepared to talk about before, and the figures for that were £771,648. So you will see the bulk of those extraordinary costs in relation to the case related to the special security arrangements that had to be put in place.

4.4.2 Deputy T.M. Pitman:

Some of these costs the Minister has confirmed obviously related to the 3 officers being provided with public funds towards their defence in the disciplinary instance. Could the Minister for

Home Affairs clarify whether this provision of public funds is standard procedure, given that the former Police Chief was afforded no such assistance?

Senator B.I. Le Marquand:

No, it is not standard procedure and it is not a procedure that I would generally want to follow. The general position in relation to officers is that the Police Association has an insurance policy which covers them in a year up to a certain amount. That was exceeded in this particular case and the senior police officer who was conducting the process, the judge, if you like, for want of a better word, of the disciplinary expressed great concern at the fact that there was a danger that the money would run out. It was therefore decided in an exceptional case to authorise an amount which, in fact, was agreed as £10,000 maximum towards the defence legal costs. That is not the normal process and it is not a direction I want to go down in the future. My view is that the Association should carry appropriate levels of insurance cover.

4.4.3 Deputy T.M. Pitman:

I am aware that the Minister said that this is not standard procedure or one he would want to repeat. However, I am told that the former Chief of Police had in his new contract, which was removed from his safe, that he was entitled to some financial support. So why did that not kick in in the same way as we have seen here?

Senator B.I. Le Marquand:

I am not sure I have understood the question. Is the Deputy asking about the former Police Chief or the present Police Chief?

Deputy T.M. Pitman:

The former Police Chief.

Senator B.I. Le Marquand:

I am certainly not aware of any financial arrangement of that nature. My understanding is that he chose not to be part of any scheme in relation to insurance and therefore did not have any financial provision.

4.4.4 Deputy M.R. Higgins:

Does the Minister not feel that since he has done this in order to give equality of arms to both parties that really this should become standard practice in the public sector in other disciplinary hearings, especially when employees do not have any form of insurance whatsoever?

Senator B.I. Le Marquand:

That would be a matter, I think, for terms and conditions negotiations which the States Employment Board would have to be involved with. I am being asked questions that go beyond my own area. My own personal view is that if that is a route that we are going to go down, it would have to be a route as part of a terms and conditions negotiation because it would represent an additional benefit to employees.

4.4.5 Deputy R.G. Le Hérissier:

Does the Minister consider that the sum spent was value for money, given the considerable doubts that have been expressed and the quite unprecedented move by the officers concerned to express their very deep abhorrence and feelings in public as to the experience which they were required to undertake?

Senator B.I. Le Marquand:

Deputy Le Hérissier likes to ask me questions about value for money in such cases and he always gets the same answer from me, that it is a necessary part of maintaining a credible police force that we have a proper disciplinary process where that was necessary. Now what happened

in this particular case, it may help to Deputy to know, is that the Police Chief, anticipating and correctly anticipating, that local officers would be very heavily criticised in any judgment of the Privy Council, which they were, decided before the decision came out in relation to that to institute an investigation which was conducted by the Hampshire Police Force. That investigation made recommendations in relation to disciplinary action and their disciplinary action has followed. The fact that the outcome has been as it is, in my view, is irrelevant. The fact is that the Chief Officer has followed a correct process in this case and I do not think he could have done anything else.

4.4.6 Deputy R.G. Le Hérissier:

Could the Minister tell the House whether he thinks the procedures followed, which are becoming almost similar to a court of law in the whole notion, have departed so seriously from the normal disciplinary procedure that the whole issue of discipline needs to be revisited and certainly the cost of discipline needs to be revisited?

[11:15]

Senator B.I. Le Marquand:

Yes, I most certainly agree that it does need to be revisited and we seem to have a kind of hybrid model which has developed in Jersey and we need to look and see if we can create a simpler model. Such disciplinary matters, particularly when both sides have lawyers, are very expensive indeed. I am certainly instituting a review in relation to that. I had already, I must say, instituted a review in relation to disciplinary matters generally. I have not seen the outcome of that and I want to extend that so that we look at this. I have said the U.K. model is not necessarily the right model because I have heard of cases in the U.K. involving disciplinary matters concerning officers where the overall costs to the public purse were in the millions.

4.4.7 Deputy J.H. Young:

I wonder if the Minister could clarify for me, is it correct that in these disciplinary proceedings, particularly where they are very, very public, that the person conducting the proceedings does not have the power to award costs in the event of a finding exonerating the persons charged? If that is the case, have people that have been left, as it were, substantially out of pocket, have they got access to the Royal Court to seek redress?

Senator B.I. Le Marquand:

No, that is my understanding. There is no ability of the person to award costs but, of course, that would cut both ways. If you were going to have a system in which costs could be awarded in favour of the person subject to the process, you would also want to have a situation where they could be awarded against them and the situation with such matters is that costs are not awarded either way. That is the current system. That is not just for police; that is right across the board.

4.4.8 Deputy M. Tadier:

There is an idea out there, which may be with merit, which says that although the police officers in question were found guilty and the Minister alluded to the Privy Council ruling which said that they were unquestionably guilty of serious prosecutorial misconduct, they were only acting on the advice of a higher authority, i.e., a senior law officer which was also mentioned in the ruling which says that they acted on that advice, hence why they took the action. Would that perhaps be one of the reasons why the Home Affairs Department was so keen to give some financial assistance to provide some support with this disciplinary hearing which the Minister is no longer willing to provide to other police officers in the future?

Senator B.I. Le Marquand:

No, I cannot speak on behalf of the Law Officers' Department and no doubt the Attorney General will be asked questions in relation to issues relating to his own department members.

No, that was not part of it. At the time when the decision was made, I was completely unaware of what the verdict was going to be and that was irrelevant. It was simply that the judge, as I am calling him in this case, was concerned about this and specifically asked that such provision be made. It was agreed as a multi-party provision, in fact.

4.5 Deputy G.C.L. Baudains of St. Clement of the Minister for Planning and Environment regarding the details of a recent fish monitoring exercise undertaken in Portelet Bay:

With regard to the recent fish monitoring exercise in Portelet Bay, would the Minister advise how many staff were involved, the total cost, and what was achieved?

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

The research was carried out by 3 staff from my department, together with a colleague from the University of Hawaii. The fieldwork took 4 days with staff working an additional day on the weekend on a voluntary basis. Preparation of the mooring systems also took one member of staff one day and their deployment involved 2 additional staff for half a day. The writing of the scientific paper was completed mainly in officers' own time. The moorings cost approximately £60 each. There were 4 so that was a total of £240 with some components being provided by our colleagues from T.T.S. (Transport and Technical Services). Monitoring and tagging equipment was provided also through our partnership with the University of Hawaii. Other expenditure related to small operational costs such as the vessel fuel for the Norman Le Brocq and air for diving. This study provides data that feeds into the department's wider research programme looking at marine protected areas. Establishing these areas is an obligation set out in the Integrated Coastal Zone Management Strategy, which the States approved in October 2008 and also in various international agreements, which the Island has also signed up to. I am supportive and pleased that my department has taken this rigorous and scientifically robust approach to providing the best information possible to assist in the management of our coastal waters.

4.5.1 Deputy G.C.L. Baudains:

I wonder if the Minister would further explain on the amount of time taken. Has it, as on my understanding as he has just told me, taken 4 days? I thought the monitoring went on for a longer period of time. It does seem to me that if it took 4 days, then the monitoring was pretty mild. What actual data has arrived from this which warrants the spending of this amount of money in these times of austerity?

Deputy R.C. Duhamel:

I think the Deputy has not probably read the technical report that was revealed on 4th January in a news release to all Members of this House and the general public. It was not a case of officers sitting round for up to 618 days watching fish kind of pass them by and counting them. Indeed, it was an exercise in electronic tagging. A number of fish were caught. Certain transmitters were placed in the peritoneal cavity of the fish or attached to their fins and a mooring cable was attached in 4 different places in the Portelet Bay area and as the fish with the transmitter inside swam past, it triggered responses from a receiver and after a period of time, that receiver was recovered and the data downloaded to computer so that the analysis could take place. Of what use is the data? Albeit that the statistical sample of fish was fairly small and perhaps in my experience should have been a little bit larger, some useful results have occurred. The wrasse is a very important fish for angling, particularly tourist angling. There is talk and work underway to establish certain areas, Portelet Bay being one of them, and perhaps further areas in the open seas as marine refuges to encourage fish breeding and to support both the marine species that are present and, indeed, our tourism industry. That primarily is the basis of the work that is being undertaken. For the expenditure that was spent, although the Deputy is absolutely right, we are living in hard times, because a number of the costs were defrayed by working with the

University of Hawaii and that was done on a free basis and certainly by cadging bits and pieces of equipment from the university and from our colleagues from T.T.S., the costs have been kept to a minimum.

4.5.2 Deputy R.G. Le Hérissier:

Notwithstanding the Minister's love of grass skirts and highly coloured shirts, would he explain why the University of Hawaii has been the partner when we have on the south coast one of Britain's finest fish marine laboratories at the University of Plymouth?

Deputy R.C. Duhamel:

Yes, one of the authors to this report is, I think, doing some work with the Hawaii Institute of Marine Biology and it is only right and proper that Jersey persons who are doing their research studies abroad should offer the opportunity to the Island to participate in local opportunities for advancing scientific knowledge.

4.5.3 Deputy G.C.L. Baudains:

I can assure the Minister I did read the report, which has triggered my concern that this seemed like an enormous waste of money. It took 4 days and the Minister has rightly said there was a lot of work involved in tagging the fish. It does seem to me that that is quite a short period of time to get accurate information. My question to the Minister is while they have monitored rockfish and wrasse, would he not concede that it might be more important to monitor the problems with bass?

Deputy R.C. Duhamel:

I certainly would and that would be an alternative line of inquiry that I would support but, indeed, if the Deputy's comments are to be taken literally, he is perhaps suggesting that no work should be undertaken because the monies expended so far on these studies is a waste of funds.

4.6 Deputy R.J. Rondel of St. Helier of the Minister for Home Affairs regarding the total births in Jersey in 2012 against deaths:

Given the United Kingdom's unprecedented baby boom, would the Minister advise the Assembly whether the same situation is being experienced in Jersey and also advise the Assembly of the total births in Jersey in 2012 against deaths? Just to be clear, I am in no way suggesting that the Minister may be responsible for any increase. **[Laughter]**

Senator B.I. Le Marquand (The Minister for Home Affairs):

I do bear some responsibility indirectly in 2012 because 2 grandchildren arrived of mine **[Approbation]** which means, for those who are trying to keep an account of this, that I now have 4 but there we are. The answer to the question is that there has been an increase in recent years in the number of births. We do not have a final figure yet for the year because there is a delay in the registration process for outlying Parishes sometimes but it will not be significant. The figure was 1,160. Numbers have been increasing in recent years but curiously enough, they are now back to just fractionally above the level in the mid-1990s. I can give you some figures: 1994, 1,147 was the peak. Then they dropped away to levels in the mid-90s for a number of years and then have come up. So, yes, in recent years, we have started to increase although it has only just taken us back to the 1990s level. The figure for deaths so far, because there may well be more coming from outlying Parishes, is 752 so we have approximately 400 more births than deaths.

4.6.1 Deputy R.J. Rondel:

I thank the Minister for that answer. My concern really is as Governor of Rouge Bouillon School, the implications ... because I know 2 years ago one was considering doing away with the primary school in St. Helier and now the reverse is potentially being spoken about so would

the Minister agree that discussions with the Council of Ministers should take place as quickly as possible. If they do see a trend, the implications for schools are important.

Senator B.I. Le Marquand:

That is the right area but of course I do know of conversations in the Council of Ministers already with the Minister for Education, Sport and Culture who was very concerned to be seeing a substantial increase above what was expected in his talking about the possible need for a new primary school. I am looking at him and he is nodding back at me. But this is not, I think, just related to the numbers of births having gone up. It is also related to the number of children as dependants of other people who have been coming into the Island in recent years.

4.7 Deputy G.P. Southern of the Minister for Housing regarding access to the details of the Housing Transformation Plan:

Will the Minister inform Members when he will bring the Housing Transformation Plan to the Assembly for debate and what provision, if any, will he make to ensure that Members can examine in detail the figures which underpin the business case for the plan?

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

I am presently concluding discussions with my fellow Ministers in respect of the Housing Transformation Programme and anticipate bringing my proposals to the Council of Ministers in February and to lodge as soon as possible thereafter. It has always been my intention to share the full business case and the financial model with States Members when I lodge my proposition. Indeed, the Health and Social Security and Housing Scrutiny Sub-Panel and some States Members have already taken the opportunity to look at the proposals as I had them initially and to give me lots of useful information and feedback on that. That is the reason why I am slightly delayed in bringing it forward. But I will give Members adequate time to examine the full business case, which is a good one but a complicated one.

4.7.1 Deputy G.P. Southern:

Does the Minister not accept that the reason for his proposed rise in the States rental levels to 90 per cent of the private sector levels is solely or largely due to the continued payment of up to £24 million annually into the States Treasury under the H.T.P. (Housing Transformation Plan) proposals in order to make the scheme viable?

[11:30]

Deputy A.K.F. Green:

In a word, no, I do not. I am committed to a number of different principles. Firstly, I do not wish to subsidise people who no longer need to be subsidised in their rent. Secondly, as a member of the Council of Ministers, I support fully, as this House did, the Medium-Term Financial Plan and, thirdly, is that people keep saying about this return. Yes, the return does happen but that return is part of a legacy and most of that goes to paying the housing component at Social Security so I do not accept it is as simple as the Deputy is saying.

4.7.2 Deputy M. Tadier:

The Minister talked about a hidden subsidy and he also mentioned that some of the money of that goes towards Social Security to pay private landlords. What joined-up thinking is the Minister doing with his department and the Minister for Social Security to make sure that any of the increases in social rents do not simply end up being handed over to Social Security and go into the back pockets of very wealthy local landlords?

Deputy A.K.F. Green:

That is an interesting question but we have to separate the rent component that is paid in the private sector from the rent component that is paid in the States sector. We have to keep that

separate. The private sector is a matter for Social Security. The social sector is a matter for myself and I have had tremendous support, not only from the Minister for Social Security, in working my way through some very sound advice and guidance from the Scrutiny Panel and members that have been to see me and the Minister for Treasury and Resources. That is why I have taken slightly longer but I am close to concluding my thinking on them.

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

Could the Minister advise whether the social housing will be defined by this House before anything is decided going forward so that we will have an in principle decision made by this House as to what social housing is in the 21st century?

Deputy A.K.F. Green:

I will be defining when I bring my full business case forward what social housing is and, of course, it is up to Members to amend that if they think it is different.

4.7.4 Deputy G.P. Southern:

Can the Minister attempt to justify, which he has failed to do in 2 written questions, his logic which says that the continued payment of £24 million into the Treasury, which has handicapped the building of housing and the state of repair of housing for the last decade, why he is planning to continue that set-up under his new system and why does he not do something about that which has crippled social housing on this Island?

Deputy A.K.F. Green:

Because I live in the real world. If we are going to stop that and if you gave me a choice, do I want to spend that money on housing or do I want to contribute to the housing component of Social Security, the answer would be I would like to invest it in housing but I live in the real world. If we are going to lower that component or stop that component, what are we going to stop doing? Are we going to not give Health the money they want or perhaps give Education a bit less or are we going to put G.S.T. (Goods and Services Tax) up? I live in the real world. I am committed to the Medium-Term Financial Plan and I am working with my colleagues to come up with an acceptable system that will work for social housing.

4.7.5 Deputy G.P. Southern:

Does the Minister not at least accept that the continued drain of £24 million-plus given to the Treasury is likely to make more difficult the provision of sufficient housing of sufficient quality by the H.T.P.?

Deputy A.K.F. Green:

I will come up with a plan that takes that into account.

4.8 Deputy S.G. Luce of St. Martin of the Minister for Transport and Technical Services regarding the current condition of the Island's roads:

Is the Minister satisfied with the current condition of the Island's roads?

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

Transport and Technical Services is responsible for approximately one-third of the Island's roads with the Parishes being responsible for the remaining two-thirds. This answer relates to the 267 kilometres or 166 miles of States of Jersey network for which T.T.S. is responsible. The last survey of the States of Jersey network indicated that in 2010, there were 45 kilometres of very high to high priority roads requiring maintenance. My department is working through this priority list with a predicted spend of £3.2 million on resurfacing projects in 2013 and to answer the Deputy's question, I am not happy with the condition of the roads but my department and I

are doing everything possible to maintain the roads to the best of our abilities with the available funding.

4.8.1 The Deputy of St. Martin:

In response to a written question I posed to the Minister for this sitting, he has given me 2 answers. One is a very big number and one is a very small number. The big number is £3.2 million which is the amount of money he intends to spend this year on road resurfacing but the small number is 4 which is the number of roads which he intends to fully resurface in some sections and another small number is 3 which is the number of roads in which he intends to form some sort of large panels as a smaller scale of resurfacing. Can he not do better and does he regard this as good value for money?

Deputy K.C. Lewis:

As I mentioned previously, we are doing what we can with what we have. We are spending approximately £4 million per year on the roads. If we had an additional £3 million, £3.5 million, we could do much more. T.T.S. is in discussions at the moment with our colleagues at Treasury to get additional funding.

4.8.2 The Connétable of St. John:

Could the Minister give us an indication how many miles of road get resurfaced for £3.2 million? Also will he tell us the last time, and I notice one of the roads is La Route De St. Aubin is to be resurfaced, when that was last done - given I am aware when it was done and how it was re-engineered - and why it needs to be done again? Finally, will he go back to Treasury and ask for additional funding because there is additional funding he can have from Treasury, given we are aware that the Minister could find X number of million if Plémont went through. So therefore will he put another application into the Treasury for some more funds?

Deputy K.C. Lewis:

I will need to get back to the Constable regarding La Route De St. Aubin but as mentioned previously, T.T.S. are in discussions with Treasury regarding this very thing.

4.8.3 The Connétable of St. John:

The answer to the first question, how many miles of road are surfaced with £3.2 million?

Deputy K.C. Lewis:

I will need to get back to the Constable on that.

4.8.4 Deputy R.G. Le Hérissier:

Could the Minister tell us the roads which, to his department, are the highest priority in terms of needing major repairs?

Deputy K.C. Lewis:

Yes, I have the schedule for 2014. Rue Des Prés Trading Estate, La Grande Route de St. Jean will be in 2014. In 2015 the ring road portion of St. Saviour's Road, Gasworks Gyrotory, the North Road from Trinity to Gorey including La Rue es Picots, Profonde Rue, La Rue de la Maitrie, La Rue de la Croix au Maitre, La Grande Route de Faldouet and Le Mont Cambrai. In 2016, La Grande Route de St. Laurent, La Grande Route de la Trinité, La Grande Route de la Côte, a portion, La Rue Du Huquet, Green Street and Le Mont à La Brune.

4.8.5 Deputy T.A. Vallois:

The Minister stated in his first answer about maintenance. Could he explain exactly what the maintenance is on the roads and the fact that there have been many re-dos over the past 2 years in particular?

Deputy K.C. Lewis:

Any re-dos are guaranteed, I believe it is up to a year, where the contractor will come back if it proves to be in an unsatisfactory condition.

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

Can the Minister tell us how the priority list is compiled? Is there consultation with the Parishes although they are States roads?

Deputy K.C. Lewis:

I believe the Transport Officers do consult the Parish and the Roads Committees and other interested parties.

4.8.7 The Deputy of St. Martin:

I was under the impression that in the Medium-Term Financial Plan the monies allocated to T.T.S. for road surfacing were enough to maintain the current state of the Island roads. I would just put to the Minister that the list that he has furnished us with this morning is basically not maintaining the current state of Island roads and there is a storm waiting to happen in a few years when our roads literally start to fall apart.

Deputy K.C. Lewis:

Indeed, which is why T.T.S. are talking to Treasury regarding additional funding.

Deputy G.C.L. Baudains:

On a point of order, I did have my light on from the very beginning of that and yet I was never called.

The Bailiff:

Deputy, I can only apologise then. I did not see your light until right at the end and by then I felt that there were sufficient questions and we had to move on.

4.9 Deputy R.J. Rondel of the Minister for Transport and Technical Services regarding the printing of the new bus timetables:

Would the Minister advise the Assembly why the new bus timetables were not printed in the Island?

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

The sourcing of materials is a matter for the contractor, CT Plus. However, to assist, I can inform Members that they have advised me that CT Plus will always invite Jersey companies to tender or quote for work where suppliers are available. They will prioritise Jersey companies in their procurement as long as suppliers' price and terms are competitive, providing comparable value for money. CT Plus Jersey conducted a full and rigorous 2-part tender exercise for the design and print of its winter timetables and 10 design print agencies were invited to submit quotes, 5 of which were Jersey-based. The first part of the tender was for the compendium timetable. Unfortunately, no Jersey tender was competitive in relation to the winning quote. The nearest Jersey quote was 27 per cent more expensive. The second part of the tender exercise was individual route timetables. A Jersey company was selected as they submitted a highly competitive quote. They were not the cheapest but their price was sufficiently comparable, thus triggering CT Plus's procurement policy of prioritising Jersey companies wherever practical. CT Plus will continue to give Jersey design print companies the opportunity to quote for design and print work in the future.

4.9.1 Deputy R.J. Rondel:

I thank the Minister for his very detailed answer and just to say that my concern was whether the local companies were given a chance to tender so I thank him for that. Does the Minister agree

that when I went to get the bus a week ago, there were no bus timetables available because they were all given out and I was told that because they were printed in the U.K., there was quite a severe delay in the time factor getting them to the Island so there was a disadvantage due to that situation?

Deputy K.C. Lewis:

Indeed, and CT Plus have apologised for that but it was a rush print so that they would have the reprint done.

4.9.2 Deputy M. Tadier:

The Minister obviously started off by saying that the matter of sourcing printing was for the company themselves and not for him and then he proceeded to read out an answer which is presumably the justification from the company. My very simple question is does the Minister agree with the statement from the company that he just read out and more concisely, is it better when there is a 27 per cent differential to buy products from the U.K. rather than from Jersey?

Deputy K.C. Lewis:

Indeed, other printed materials such as the posters, shelter vinyls, sundry information sheets, have all been designed and printed locally. During the first week of operation, 5,000 compendium bus timetables were issued to the public which exhausted CT Plus's stock. The problem has now been addressed and compendium bus timetables are now available again.

4.9.3 Deputy M. Tadier:

Obviously the Minister talked about some posters or some fittings that had been purchased locally but that is probably purchased by the T.T.S. Department. Is that correct or can he clarify whether they would be purchased by CT Plus?

Deputy K.C. Lewis:

Those will all be CT Plus Liberty Bus.

[11:45]

4.9.4 Deputy J.H. Young:

Would the Minister confirm or advise the Assembly whether or not CT Plus, since they are receiving very substantial public funds by way of subsidy, are required in their procurement policies generally to follow that of the Minister for Treasury and Resources in terms of local versus off-Island contracting, recognising that local contractors have a lot of disadvantages? Would he please confirm that is the policy?

Deputy K.C. Lewis:

Absolutely, wherever possible, everything will be done locally. It might be interesting for Members to know that most if not many of the Island's Parish magazines are printed off-Island so before we start throwing rocks at the new boy, maybe we should get our own house in order.

4.9.5 Deputy R.J. Rondel:

Just to ensure whether the Minister was completely satisfied with the tendering process and that local people were given a fair opportunity and if it did go to local tender, whether they would have paid G.S.T. and whether the off-Island companies paid G.S.T. as well.

Deputy K.C. Lewis:

I would believe so but I need to get back to the Deputy to clarify that.

4.9.6 The Connétable of St. John:

Could the Minister give that reply to the whole House when he does come back, please?

Deputy K.C. Lewis:

Certainly.

4.10 Deputy M. Tadier of the Attorney General regarding an estimate of the prosecution costs in respect of the conviction of Curtis Warren and associates:

Will the Attorney General provide an estimate of the prosecution costs in respect of the conviction of Curtis Warren and Associates, including the appeal case, and advise what steps, if any, have been taken to recover the court and case costs?

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

Since the case against Curtis Warren and others started in July of 2007, the prosecution, up until 31st December 2012, has incurred expenditure of £1,963,619. This sum covers all hearings up to and including the Privy Council and expenditure incurred preparing for confiscation proceedings which it is anticipated will take place later this year. The confiscation proceedings are still before the court and there are other matters upon which the Royal Court has been asked to adjudicate. I am not therefore in a position to provide more details about these matters as they are before the court and *sub judice*. As is the normal practice, issues relating to the costs of the proceedings and whether those who were convicted should pay all or part of the costs of the prosecution have been adjourned until the conclusion of the confiscation proceedings.

4.10.1 Deputy M. Tadier:

If I might be permitted a supplementary, can the Attorney General advise whether there were any cost implications for the Law Officers' Department in the related disciplinary case of the 3 police officers which we found the result for on Thursday?

The Attorney General:

No, there were not. All decisions relating to the police disciplinary proceedings and expenditure were incurred by the police.

4.10.2 Deputy M.R. Higgins:

I am just wondering if the Attorney General can elaborate on what other matters, other than the confiscation order, are before the court and which will be incurring costs?

The Attorney General:

No, I am afraid it would not be appropriate for me to do so in this public forum.

4.10.3 Deputy R.G. Le Hérissier:

Notwithstanding the fact that the disciplinary procedure was handled by the police, could the Attorney General state categorically to the House whether he was involved at any point in giving advice, directly or indirectly, to the police as to the advisability of disciplinary proceedings and thereby increasing the cost?

The Attorney General:

Contrary to the report that appeared in the newspaper of yesterday, I did not make any complaint of misconduct or anything else against any of the officers. It was not my decision. I was neither a party to, nor did I participate in, the disciplinary proceedings in any way.

4.10.4 Deputy M. Tadier:

The Attorney General will be aware of the Privy Council ruling of 28th March 2011 which said that a senior member of the Law Officers' Department in Jersey advised the police that despite the French and Dutch refusals, he did not think that a Jersey court would be likely to exclude any evidence and therefore a link was made whereby police officers acted inappropriately, ostensibly on the advice of a senior Jersey law officer. On that basis, does the Attorney General think that

there was likely to be any cost arising from a potential investigation into the Law Officers' Department and if so, what would that cost likely be?

The Attorney General:

No, I do not.

4.11 Deputy G.P. Southern of the Chief Minister regarding the schedule for negotiating Foreign Account Tax Compliance Act agreements with the United Kingdom and United States:

Will the Chief Minister outline for Members the schedule for negotiating Foreign Account Tax Compliance Act agreements with the United Kingdom and the United States and advise what implications, if any, the Isle of Man's agreement to a F.A.T.C.A. with the U.K. has for Jersey?

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

I refer the Deputy to my answer to his similar written question tabled today.

4.11.1 Deputy G.P. Southern:

Fine, thank you. That gives me plenty of opportunity to ask my supplementary then. Further, what implications for Jersey does the Chief Minister see in the E.U. (European Union) pressure now being exerted on certain E.U. Member States, such as Austria and Luxembourg, over the granting of Most Favoured Nation status by their agreement of a F.A.T.C.A. with the U.S.? Does that not mean that automatic information exchange is on the way, certainly within the E.U.?

Senator I.J. Gorst:

As I have said a number of times, Jersey is signed up to the E.U. Saving Tax Directives, in effect reserving its position with regard to automatic exchange on those bases until the E.U. itself has got common agreement across all its jurisdictions. Ministers have said in this Assembly that we recognise that automatic exchange of information is the standard which many jurisdictions are starting to consider and work towards and we are supportive and comply with all relevant international standards and will continue to do so.

4.11.2 Deputy J.H. Young:

Would the Chief Minister either confirm or deny whether it is correct that the U.S. position in these negotiations is that their agreement is dependent upon Jersey entering into the agreement with the U.K. and in the event of the U.K. agreement not being signed, then the U.S. agreement will not be ratified? Could he confirm or deny that?

Senator I.J. Gorst:

There are 2 separate pieces of work. Officials are well advanced together with Guernsey and the Isle of Man towards the culmination of a signing of a F.A.T.C.A. with the United States Government. Officials are equally side by side continuing to meet and discuss and negotiate with the United Kingdom Government with regard to helping them address their concerns around tax evasion of U.K. resident non-domiciled citizens.

4.11.3 Deputy M.R. Higgins:

Just following on from the Chief Minister's answer to that, has the U.K. Government threatened not to allow Jersey to sign the U.S. F.A.T.C.A.? That is what it comes down to. As part of their negotiations, are they saying: "You cannot sign with the United States unless you sign an agreement with us?" Yes or no?

Senator I.J. Gorst:

The United Kingdom Government ... I do not wish to speak on their behalf because I have no mandate to do so but it is my understanding that they believe or are convinced that F.A.T.C.A. will become an international standard and they wish to sign F.A.T.C.A. agreements with other jurisdictions and they are making that case to us and we are negotiating with them because we have said, and we will continue to say, that the U.S. F.A.T.C.A. agreement is global in its application and therefore creates a level playing field and that is what we are concerned about.

4.11.4 Deputy M.R. Higgins:

The Chief Minister has not answered the question. The question was have they threatened to prevent us entering into an agreement with the United States until we enter into an agreement with the U.K. on the same issue?

Senator I.J. Gorst:

We see no reason why we should not go ahead and complete the U.S. F.A.T.C.A. It seems to us to comply with the Letter of Entrustment that we have with regard to signing international agreements and therefore we expect to follow the normal course of affairs when signing these types of international agreements.

Deputy M.R. Higgins:

Sir, could you instruct the Chief Minister to answer the question he has avoided yet again?

The Bailiff:

Are you willing to answer the question about these negotiations, Chief Minister? The question was whether the U.K. has threatened or not to sign a F.A.T.C.A. with the U.S. unless we sign one with them.

Senator I.J. Gorst:

I have outlined exactly what I believe the process is and our interpretation of the Letter of Entrustment with regard to the signing of the U.S. F.A.T.C.A. and therefore I believe that that does answer the Deputy's question.

Deputy T.M. Pitman:

I have exactly the same question as Deputy Higgins. I am happy to ask it again and see if we can get a yes or no answer but otherwise I will just sit down and be quiet.

4.11.5 Deputy M. Tadier:

That is a kind of nuanced approach. It was simply a yes or no question. That is what we were asking for, so that is beyond the Chief Minister. The next question has to be has any legal advice been taken and is the U.K. able to block the signing of the agreement between Jersey and the U.S. if it so chooses to? That is the fundamental question and if he can answer a yes, no, maybe, or it is likely that something to that effect, I would be most grateful.

Senator I.J. Gorst:

I am pleased that the Deputy recognises that negotiations are not straightforward yes and no, and that Members of this Assembly would not expect me to put it in any way to the detriment of Jersey's best interests by being asked to simplify what are important but complex issues. I think I have answered the Deputy's question. As I have said, what Ministers and I believe is the appropriate process with regard to the completion of the U.S. F.A.T.C.A.

Deputy M. Tadier:

I thought this was question time not negotiation time.

The Bailiff:

What was the question, Deputy?

4.11.6 Deputy M. Tadier:

The question is that I appreciate that negotiations are not simple yes or no answers but question time in the States Assembly can be and often are simple yes or no answers but it does require an element of co-operation from our Ministerial colleagues.

Senator I.J. Gorst:

I seem to have answered a great number of questions on this particular issue over the course of a number of months and I have made our position, I believe, quite clear. Jersey is in alignment with the United Kingdom when it comes to tackling tax evasion and therefore it is right that we negotiate and consider with the United Kingdom how we can help them achieve that aim.

4.11.7 Deputy G.P. Southern:

My question is a 2-part, I am afraid. The first was what is the timescale for signing with the U.S. and it has not been answered, but secondly ...

The Bailiff:

I do not think it has been asked

Deputy G.P. Southern:

Pardon?

The Bailiff:

I do not think it has been asked.

Deputy G.P. Southern:

It was the original question, Sir.

The Bailiff:

Was it?

Deputy G.P. Southern:

Yes, the schedule.

The Bailiff:

The schedule for negotiations, right.

Deputy G.P. Southern:

That could be months or years, Sir, or weeks. The second half, just for clarification really, the Chief Minister has explained that while he is co-operating fully with the U.S. over signing a F.A.T.C.A., he is now refusing to co-operate with the U.K. and not negotiating but blocking the signing of a F.A.T.C.A. with them, thereby allowing Jersey to continue to act as a conduit for evaded tax.

Senator I.J. Gorst:

I have got to say I could not disagree more with the Deputy. I have been absolutely clear that our interests with regard to tackling tax evasion are absolutely aligned and our record in this regard, I think, stands second to none. In fact, our legislation is a lot stronger than many other jurisdictions around the world and we should be proud of that fact. So we are in conversation and negotiating with the United Kingdom around how we can help in that regard and we are not blocking. So with regard to the United States F.A.T.C.A. agreement that, in actual fact I understand from my officials, will be ready for approval in the next number of weeks and months, so in very early course.

[12:00]

4.12 The Connétable of St. John of the Minister for Treasury and Resources regarding the above the cost of living charges made by the Jersey Electricity Company:

Would the Minister, as a shareholder representative, investigate the above living charges made by the J.E.C. (Jersey Electric Company) and ascertain why profits were used to provide some homeowners with thermal insulation grants when these funds could have been of benefit to all householders by lowering the electricity costs?

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

I will do my very best to be as open as I can. The Channel Islands Competition Regulatory Authority has reviewed in depth the recently announced tariff rise by the J.E.C. and they concluded the prices charged were broadly fair and comparable and compared favourably with Guernsey, the Isle of Man and Ireland and other European States, including Malta. The J.E.C. provides advice to customers on energy efficiencies directly through its customer care team and indirectly through occasional media releases. They also visit vulnerable customers in their own homes to assist them with energy efficiency and tariff advice where possible. Members will recall that in 2008, the J.E.C. provided seed capital of some £500,000 for the Energy Efficiency Service, a scheme which aims to help vulnerable Islanders and different sections of the community, community organisations and not-for-profit organisations to improve energy efficiency of their own homes and community buildings and, indeed, added to the States funding of over about £900,000 in recent years, this has been a real success in reducing the energy costs for many vulnerable Island households. J.E.C. have not contributed any funds since that £500,000 although some still remains unspent. The States continued with the Energy Efficiency Service; therefore the J.E.C. do not currently provide any direct grants to customers and the States of Jersey is in a much better position with the Planning Department to assist in the Energy Efficiency Service which is not only just for electricity but all energy uses.

4.12.1 The Connétable of St. John:

Given that the States own 62 per cent of the J.E.C., would the Minister please influence or try to influence the board that more money should be returned to the user instead of to the shareholders, given that we are in times of constraint across the Island and across the world and we should be looking after the people who are giving the J.E.C. all their profits, although the profits are down by 50 per cent this year?

Senator P.F.C. Ozouf:

The Constable, I think, raises a number of important issues in his answer and he probably knows how to answer the question as well as asking it. The States does not have 100 per cent control of the J.E.C. There are other shareholders so it is a different relationship with those other utilities but I can say that we do have ongoing an appropriate amount of interaction with the board which is appropriate because they are, of course, a publicly quoted company. I think the Assistant Minister and I have one of our regular scheduled meetings next week with the board. I think it is important and I do not know whether the Constable has read the report by SICRA (Singapore Credit Rating Agency) - and I am going to send him the internet link for that report published in December 2012 -because it did indicate that the J.E.C. is, in fact, comparing very well, notwithstanding the very difficult times. We all understand the price rises that we have seen but the J.E.C. is an extremely good benchmark to other electricity companies in comparable jurisdictions, much better, may I say, than perhaps Malta or Guernsey or even Ireland and indeed the Isle of Man. So I think we must recognise the good performance and efficiency of the J.E.C. I just draw the Constable's attention to the huge benefit that the Energy Efficiency Service seedcorn funded by the J.E.C. has made. They have reduced the costs of hundreds of homes in the Island and that is the way to reduce electricity costs, not just simply trying to inappropriately perhaps influence the tariff.

4.12.2 The Connétable of St. Martin:

I am not sure really if it comes under the Minister for Treasury and Resources but is he aware of what appears to be long delays in the waiting lists for those seeking surveys of their homes and the grants and if so, is this being addressed so that the improvements can be done far more quickly and so that elderly people see them through this winter?

Senator P.F.C. Ozouf:

I am not aware of that and I will take it up with the Minister for Planning and Environment who, in 2013, has £886,339 in order to do that. The Energy Efficiency Service has already assisted 735 homes, on average reducing costs of £160 a year, and if we need to strengthen the waiting list to put more resources into that, not only does this service reduce costs but it is employing more people engaged in an otherwise very difficult job market but I will take that up with the Minister for Planning and Environment.

4.12.3 Deputy G.P. Southern:

Will the Minister go further and confirm his openness to examine all means to increase the spend on energy saving on the Island and, indeed, all projects which are 'Invest to Save' in the long term in terms of green initiatives?

Senator P.F.C. Ozouf:

I look forward to receiving the report which the Deputy has indicated that he wants to lodge. Good arrangements between Ministers and Back-Benchers would mean that we could have constructive dialogue. There is no doubt at all that the energy efficiency business of Jersey has some opportunities to create jobs and where we can put more money in and I think that is a very substantial investment in Energy Efficiency Services which is going to employ local people. But if we can do more, as I have said, we will be flexible through these difficult economic times. If this is an area where we can put more resources in, employ more people and reduce energy costs, then we will do so and I will support it strongly.

4.12.4 Deputy M. Tadier:

The Minister said that if Jersey Electricity Company reduces the amount of electricity they sell by making homes more insulated, or the inference at least is that less electricity will be used, he seemed to suggest that that would lead to prices coming down. Does he not acknowledge that there is a contradiction and a potential conflict of interest in Jersey Electricity Company advising people to use less electricity when they make their profits from selling electricity to the public? Does he also acknowledge that if less electricity is used in order to maintain the same level of profitability for the company, the price per unit of electricity will have to go up?

Senator P.F.C. Ozouf:

Can I encourage the Deputy to read the report from the Channel Islands Competition Regulatory Authority? Indeed, electricity represents some 38 per cent of fuel consumption in the Island and, indeed, is rising in terms of its market share. The overall units sold by the J.E.C. has increased from 581 gigawatts to 651. Quite apart from the J.E.C. reducing the amount of electricity, they have been successful in securing a greater market share and they are also a very responsible organisation. They take their responsibilities of advising customers seriously, I think, exhibited by the fact that they were the only energy company to put forward money for the Energy Efficiency Service. I think they are a good example of a company well run, efficiently run, but also helping consumers and giving advice to cut their own costs. They are doing all of that and I fully expect electricity consumption in Jersey to rise as standards of living continue to rise as more people use things like energy-consuming devices and the J.E.C. itself, in line with the energy policy, takes a greater market share of energy in the Island.

4.12.5 The Connétable of St. John:

I was concerned when I saw that the funding for the new sea cable that had to be replaced was basically being funded, shall we say, on a needs basis instead of coming out of funds that should have been put aside into a fund to pay for this. Can the Minister explain why certain funds have not been collected as any good housekeeping would do?

Senator P.F.C. Ozouf:

I will also send, if I may, the link of the J.E.C. accounts to the Constable so that he can see just how well run and how efficient this business is. They are well capitalised. They have planned. It is not the J.E.C.'s fault themselves for some of the difficulties that they have encompassed into securing more cable connections to France. I have to say if he reads the Annual Report and accounts of the J.E.C. and if he reads the SICRA Report, I think that he and other Members who have understandable concerns about price rises will get considerable comfort by the transparent information that is there and by the conclusions of SICRA.

4.13 Deputy T.M. Pitman of the Chief Minister regarding the cost of supporting four individuals bringing actions under the Data Protection (Jersey) Law 2005, relating to the Internet:

Will the Chief Minister clarify how much taxpayers' money has thus far been spent in support of the 4 individuals bringing action on to the Data Protection (Jersey) Law 2005 relating to the internet?

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

Could I ask my Assistant Minister, Senator Routier, who acts as political liaison with the Data Protection Commissioner, to answer this?

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

As has already been confirmed in previous answers, there are proceedings that are ongoing. Therefore not only would further discussion be *sub judice*, there is an order in place that all hearings in relation to this matter are held in private until a further order of the court and that no party may disclose information to any one party. At this point in time, while matters are ongoing, it is not appropriate to comment on any fees incurred.

4.13.1 Deputy T.M. Pitman:

The Attorney General in the past said there was a limited amount of taxpayers' money that would be available in such cases. Can the Assistant Minister at least confirm to the House a figure that is the ultimate that can be used from the taxpayers' purse and who is monitoring this because I think that is very important to the public?

Senator P.F. Routier:

Every year in the accounts of the Data Protection Office, there is an amount set aside for the running of their department. They keep within that budget and that is publicly known. I do not have the figure with me here today but it is a figure which has been advised to this House in the past.

4.13.2 Deputy T.M. Pitman:

Sorry to push that but from what the Assistant Minister is saying, he is suggesting that it is entirely down to the Data Protection Commissioner's discretion. Do I understand that correctly?

Senator P.F. Routier:

The Data Protection Commissioner is an independent person who has responsibility for the budget and as long as they keep within the budget, we should be satisfied.

4.13.3 Deputy G.P. Southern:

The Assistant Minister has just said that we should be satisfied. If he expands that to “we” in this Chamber concerning public spending, can he justify in some way his linking of the sum spent on this case with an injunction that says we cannot talk about the proceedings? Surely there is no link between the amount spent and the actual proceedings going on. How can he justify not informing Members how much public money has been spent on this particular case to date?

Senator P.F. Routier:

In the opening answer, I did say that the court has put an order in place to not talk about any matters in relation to these cases so we are bound by that.

4.13.4 Deputy G.P. Southern:

Is the phrase used in the document in front of him “matters relating to these cases” in which case possibly one might justify not talking about how much has been spent. Is that the actual wording and, if not, will he tell us what the wording is because I cannot believe it encompasses the amount spent by the States on pursuing these cases?

Senator P.F. Routier:

I do not have the court order in front of me. I can certainly look at that to see what the court has decided but my understanding is that the whole relates to everything relating to the case.

4.13.5 Deputy M.R. Higgins:

Can the Assistant Minister tell us whether the person who is on the receiving end of the Data Protection’s action receiving equality of arms? Are they also being funded by the States or is it just the 4 individuals who are bringing the action?

Senator P.F. Routier:

I have no knowledge of the cases at all so I cannot answer that.

4.13.6 Deputy M.R. Higgins:

Do you believe the person should receive equality of arms?

Senator P.F. Routier:

I have no knowledge of the cases at all so I cannot comment on that at all.

4.13.7 Deputy M. Tadier:

It seems that the Assistant Minister has been chosen to answer the question specifically because he does not have any knowledge about any answers that he can give which is convenient because we are not allowed any information on the question which has been approved by yourself, Sir, but I am sure it is more complicated than that. The question I have to ask is: is the Assistant Minister concerned that taxpayers’ money is being used for a case which ostensibly could or which could possibly use the defamation law because this is a case about defamation, not necessarily about data protection, which would not have to be funded by the taxpayer. Does the Assistant Minister have any concerns that taxpayers are being used to fund a secret case which we cannot even find out what the costs are at the moment when perhaps the best use of procedure would be for a civil defamation case to be brought against this individual so that taxpayers would not have to fund it.

[12:15]

Senator P.F. Routier:

The Deputy’s understanding of what cases are going on is greater than mine. It is not part of the responsibility of the Chief Minister or myself to be involved in any particular cases and I would respectfully suggest to Members that when there are cases which are *sub judice*, that politicians should not really think about being involved in it and I maintain that position and as long as the

Data Protection Officers are working appropriately within the law, that we should be satisfied with that.

4.13.8 Deputy G.P. Southern:

If I may, can I ask the Assistant Minister to circulate the documents he has not brought with him today, the 2 items that he has mentioned in his answer?

Senator P.F. Routier:

I am not sure what the Deputy is referring to. All I have is an answer to the question that ...

Deputy G.P. Southern:

I refer to the wording of the injunction from the court and the sum allocated to data protection issues within the budget, both of which he mentioned and said: "I do not have them with me." Can he circulate them before day's end?

Senator P.F. Routier:

The Data Protection Office budget is publicly known. It is available to anybody. Regarding the court's order, I presume that would be on the court's website if there is such a thing. I cannot find it.

4.13.9 Deputy G.P. Southern:

Effectively, he has not answered the question and said he is not prepared to do anything to elicit the answers. Can the Assistant Minister be more co-operative?

Senator P.F. Routier:

Certainly, I will have a look to see what can be provided but as I have said previously, these cases are *sub judice* but I will do whatever I can.

4.13.10 Deputy M. Tadier:

May I have a supplementary simply to be helpful? I appreciate that this is a *sub judice* case so would the Assistant Minister make an undertaking to look into a policy area which relates to the use of defamation cases as opposed to the use of data protection law because they are fundamental issues which border on the right of freedom of speech versus the right to not be defamed and it is critical that there is not an abuse, first of all, of taxpayers' money being spent or an abuse, potentially, of the wrong law being used when another law should be used. Would the Assistant Minister undertake to take that away and discuss that?

Senator P.F. Routier:

In preparing to answer this question, I looked at Hansard when the Chief Minister answered a very similar line of question previously and it was suggested to Members that if they have a concern with the Data Protection Law, that they should consider bringing forward an amendment to that law. I certainly do not have any concerns about the way it is currently being used but if other Members do, I would suggest that they bring an amendment to the Data Protection Law.

4.13.11 Deputy T.M. Pitman:

I am tempted to ask if you can apply retrospectively to use this law but what I will ask the Assistant Minister is: is he really happy and content that here we apparently have taxpayers' money being used and yet no one in this Assembly is allowed to know how much is being spent, what that limit is effectively or who is monitoring it. Is that a good way to handle taxpayers' money?

Senator P.F. Routier:

We have put in place a system to provide protection to the public through the Data Protection Office and when it was established, it was established in a way that gave the authority and the

backing to the Data Protection Officer to use the funds available to them wisely and I have no reason to believe that it is not happening in any of these cases and I maintain that we have sufficient protection for public funds because the Data Protection Officer is using the money within their existing budget.

4.14 Deputy G.C.L. Baudains of the Minister for Transport and Technical Services regarding the consultation and expenditure to date for the abandoned harbour cycle track project:

With regard to the abandoned harbour cycle track project, would the Minister advise what consultation took place, with whom and when, the cost of the project to date, including planning fees, and when the application was withdrawn?

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

In May 2011, T.T.S. began preliminary work to scope possible solutions for a shared pedestrian cycle path on the western side of commercial buildings at English and French harbours which would reduce the potential for conflict between pedestrians and cyclists and the 10,000 vehicle movements to and from La Collette that occur each week day. The proposed concept was initially discussed with the Harbours Department to understand and address any operational issues they may have had and the then W.E.B. (Waterfront Enterprise Board) as the body tasked at that time to look into the development of the former La Folie pub. Following this, meetings were then held with representatives of the St. Helier Yacht Club and St. Helier Boat Owners' Association and the Jersey Marine Traders Federation in August 2011. The groups were shown drawings and a photo montage and the proposals were discussed to understand and address the concerns of these groups. In parallel to this, the scheme was also discussed in detail with the Planning Department and its Historic Environment Officer. As a result of these discussions, a specialist heritage architect was employed to ensure the heritage impacts of the proposals were mitigated before the planning application was made. The cost to the department of the work relating to the development of the proposals and preparation of the planning submission has been £8,915, including planning application fees. The application was withdrawn on 7th January.

4.14.1 Deputy G.C.L. Baudains:

Withdrawn on the same day that I lodged my proposition. Would the Minister advise what alternatives he is now considering to replace the previous scheme and will he be announcing those options before work is started?

Deputy K.C. Lewis:

Indeed. Apologies to Members. There was a delay in withdrawing the application as my Transport Officers were otherwise engaged at Liberation Station at that time. Yes, I am more than happy to discuss any future plans with Members.

4.14.2 Deputy J.H. Young:

Would the Minister please confirm or advise the Assembly whether the savings left after meeting the cost as he has explained of £391,000, however that will be used for improvements in other cycle routes throughout the Island, including alternatives to this particular one?

Deputy K.C. Lewis:

The figures that were provided were a ballpark estimate only. No M.D. (Ministerial Decision) to spend the monies has ever been presented or signed. However, to provide some context, the path's design life would have exceeded 100 years so basically no M.D. was ever signed to allocate the money.

4.14.3 Deputy G.C.L. Baudains:

There are 2 parts to my question. I wonder if the Minister could remind me on what date the Marine Traders Federation was consulted. I would inform him that I am a member of that body and I do not recall the consultation. Would he also explain why he believes that running the cycle track past the harbours would alleviate a danger to cyclists when, in fact, it would only take them down to La Collette where virtually the only vehicles are heavy goods vehicles? I really do not see the benefit.

Deputy K.C. Lewis:

My notes only say that the Marine Traders Federation was consulted in 2011. Basically, this was the last link in the chain which would take the whole cycle track from Corbière Lighthouse right the way round to Havre des Pas as the cycle track runs in front of the J.D.C. (Jersey Development Company).