

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 12th JUNE 2012

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[9:30]

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

QUESTION TIME

1. Written Questions

1.1. DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING A LONG-TERM TAX POLICY:

Question

Could the Minister advise whether he is continuing with a long term tax policy and, if so, could he provide an update on the progress made and advise when he envisages such a policy being lodged for debate by this Assembly?

Answer

The Minister confirms that there is an ongoing review of Jersey's long term tax policy. The principles of a long term tax policy were included in the Strategic Plan which has been approved by the Assembly. Those principles are

- Taxation must be necessary, justifiable and sustainable.
- Taxes must be broad, low and simple
- Everyone should make an appropriate contribution to the cost of providing services, while those on the lowest incomes are protected
- Taxes must be internationally competitive.
- Taxation should support economic development and social policy, where possible.

The principles of a policy should inform the detail of the tax regime. Our current regime broadly adheres to these principles but it is recognised that further work is needed, hence the establishment of a tax policy unit.

The Assembly has recently considered, fully debated and approved a number of core aspects of our tax system, namely:

- Retention of the zero/ten company tax regime
- Retention of the 20% rate of personal income tax
- Increase in the rate of GST

These form the basis of our tax regime. It is recognised that one area which has not been fully reviewed is property tax. A project to review the taxation of property development, investment and occupation will be started later this year with the aim of completing that review and reporting on the findings during 2013. Consideration will then be given to what changes may be appropriate for Jersey.

One of the key themes of the 2013 Budget will be "safeguarding revenues". Measures are being developed to strengthen the States' ability to ensure that taxpayers make an appropriate contribution to the cost of providing public services. This is likely to include restricting tax reliefs for companies and tightening the rules for non-resident landlords, while also consulting on extending the scope of 0/10 slightly.

1.2 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING A REVIEW OF THE STATES HUMAN RESOURCES DEPARTMENT:

Question

Further to recent reports and, in particular, the Chief Minister's own comments regarding the need to review the Human Resources Department, could he advise, in detail, how he proposes to restore this vital department so that employees of the States of Jersey, the public and States Members can have confidence in the future of the Public Sector?

Answer

An effective Human Resources (HR) Function will be critical if Jersey is to successfully deliver Public sector reform. This will entail service redesign, workforce modernisation and cultural change. As identified in the Comptroller and Auditor General's report, investment is now necessary for HR if we are to have a modern and effective HR function which can lead public sector reform, and also deliver important essential practises such as performance management, succession planning, workforce planning, and the development for States Members and States employees. This will underpin the creation of confidence in the future of the Public Sector in Jersey

We intend to bring forward proposals in line with the strategic priorities as part of the Medium Term Financial Plan which will allow this essential investment to take place.

1.3 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE SUSTAINABILITY OF THE PERSONAL TAXATION SYSTEM IN JERSEY:

Question

Given that the personal taxation system has come under immense pressure over the last 7 years following the decrease in corporation tax, could the Minister advise whether any work has been undertaken as to the sustainability of the personal taxation system in Jersey and whether there will be a requirement to re-align direct and indirect taxes in the future?

Answer

At its simplest, a sustainable tax system is one which raises sufficient revenues to meet expenditure. Jersey has put in place concrete plans to ensure that its budgets balance, through a mixture of spending cuts and managed increases in tax.

A sustainable tax system will also feature a balance between taxes on income, indirect taxes such as GST and social security. Before the introduction of 0/10, the Jersey tax system was unusually reliant on taxes from companies compared to other economies such as the UK or some of Jersey's key competitors like the Cayman Islands. In addition, approximately one-third of adults paid no tax at all. Independent economic advice recommended that Jersey should seek to broaden its tax base in order to ensure the sustainability of the regime. GST was identified as the most efficient way of raising revenues while also achieving the policy objective of broadening the tax base.

Care has also been taken to ensure that Jersey is able to offer a competitive tax regime in order to encourage economic growth. The rates of tax paid by individuals in Jersey compare favourably to other jurisdictions.

Because of the difficult decisions made by the States on both tax and spending cuts, Jersey is in a stronger position to deliver growth and secure the Island's economic future without any further significant changes to the tax regime. Nonetheless, the tax structure will continue to be reviewed on an ongoing basis to ensure that it is appropriate for Jersey. See the response to question 6916 for more details on the type of work being done.

1.4 BY DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE IMPACT OF CHANGES TO PRIVATE AND PUBLIC SECTOR RENTAL SUBSIDIES:

Question

Will the Minister explain the mechanism for “decoupling” the private and public sector rental subsidies mentioned on 29th May 2012 at his presentation of the proposals contained within the Housing White Paper (page 21)?

Does he consider that an analysis of the social impact of such a move is critical to a full understanding of his housing proposals and, if so, will he outline what analysis has been undertaken and if none, inform members when this will be undertaken and the results presented?

What is the net return to the Housing Department and the States Treasury of the financial changes proposed?

Do the figures contained within the White Paper result in a net £1.35million increase in funding maintenance and, if not, what is the gain?

Will the Minister provide a breakdown of the number of tenants who will pay the increased rents and contribute towards the additional £3.75million directly, giving details of family type and length of tenure, along with the fully worked transitional protection scheme showing timescales and means test levels?

Answer

Social housing rent policy will be the responsibility of the new Strategic Housing Unit. The Minister for Social Security is considering the most appropriate mechanism for setting the level of Income Support housing component in the private and public sector and will set out his proposals with regard to this in due course.

The White Paper “Achieving Decent Homes – An Affordable Housing Framework for the Future”, currently out to consultation, sets out that the “current mechanism for setting housing benefit is unusual in that the arrangements link the amount of benefit paid to the fair rent cap within the social sector”.

The Minister for Social Security has employed the Cambridge Centre for Planning and Housing Research to undertake a financial analysis of the options available for providing support for those renting in the private sector through income support.

The “Achieving Decent Homes” White Paper makes clear that the financial impact of implementing Fair Rent Levels in the States sector will result in an increase in rental income of approximately £11.25 million of which £7.5 million will be retained to protect those States Tenants on Income Support from the removal of their hidden rent subsidy. The net return to the Housing Department (and subsequently the proposed Housing Association) would therefore be up to £3.75 million once fully implemented. The impact within the Housing Trusts sector is not yet confirmed because I am awaiting the Trust’s completion of 30 year business plans before this can be established.

The White Paper also makes clear that the annual return to the States from the proposed Housing Association would be maintained in real terms following a one-off increase to cover the additional cost of removing the hidden rent subsidy and adjustments for the management of any surpluses.

Once the Trust business plans are validated, and the Minister for Social Security has determined the most appropriate mechanism for setting the level of housing component in the private and public sector, the full funding picture will be known and we will then propose to present this to the States Assembly for their consideration.

An economic assessment of the proposals for States Tenants not receiving Income Support is underway to inform the development of the proposed means test which will assess the level of transitional relief that would be offered. Once this work is completed and the policy developed I will of course be happy to share this with States Members.

1.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING HER RECENT HEALTH AND SOCIAL SERVICES WHITE PAPER:

Question

Would the Minister, in relation to her recent Health and Social Services White Paper, explain? –

- 1 (a) whether there are any plans to introduce payment for other services than emergency services and if so what are they?
(b) what scale of charges are planned for emergency services?
(c) where the paper talks of “bringing in more third party and private sector organisations”, what services are under consideration for outsourcing and will this include “for profit” organisations?
- 2 (a) what strategic partners are under consideration for renal and oncology services?
(b) how the 5 objectives are to be delivered?
- 3 (a) given that Nursing pay and conditions and establishment were identified as issues in 2011, what progress has been made in mid 2012 and how is the £800,000 identified for 2012 to be used?

- (b) what additional or unfilled posts are to be recruited by the sums outlined under establishment for 2013, 2014 and 2015?
- (c) what improvements to nursing Terms and Conditions are envisioned for the £600,000 annual increases 2013 -2015?
- (d) what explanation is there for the differences in totals between the two tables of growth commitments shown (pages 29-30)?

Answer

- 1 (a) There are currently no plans to introduce additional payment for services. The only exception, as referred to in the White Paper, will be minor, non-emergency treatment for patients who attend the Emergency Department but should more appropriately be seen by a GP. Emergency care provided in the Emergency Department will remain free.
- 1 (b) The scale of charges for minor, non-emergency treatment provided in the Emergency Department is currently being considered but will probably be broadly comparable with GP's charges. The aim is to remove the incentive for patients to attend the Emergency Department, as opposed to their GP, for non-emergency treatment.
- 1 (c) More detailed information about potential outsourcing of services will be available over the coming months as full business cases and detailed service specifications are developed. HSSD already outsources services to a range of providers in the third sector, private sector and the UK public and private sectors. It is envisaged this will continue and may expand.
- 2 (a) At present HSSD's renal unit links with Guys & St. Thomas' and our oncology unit with Southampton. HSSD is however currently working to develop closer relationships with other providers and future strategic partnership/s may be tendered to ensure HSSD secures the best possible services for patients and best value.
- 2 (b) The five outcomes outlined on page 25 relate to service improvements that patients will benefit from as strategic partnerships are progressed and refined. HSSD will work with partners to develop services specifications and standards that ensure delivery of those five outcomes, plus undertake associated monitoring.
- 3 (a) Recruitment of registered nurses and midwives remains a challenge for HSSD for a multitude of well documented reasons including: cost of living and childcare; difficulty that spouses/partners have in finding employment; the working environment; outdated terms and conditions. In recognition of these challenges the States, on the recommendation of the States Employment Board (SEB), approved an additional £800k in the 2012 business plan. This funding has been used to tackle systemic problems with recruitment and retention including:
 - revising existing pay structures, bringing them more into line with UK structures thus aiding the continued employment of approximately 36 registered nurses and midwives
 - development of a new grade for the non-registered workforce, known as the Assistant Practitioner role, in order to facilitate on island recruitment
 - development of an enhanced relocation allowance enabling externally recruited nurses and midwives to better manage the financial impact of relocation, which had previously presented a barrier off-island recruitment

- creation of 7 new full time nursing posts within Older Peoples Mental Health In patient services, benefitting patients and alleviating workplace pressures which were threatening HSSD ability to retain existing staff
- implementing - at the request of the nursing unions - a review of nursing pay based on “equal pay for work of equal value” in order to establish if further reform of pay scales is required
- supporting nurse and midwife recruitment campaigns both on-island and off-island.

Whilst it is currently too early to fully assess the impact of these changes on recruitment and retention, the feedback received to date from nursing staff has been positive.

- 3 (b) The nursing establishment costs as outlined in the first table on Page 30 of the White Paper are for additional HSSD nursing posts and relate to existing unmet need. This continued investment will bring the ward area staffing levels into line with the recommendations set out in the nurse staffing review which was undertaken in 2008. This equates to approximately 40 new posts which are still outstanding despite the progress made in growing the nursing workforce since 2008.

This does not include the significant investment that will be also be required in order to recruit nursing staff to work within primary care and community settings, as per the overall vision set out with the White Paper.

- 3 (c) The terms and conditions funding stream will enable HSSD to continue to support the schemes outlined in 3(a) above. This will obviously be subject to a review of their impact which might result in some of those schemes being modified or enhanced.
- 3 (d) The first table on Page 30 shows the agreed 2012 growth budget plus the in-principle growth commitments for 2013 and 2014 as outlined in the States 2012 Business Plan. The 2015 figure, which represents a continuation of that growth profile, was not part of the 2012 States business plan but will included in the States Medium Term Financial Plan (MTFP) to be debated later this year.

The figures in the first table represented essential growth for existing core business.

The second table on Page 30 shows the additional funding required to deliver the priority work-streams set out in the White Paper. This includes significant investment in community based services to help ensure people are cared for in the most appropriate setting whilst relieving the escalating demand on acute care services. These figures will be included in MTFP, albeit there maybe with some variations between those outlining costing are further refined over the coming months.

1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FUNDING OF HEALTH AND SOCIAL SERVICES' CAPITAL PROJECTS:

Question

Would the Minister, in relation to the recent Health and Social Services White Paper, advise –

- (a) what Health capital projects, if any, from the White Paper (totalling £20.4 million in the 3 years to 2015), he recommends should be included in the bids for capital expenditure?
- (b) what explanation there is for the ability of the Council of Ministers to fit between £27 million and £34 million in the States spending envelope with no increases in charges or taxes in phase 1?
- (c) will there be cuts in other department budgets to accommodate this?
- (d) what growth projections in States revenues are built in to this plan?

Answer

(a) The Minister can confirm that the Council of Ministers is proposing to include all the Health capital schemes within the White Paper in the draft Medium Term Financial Plan as follows:

	£'000 2013	£'000 2014	£'000 2015
Health & Social Services			
Upgrade of Main Theatres	2,100	1,837	-
The Limes Refurbishment	1,700	-	-
Replacement General Hospital - feasibility	350	-	-
Replacement General Hospital - planning	-	2,000	-
Mental Health Facility at Overdale - feasibility	350	-	-
Intermediate Care	-	500	-
Relocation of Ambulance and Fire Station - feasibility	100	-	-
Adult Care Homes	4,000	-	-
Children's Homes	2,000	-	-
Refurbishment of Sandybrook	-	1,700	-
Replacement MRI Scanner	-	-	2,277
Replacement RIS / PACS IT assets	-	-	1,567
Health & Social Services total	10,600	6,037	3,844

The £500,000 funding for Intermediate Care has been brought forward to 2014 in the MTFP from the total included for 2015 in the White Paper.

(b) Commitments were made to growth for the Health and Social Services Department budget in the 2012 Business Plan. For ease of reference these areas for growth are set out in the table below.

	2013 £'000	2014 £'000	2015 £'000
Health Growth @ 2%	3,470	6,920	10,550
Medical Staff Sub Specialisation	300	610	920
Nursing Establishment	1,000	2,030	2,080
Nursing Terms and Conditions	600	620	630
Totals	5,370	10,180	14,180

The current draft of the Medium Term Financial Plan includes these committed growth items from the 2012 Business Plan in the base budget assumptions for 2013 to 2015.

In addition the Health and Social Services Department has made a number of growth bids to be considered alongside bids made by other Departments. These growth bids are listed in the White Paper and for ease of reference are shown below.

Priority Area	Workstream	2013 £'000	2014 £'000	2015 £'000
Services for Children	Services for Children... starting with Early Intervention	623	736	858
Services to encourage Healthy Lifestyles	Healthy Lifestyles... starting with Alcohol	300	435	530
Services for adults with Mental Health issues	Adult Mental Health... starting with Improving Access to Psychological Therapies	344	736	1,132
Services for Older Adults	Older People... starting with Dementia	742	1,813	2,436
	Intermediate Care	1,325	2,338	2,888
	Long Term Conditions... starting with Chronic Obstructive Pulmonary Disease	701	1,344	1,652
	End of Life care	399	806	826
Cross Cutting workstreams	Workforce, Estates, Information Technology, Commissioning & Strategic Partnerships, Informatics, Funding & Policy	590	671	714
Recurring Total Costs		5,024	8,879	11,036

Additionally there are other growth bids that may directly benefit HSSD and these are as follows:-

	2013 £'000	2014 £'000	2015 £'000
Vehicle Replacement	100	200	300
Health Maintenance (JPH)	700	700	700
HR HSS - 2 additional posts arising from Verita report	200	200	200
Totals	1,000	1,100	1,200

The table on page 31 sets out the costs of delivering the service changes proposed in the White Paper. These are new/additional costs required to provide the services outlined. However, if the service changes are not approved, the pressure of the ageing demographic is likely to cause additional unsustainable pressure on, in particular, Hospital services over the period.

Drafting of the MTFP is consistent with the delivery of the business cases produced to plan and deliver the service changes described in the White Paper. This reflects the close working links between the Health and Social Services Ministerial Oversight Group and the drafting process for the MTFP. Subject to the States' approval of both the White Paper and the MTFP there is potential, by 2015, for an extra £28 million a year will be invested in the Island's Health and Social Services, with £25 million of this being additional funds provided within the MTFP. This is a substantial investment in these services and illustrates the Council of Ministers' commitment to delivering the Strategic Priority to "Reform Health and Social Services".

The numbers referred to on page 31 are taken from the proposed capital schemes as set out in the draft MTFP. While these capital projects will support the implementation of the White Paper, with the exception of £500k in 2014 these capital projects are not directly associated with service changes but rather reflect the need to refurbish existing estate in order to meet needs.

Preparation of the MTFP has involved careful balancing of expenditure against projected revenues. The Minister and the Council of Ministers are pleased to be able to present a draft MTFP that does not include any new taxes or increases in the rates of Income Tax or GST.

(c) No department is suffering "cuts" in order to fund growth in Health and Social Services. The amounts available for growth in departmental cash limits have been subject to a prioritisation process which may have meant some departments were unsuccessful in obtaining growth they were seeking. Aside from the planned CSR savings no department has had its cash limit reduced. In fact all departments will now have guaranteed minimum budgets for a three year period once the MTFP is approved.

(d) In the draft MTFP States revenues are forecast to rise from £639 million in 2013 to £700 million in 2015.

1.7 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING POSSIBLE HEALTH HAZARDS ASSOCIATED WITH THE USE OF WIRELESS INTERNET CONNECTIONS:

Question

Given fears expressed in the past about possible health hazards associated with mobile telephone use, does the Minister have any such concerns regarding the increasing use of wireless internet connections and what research, if any, has been undertaken on this issue?

Answer

In 2007 the Health, Social Security and Housing Scrutiny Panel presented to the Assembly a report into the Perceived Health Effects of Mobile Phone Masts. The Panel concluded that procedures undertaken up to that point were an adequate initial precautionary basis on which to develop the establishment of additional mobile phone masts, but made recommendations to adopt an enhanced

precautionary approach more stringent than that adopted by the UK. The recommendations made by the Sub-Panel to the Minister for Planning and Environment have been completed, namely, that all base stations are subject to a planning application to ensure compliance with internationally agreed emission levels, and that in the event that the base stations are found not to be compliant with the agreed levels, that the Minister can insist on their removal.

With reference to wireless internet connections, the report did comment (page 40) that the Sub-Panel were aware of an additional area of concern to the public, being the introduction of Wi-Fi technology. Finding 5 of the report indicated that “the Sub-Panel would encourage a further examination of any research into perceived health issues relating to emissions from such systems by the Department through relevant health professionals”. The recommendation by the Sub-Panel on the need for further research into the area was directed to the Minister for Health and Social Services.

Since the 2007 report, the Minister for Health and Social Services has not given any evidence to the Minister for Planning and Environment to suggest that the increasing use of wireless internet connections has the potential for detrimental health effects.

1.8 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING IT LINKS BETWEEN GENERAL PRACTITIONERS AND THE GENERAL HOSPITAL:

Question

When will the project to implement IT links between General Practitioners and the General Hospital be fully implemented and what has it cost to date?

Answer

There are currently three IT projects underway which, whilst they do not directly establish links between GPs and the Hospital, will enable those links to be introduced in the future. These include:

GP Central Server: This is an IT project led by the Social Security Department and funded via the HIF in accordance with propositions P36/2010 and P125/2010. The aim is to provide a central recording system for GP patient information which will also enable:

- a link between GP Practices and the GP out-of-hours service;
- gathering of statistical information about primary care and disease registers
- gathering of GP performance information as required as under the Quality Contract.

The GP Central Server is expected to “go live” by the end of 2012.

OmniClient Version 10: This is software upgrade currently underway in the Pathology Department. It will enable integration of the existing pathology IT system with TrakCare - the new Patient Administration System. It is an enabling project for implementation of OrderComms (see below) and any future IT link to GPs.

OrderComms: This is a Hospital IT project that will commence shortly and will enable the electronic ordering of tests and electronic receipt of results between hospital doctors, the Radiology

Department and Pathology Department. OrderComms, which is expected to be completed by summer 2013, is also an enabling project for any future IT links to GPs.

Once these projects have been completed and successfully bedded down, HSSD will consider options relating to the development of direct links between GPs and the hospital. As outlined in the White Paper there will be a cross cutting Technology workstream which will scope options and funding requirements related to the provision of IT infrastructure (Page 27 of White Paper)

In 2011 a trial was undertaken to see if pathology test results could be transmitted electronically between the Pathology Department and one or more GPs. This trial cost approximately £10k. A number of problems were encountered during testing that could have affected patient safety. Hence the project is not being progressed until the three enabling projects outlined above have been completed and until funding options have been considered as part of the Technology workstream.

1.9 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE FUNDING OF VOLUNTARY ORGANISATIONS:

Question

Which voluntary organisations receive funding from the Minister, what are the annual amounts and what policies and procedures are in place to ensure that the use of such funds accords with Departmental and States policies?

Answer

The table at the end of this answer details the voluntary organisations which receive an annual grant from the Home Affairs Department. The table shows the amount of the grant in 2011; how the organisations contributed to the achievement of the States strategic objectives; how they aligned, where appropriate, to Home Affairs Departmental policies; whether a Service Level Agreement (SLA) is in place; and the type of accounts produced.

All Grants made to voluntary organisations by the Home Affairs Department during 2011 were made in accordance with Financial Direction 5.4 – Obtaining Value for Money from Grants. It should be noted that the Financial Direction relating to grants has recently been reissued (April 2012) and is entitled Management of Grants (Financial Direction 5.5). Any future grants will be made in accordance with that Financial Direction.

Financial Direction 5.5 provides that all grants over £10,000 must be supported by a Partnership or Service Level Agreement which establishes and clarifies the basis of the partnership between the [Home Affairs] Department and the organisation concerned. It further provides that the Service Agreement will contain, as a minimum:

- Name of the grantee;
- Name of the grant scheme (where applicable);
- Purpose of the grant;
- States strategic aims and objectives supported;
- Amount of the grant;
- Payment terms and timing;
- Treatment of top-up grants;
- Arrangements for repayment of surplus grant monies;

- Explanation of the corporate governance framework;
- Explanation of disclosure of the grant(s) in the States of Jersey annual Accounts;
- Clear explanations of what each party is expected to provide, including any reports and/or statements;
- Any conditions attached to the grant and criteria for measurement of whether grant conditions have been fulfilled;
- Arrangements for repayment of grants in the event of non-performance or non-compliance;
- Rights of access for departmental officers and the Comptroller and Auditor General;
Arrangements for the purchase and disposal of any assets to be acquired using the grant

The table indicates where Service Level Agreements or Partnership Agreements are in place.

Financial Direction 5.5 stipulates that in respect of grants between £25,000 and £100,000, unaudited, signed accounts must be provided within 6 months of the organisation's year end. In respect of grants of less than £25,000 an unaudited, signed Income and Expenditure Statement must be provided within 6 months of the organisation's year end. The table contains details of where accounts or income and expenditure statements have been received.

Name of Grantee	Amount granted in 2011 (£)	Achievement of States Strategic Objectives	Aligns with Home Affairs Policy	Partnership or Service Level Agreement in place?	Type of accounts produced
Victim Support Jersey	30,000	Supports delivery of Strategic Objective 7 – Protect the public and keep our community safe	Criminal Justice Policy Pillar 3 – Looking after victims	Yes	Income and expenditure statement
Community Relations Trust	27,500	Supports delivery of Strategic Objective 7 – Protect the public and keep our community safe ; and the delivery of the Jersey Anti-Discrimination Promise.		Yes	Unaudited signed accounts
Prison! Me! No Way!!	20,000	Supports delivery of Strategic Objective 7 – Protect the public and keep our community safe	Criminal Justice Policy Pillar 4 – Early intervention	Yes	Independently examined income and expenditure statement
Jersey Sea Cadets	10,000	Supports delivery of Strategic Objective 12 – maintain high quality education and skills by giving young people opportunities to develop new skills.	Criminal Justice Policy Pillar 4 – Early intervention	Yes	Income and expenditure statement
Jersey Air Training Corps	10,000	Supports delivery of Strategic Objective 12 – maintain high quality education and skills by giving young people opportunities to develop new skills.	Criminal Justice Policy Pillar 4 – Early intervention	Yes	Independently examined income and expenditure statement
Combined Cadet Force	10,000	Supports delivery of Strategic Objective 12 – maintain high quality education and skills by giving young people opportunities to develop new skills.	Criminal Justice Policy Pillar 4 – Early intervention	Yes	Audited signed accounts
Jersey Army Cadet Force	10,000	Supports delivery of Strategic Objective 12 – maintain high quality education and skills by giving young people opportunities to develop new skills.	Criminal Justice Policy Pillar 4 – Early intervention	Yes	Income and expenditure statement
TOTAL	117,500				

In addition, the Minister may make one-off grants in exceptional circumstances such as those agreed for Safer St Helier Community Partnership for the funding of the Q-Safe Taxi Marshal Scheme. (MD-HA-2011-0023 and MD-HA-2012-004 refer)

1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PLANS FOR FURTHER ECONOMIC STIMULUS OTHER THAN WITHIN THE CONSTRUCTION INDUSTRY:

Question

Will the Minister advise members whether he has any plans for further economic stimulus spending from additional tax revenues or departmental under spends to create and maintain employment other than within the construction industry and, if so, give details?

Answer

There is little doubt that conditions in the local economy have deteriorated further this year as a result of the fallout from the global recession and the ongoing Eurozone crisis. The Fiscal Policy Panel has been clear that under the current circumstances we are right to support £27m of additional housing capital expenditure. It is important to remember that this is not all we are doing - there are a further £27m of capital projects already planned for this year and £56m in 2013. These sums fund a number of large projects such as St Martin's school and the new Police HQ which will be brought forward in the next 12-18 months.

We are actively looking at what else we can do in this area to provide further support for local people and businesses and following the advice from the FPP that "*it will be important to include sufficient flexibility in States' finances to undertake additional fiscal stimulus this year and next if necessary*". Although in many cases we have supported the construction sector it is because the projects have met the 3 Ts (timely, targeted and temporary), have value in their own right, can achieve better value for money and indirectly help other sectors such as retail.

This is not all we are doing and on 1 June the Council of Ministers launched the new Economic Growth and Diversification Strategy which includes a £10m Innovation Fund and a growth bid of £3.5m for Economic Development which will be used to the benefit of all sectors and the economy as a whole.

In support of these strategic initiatives additional guidance has been prepared (currently in final draft) for those departments procuring goods and services that will allow the use of community benefits, for example targeted recruitment and training, to be included as part of the tender evaluation process and taken into account when awarding contracts.

In addition and in order to directly address the need to provide sustainable work opportunities for all Islanders, the Employment Grant Scheme was launched in late May. The scheme is the latest initiative from the cross-departmental Back to Work team and has been designed to encourage and support employers in recruiting those long term unemployed who need the most help to get back into the labour market. £2.5 million of the £7.4 million Back to Work funding has been allocated to the scheme for 2012. The Employment Grant Scheme offers employers £7,200 for each long-term unemployed individual who is employed on a long-term or permanent contract of at least 18 months. A number of employers have already contacted Back to Work to apply for the scheme.

1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE WAITING LIST FOR ELECTIVE SURGERY:

Question

Will the Minister explain to Members to what extent the increase revealed in the response to my question on 15th May 2012, in both the waiting list and waiting list times for elective surgery, is due to staffing problems in the department and, in particular, what measures, if any, does she have under consideration to bring these increased waiting times and numbers down?

Answer

The information provided to States members in response to Question 6869 on 15th May 2012, which is copied below, showed that between 2008 and 2010 there was an increase in the waiting list and the waiting times for elective surgery, but that between 2010 and 2012 that upwards trend started to reverse.

The information also showed that the total number of elective public patients increased between 2008 and 2012. In Q1 2008 2,205 procedures were performed but 1,090 patient were still waiting and in Q1 2012 2,384 procedures were performed but 1,486 patients were still waiting i.e. total patient numbers in Q1 2008 was 3,295 but had risen to 3,870 by Q1 2012 (c.18% increase over that period).

Some of that increase in total patient numbers will be the accumulative effect of those who remained on the waiting for long periods of time - albeit that trend also started to reverse in 2010 - but some of the increase in total patient numbers relates to increased demand.

HSSD will be undertaking further analysis of its waiting lists versus its referral rates in order to understand this more fully, but it is notable that some of the largest waiting list are in services such as Ophthalmology and Orthopaedics, which predominately manage older patients, and Diabetes, Bariatrics which predominately support patients with long-term chronic conditions. This is a reflection of the issues set out in the White Paper.

Inevitably some of the increase in waiting time experienced between 2008 and 2012 will be the result of staffing issues, including short term absence (e.g.; illness) or longer-term staff vacancies caused by recruitment and retention issues. HSSD works hard to manage these staffing issues in a number of different ways including:

- use of locums and bank staff
- creation of additional posts and associated recruitment
- service redesign or job plan redesign (for example nurse prescribing; creation of the new Assistant Practitioner role).

If HSSD is to bring all waiting times into line with the three month target investment is required in order that:

- services can be redesigned in order to enable more community provision and alleviate pressure on hospital capacity, as per the White Paper;
- increased demand can be better managed through an increase in staff and improved resources, not least a fit-for-purpose hospital.

Information previously provided in relation to Question 6869 on 15th May 2012

Elective surgery activity

The elective surgical activity in Q1 2008 was 2,205

The elective surgical activity in Q1 2012 was 2,384.

Elective surgery waiting list

1,090 patients in the Q1 2008

1,415 patients in Q1 2009

1,804 patients in Q1 2010

1,662 by Q1 2011

1,486 by Q1 2012.

Percentage of patients waiting over 3 month target:

7% in Q1 2008

12% in Q1 2009

25% in Q1 2010.

18% by Q1 2011

15% by Q1 in 2012.

[9:45]

2. Oral Questions

2.1 Deputy G.C.L. Baudains of St. Clement of the Minister for Planning and Environment regarding the outcome of the genetically modified Jersey Royal potato experiment:

Would the Minister update Members on the genetically modified Jersey Royal potato experiment?

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

The States in 1999 on a proposition brought by Deputy Crowcroft, P.33/99, adopted by a vote of 42 to 5 the proposition which was that the Island authorities “take all possible steps to designate and maintain the Island of Jersey free from the growing of genetically modified organisms.” Following that debate, the then Agricultural and Fisheries Committee suspended a programme of research into a new strain of the Jersey Royal potato, which could have been resistant to the potato cyst nematode worm, to reduce the reliance on chemical pesticides. Since that time, there are no genetically modified Jersey Royal potato experiments currently being undertaken by the Department of the Environment or the States, to my knowledge. Further, I am given to understand that no other organisation is carrying out any experiment of this type locally.

2.1.1 Deputy G.C.L. Baudains:

I understand from my previous attendance in this Assembly that the laboratory work was, in fact, ceased. I think that was due to Deputy Dorey, if I remember correctly. I am not quite sure but a few years ago some farmers were paid by the Agricultural Department a sum of money, I think it was £100 a vergée, if I recall correctly, to grow a special variety of Jersey Royal. Could the Minister confirm that it was, in fact, the genetically modified variety and if so, could he state what has happened to the many tons of potatoes that were so grown?

Deputy R.C. Duhamel:

I will have to look into that but I am advised that following the decision by the Agriculture and Fisheries Committee that all material used in the trials was autoclaved and incinerated. Certainly I would have thought that following the decision by this House to designate and maintain the Island free from the growing of any genetically modified organisms, that were any of those potatoes that the Deputy refers to genetically modified, then those farmers would have been breaking the spirit of the agreement passed by this House. I will look into it and see whether or not any of those potatoes still exist but from my preliminary investigations, I am told that all of them were destroyed.

2.2 Deputy M. Tadier of St. Brelade of the Chief Minister regarding delays in introducing ‘Vulture Fund’ legislation:

Will the Chief Minister explain if there has been a delay in introducing “Vulture Fund” legislation and inform Members when the promised changes are likely to be implemented?

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

There has been no delay in consulting on or commencing drafting of legislation to limit practices that could undermine international debt relief. To date, the U.K. (United Kingdom) is the only country in the world to have enacted a law of this kind. Alongside Guernsey and the Isle of Man, we are proposing to join the U.K. as leaders in this field and to do so expeditiously on a timescale in line with that of the other 2 Islands.

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

I believe the Council of Ministers discussed this back on, I think, the 15th of December, so could the Chief Minister just assist us perhaps and encourage us by giving us a little bit of indication when this might finally come forward? As I think most Members would agree, it is something that is a bit of a stain on everywhere who fails to act on it.

Senator I.J. Gorst:

As I said, the U.K. is currently the only jurisdiction/country in the world that has such legislation. We are proposing to be at the forefront as well of such legislation. Earlier this year in late January, I instructed the drafting of such legislation and I hope that I will be in a position to lodge during September.

2.2.2 Deputy M. Tadier:

Could I just thank the Chief Minister? Clearly, this was something which was initially, I think, adopted in November in a Statement by the Chief Minister and I would just encourage the Chief Minister - I hope he agrees - that this should be given top priority among, no doubt, other competing priorities. Will the Chief Minister just give an assurance that in the autumn, we will be able to see this legislation so that high profile cases such as those recently happening in London will not be a potential embarrassment to our industry and our Island?

Senator I.J. Gorst:

Obviously this is a piece of legislation similar to the United Kingdom’s in that the aim is to ensure that debt relief efforts for developing countries are not interrupted by those who are not abiding by the rules agreed upon by the Paris Club nations and are recovering debts outside of the Common Reduction and Decision Point factors, so it gets quite technical. That is what we are talking about and that is what I am committed to delivering.

2.3 Connétable P.J. Rondel of St. John of the Chief Minister regarding the retirement of the consultant gynaecologist:

Would the Chief Minister inform Members whether the agreement made earlier this year between the former consultant gynaecologist and the States Employment Board contains a provision that the Chief Minister would make a public statement relating to the consultant's retirement and, if so, when will the Chief Minister make this statement?

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

The agreement between the States Employment Board and the former consultant contained a statement which could be made by me as follows: "The conclusions of the independent reports prepared by Verita and GoodwinHannah and their specific findings regarding the handling of the exclusion of - I will use the individual's name, Sir, because that is what was included in the statement - John Day, a senior and long-serving hospital consultant have previously been acknowledged. An amicable settlement totalling £448,000 has been reached in relation to the net losses suffered by him, including in relation to a loss of private income and which also includes a contribution to his retraining and legal costs. It is hoped that we can now place these sad events behind us."

2.3.1 The Connétable of St. John:

Would the Chief Minister confirm that the correct version of the settlement and acknowledgement to the House will also be released to his colleagues and friends within the hospital to prevent any confusion that may arise?

Senator I.J. Gorst:

It is my understanding that that statement was issued to hospital staff some weeks ago. I will double-check that and ensure that it was but it is my understanding that it already has been.

2.3.2 Senator S.C. Ferguson:

Will the Chief Minister check with the Director of Human Resources that the other requirement under the contract that a statement exonerating the consultant in all the matters has been placed in his personnel file?

Senator I.J. Gorst:

Due to the unusual nature of the conclusion to these particularly sad events, I was drawn into reviewing and agreeing this agreement. I am not aware of the inclusion of such a clause that the questioner suggests but I will certainly go and review that in case my memory is faulty.

Senator S.C. Ferguson:

I will send the details to the Chief Minister with pleasure.

Senator I.J. Gorst:

I am not sure that the Senator needs to do that. I can indeed review the agreement.

2.4 Deputy T.M. Pitman of the Chief Minister regarding the terms of reference for the historic abuse enquiry as proposed by Verita:

Will the Chief Minister clarify precisely what the perceived problems are with the terms of reference for the Historic Abuse Inquiry as proposed by Verita? Would he state whether Mr. Andrew Williamson has been engaged to review the terms of reference and, if so, what the cost of his engagement is?

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

There is no question in my mind that a Committee of Inquiry is needed to provide help with closure of this difficult and long-running period. The Verita terms of reference were open-ended as a strategy. I have therefore asked Mr. Andrew Williamson, an experienced Social Services Director from the United Kingdom, who also has much experience of working in Jersey, to review the original terms of reference to see whether they could be set in such a way as to ensure that unanswered questions are investigated and answers are provided without the requirement to reopen individual cases. The cost of Mr. Williamson's work has amounted to £2,000 to date and I expect that the total cost of his work in relation to reviewing the terms of reference will not exceed £10,000.

2.4.1 Deputy T.M. Pitman:

Perhaps the Chief Minister could enlarge for me and perhaps a few others what he means by "open-ended". More specifically, can he ensure that having decided we did not need independence to do the Electoral Commission, for instance, can he give assurances that we will come up with a format that will ensure closure for those people who were victims and, just as importantly, that those who are ultimately found to be responsible will be held to account?

Senator I.J. Gorst:

As I said in answer to questions on this subject before, I will be in a position where I can lodge the terms of reference for the Committee of Inquiry to this Assembly for Members rightly to decide. At the same time, I will be appending any other work which has been undertaken to get to those terms of reference. Equally I, of course, would like to think that closure could be brought but these are very difficult long-running issues and I think that what we can hope for is that people are able to move on with their lives. I am not certain that for lots of people closure will be found by a Committee of Inquiry but I hope that it will help with the healing process and it will allow some answers to be given. With regard to the open-ended nature, that of course is very difficult because we have a responsibility to ensure that a Committee of Inquiry reaches its findings in an appropriate timescale and within a suitable budget. What I have been concerned about is that every person appearing before the inquiry might feel that if it is too adversarial, they need to instruct legal counsel and that, of course, will change the budget and the cost requirements entirely.

2.4.2 Deputy J.M. Maçon of St. Saviour:

Can the Chief Minister explain the process about how external parties can contribute to Mr. Williamson's review, given that they might be best placed to indicate what these unanswered questions are?

Senator I.J. Gorst:

Yes, the Deputy raises a very good point that he raised at the last sitting. Mr. Williamson will be on the Island again this week and I will be meeting with him to ensure that that is done, so that individuals that we perhaps are not aware of now - albeit some I have written to and invited to meet with Mr. Williamson... perhaps some are not yet aware of that and would like to and we need to ensure that they have that ability to do so prior to lodging.

2.4.3 Deputy M. Tadier:

Will the Chief Minister provide the dates of - if he has them available, and if not to provide them and circulate them - when Verita was initially commissioned to provide the terms of reference, when they reported back and when Mr. Williamson was commissioned to produce further terms of references?

[10:00]

Senator I.J. Gorst:

I do not have those dates with me. Members are well aware that this has dragged on far longer than I would have liked and I am keen to bring a proposition to this Assembly so we can decide and the work can get started. I can provide those dates but I will certainly, of course, be including them in any proposition lodged as well so that Members are fully informed and are able to make a decision with all the facts in front of them.

2.4.4 Deputy M. Tadier:

Would the Chief Minister agree that the terms of reference set by Verita were not faulty? Rather, they were politically unacceptable to certain Members of the Council of Ministers? If they were faulty, would the Chief Minister explain how it came about that it was the Council of Ministers who commissioned Verita and why did they not set their own terms of reference and their own criteria to make sure that what Verita reported back was acceptable and in line with the terms of reference that the States Assembly agreed only recently before that?

Senator I.J. Gorst:

That is quite a multi-faceted question. I would not wish to use the word “faulty” for the terms of reference but more as I did with regard to open-ended and wanting to limit the need for those appearing before the Committee of Inquiry to have to instruct legal support at that point. I can reassure Members that they will be able to judge for themselves when the terms of reference are before them. That is absolutely right and proper, and not that it is just simply the domain of either me as the Chief Minister or the Council of Ministers.

2.4.5 Deputy R.G. Le Hérisier of St. Saviour:

I wonder if the Chief Minister could elaborate on his earlier comment - which I found confusing - as to the presentation of individual cases to the inquiry. Could he agree that these cases will indeed be put forward, albeit perhaps not in the adversarial sense that he quite rightly does not wish? Secondly, will it adopt any of the procedures of a truth and reconciliation approach?

Senator I.J. Gorst:

Deputy Le Hérisier raises once again 2 good points. I went through Hansard to look at the points that he raised previously, where he asked me how I was going to ensure that the Committee of Inquiry was carried out in a timely and cost-effective manner and this morning he has asked me about the *modus operandi* of the Committee of Inquiry; will it be more like a truth and reconciliation committee? All those issues were and are in my mind and that is, to a large extent, why I asked Mr. Williamson to do the review because we have got to be clear that a Committee of Inquiry is not a truth and reconciliation committee. This Assembly has chosen that it wants to have a Committee of Inquiry and I will be bringing forward terms of reference that I hope allow a more reconciliatory approach rather than an adversarial approach, which can be the hallmark of a Committee of Inquiry.

2.4.6 Deputy R.G. Le Hérisier:

Could the Chief Minister explain his earlier comments about how individual cases will be dealt with?

Senator I.J. Gorst:

Sorry, yes. Sometimes when there is more than one question in one question, I forget to answer the earlier part. Again, the Deputy makes a very good point. Of course individuals must be allowed to appear before the committee and talk about their experiences because that is the way that answers, I hope, will be provided. Albeit that might be quite difficult but that is quite different from an

adversarial approach where people feel that they need to have legal representation because they are being challenged and because it is a much more confrontational approach. That is what we wish to avoid.

2.4.7 Deputy T.M. Pitman:

I imagine I am probably in a fairly small minority of Members who have read some of the statements of what happened to people. I have to say they made me both sick and angry. So while cost is important in all things, can the Chief Minister agree with me that when it comes to justice, cost should never be an excuse that that will not be fulfilled? Can he, in answering that, ensure that those people who spoke to Verita and did not know about Mr. Williamson's involvement will also be able to discuss what has happened with Mr. Williamson himself?

Senator I.J. Gorst:

I am committed to a Committee of Inquiry and that is right and proper. Ultimately we should make our decision in light of hopefully getting some answers and helping the healing process and helping people to move on, albeit with the caveat that I have said. Therefore budgetary considerations should not be at the forefront of our mind. However, of course, we all have a responsibility to ensure that costs in any project are controlled. Sorry, could the Deputy just remind me of the second part?

Deputy T.M. Pitman:

Yes, of course. Could the Chief Minister just advise ... obviously many people have not known about Mr. Williamson's involvement, so will those people who have spoken to Verita now be able to speak to Mr. Williamson?

Senator I.J. Gorst:

The Deputy makes a very good point. It is not something that I had considered in that format but that is a good way of dealing with the issue that Deputy Maçon spoke about which is to re-contact all those who contacted the Verita terms of reference.

2.5 Deputy G.P. Southern of St. Helier of the Minister for Economic Development regarding the 11 new companies in the oil, gas and mining sector in the Island and the residential status of their beneficial owners:

Will the Minister name the 11 companies in the oil, gas and mining sector he referred to in his oral answer on 29th May 2012, along with the residential status of their beneficial owners? Would he confirm his response that all but 2 of the 59 jobs created are for locally-qualified employees and state how many of these 59 jobs have been filled by local and non-local employees?

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

My department has previously sought legal advice on the public disclosure of information gathered for statutory purposes. From this, I am advised that I am not in a position to publicly name the companies or the details of their beneficial owners as the Deputy requests. However, what I can say is that most of them are either listed or subsidiaries of listed companies and, as such, their shareholders are worldwide and fluid. With respect to the second part of the question, I can confirm my previous answer that 57 of the 59 job opportunities created were for locally-qualified employees. Manpower returns are conducted twice a year. As such, we have no information as yet for companies that moved here during 2012 which were incorporated in the Deputy's question. Based on the December 2011 manpower returns, 37 of the 53 job opportunities created have been filled and only one was for a non-locally qualified position as defined under the Regulation of

Undertakings and Development Law. A large proportion of the opportunities created that are not filled relate to a company that established at the very end of 2011 and, as such, we will have to wait until the June manpower returns to see how they are progressing.

2.5.1 Deputy G.P. Southern:

Can the Minister then confirm to me that most of these companies are merely headquartered here and are not gold mining in Rozel or fracking for gas in St. Ouen?

Senator A.J.H. Maclean:

I can indeed. In fact, I think I made that point at the last sitting so yes, I can confirm that.

2.6 Deputy M.R. Higgins of St. Helier of the Minister for Economic Development regarding the powers of the Financial Services Commission to protect the consumers of financial services and products and the reputation of the Island:

Is the Minister satisfied that the Jersey Financial Services Commission has the powers and resources it needs to carry out its functions effectively in ensuring that the Island is a well-regulated financial centre that protects the consumers of financial services and products and the reputation of the Island?

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

I am satisfied that the Jersey Financial Services Commission has both the powers and the resources it needs to carry out its statutory functions effectively and I have no reason to believe that either the Commission's powers or the Commission's resources are in any way deficient.

2.6.1 Deputy M.R. Higgins:

Does the Minister in particular think that the Jersey Financial Services Commission has sufficient funds to take on the very large banks operating in the Island when they are determined to be in breach of regulations, bearing in mind that they have deeper pockets to contest these matters than the Commission? Does he also feel they have sufficient money to cover the many enforcement actions that are likely to be brought because of a number of firms engaging in business that because of the recession that they would not otherwise be dealing with?

Senator A.J.H. Maclean:

Yes, I do. The J.F.S.C. (Jersey Financial Services Commission) has significant resources and, with regard to taking on large organisations like banks, there is a track record where, in fact, the Commission has in the past successfully taken on a bank that acted inappropriately.

2.6.2 Deputy M.R. Higgins:

On this particular matter, I know for a fact that the Commission does not have sufficient funds to contest these actions and has shown reluctance to take on, for example, Standard Chartered Bank who are alleged to have committed a fraud by Mr. George Burrow, a Canadian investor who has been standing outside Standard Chartered Bank with a placard for the last week. Now, the point on this is that this man has been let down, not only by the Jersey Financial Services Commission who are afraid to take action because they realise that Standard Chartered Bank have a bigger bank balance, if you will pardon the expression, than the Commission does. I do think that the Minister is highly misleading if he feels that the Commission is properly resourced in this area. The question is again specifically how much money do they have to fight court actions and is it sufficient?

Senator A.J.H. Maclean:

As I have said, the J.F.S.C. has significant reserves. If the Deputy refers to their latest stated published accounts in 2010, he will see that they have got more than £6.5 million of reserves. There is no question that they are not prepared to take on banks or any other organisation if indeed there is a case where they can so do. I am afraid the Deputy is talking about a specific case here. Clearly he would appreciate that neither I nor the J.F.S.C. are in a position to comment publicly about that but nevertheless I am very satisfied with the way in which the J.F.S.C. has undertaken its duties and indeed engaged in this particular matter that the Deputy is so concerned about, and rightly so, as I might add, has my department.

2.6.3 Deputy R.G. Le Hérisier:

Can the Minister confirm whether the J.F.S.C. has indeed the powers to investigate a case where a person contends that they have received the wrong advice and indeed that they have been lied to? How would the J.F.S.C. embark upon such an investigation and can he confirm it has powers so to do?

Senator A.J.H. Maclean:

The J.F.S.C. has no explicit statutory responsibility for consumer protection. I think that is a key point and I think if we were to get to the heart of this matter, the Financial Services Ombudsman, which this Assembly voted upon progressing and is indeed being progressed. I have previously said at the last sitting, I believe, that we hoped to have that legislation in place by the beginning of 2014. That indeed is the route that would have perhaps provided some resolve for the individual case that the Deputy is referring to.

2.6.4 Deputy R.G. Le Hérisier:

Can the Minister confirm that in a case such as has been alleged or that I have outlined and the mis-selling that has occurred recently in the U.K. and which has been the subject of massive compensation that the J.F.S.C. cannot act in those cases?

Senator A.J.H. Maclean:

There is a route through which the J.F.S.C. could act in a case such as this and it relates to Article 26 of the Financial Services Law and that is in regard to restitution orders. Clearly in order to do that, the Deputy and Members would appreciate, that it is an extremely expensive route to take. That said the J.F.S.C. has in the past taken that route. In 2006, Members may recall the Alternate Insurance Services case where the J.F.S.C. successfully took a restitution order to the courts and won. However, in this particular instance, upon advice, there was not sufficient evidence in order to go down that particular route.

2.6.5 Deputy G.P. Southern:

Is it not the case that the Minister has to maintain the pretence that J.F.S.C. can take anybody on whereas the reality is that £6.5 million would soon be eaten up by 2 or 3 of such cases?

Senator A.J.H. Maclean:

No, the reality is the J.F.S.C. do take on, where necessary, organisations and have a successful track record in so doing. That is absolutely clear. There is no pretence whatsoever.

2.6.6 Deputy T.M. Pitman:

It is a shame that Deputy Higgins or any of us have to bring individual cases up in the States but we are seeing this type of thing more and more. So does the Minister not concede that if finance is not the issue here, then for people like Mr. Burrow, the real issue is that there is an unwillingness to take that on and have this bad publicity? I understand this is going into the national papers now,

you know, a man walking the streets with a sandwich board. I have met with him. How very sad is that. Does the Minister not agree that Jersey cannot afford this type of publicity? We need to act.

[10:15]

Senator A.J.H. Maclean:

Indeed, Jersey does not like this type of publicity and that goes clearly without saying, but the suggestion there has been a lack of action is not true at all. The J.F.S.C. have been communicating with this individual and I think it is regrettable that his name has been mentioned in public since 2008. They have voluminous files on the subject and, indeed, on his recent visit to the Island, they even provided him with coffee and shelter from the rain. The Commissioner of the J.F.S.C. met with him personally and went through the details of the case and explained the limits of which the J.F.S.C. can act, in particular with regards to his particular circumstance. Officers from my department also met with this individual and gave him as much support as possible and I myself have written to the bank laying out our position. There has been significant assistance to this individual. The circumstance he finds himself in is clearly most regrettable.

Deputy T.M. Pitman:

Could I just point out that the individual is quite happy with his name being mentioned.

The Deputy Bailiff:

I took it that it was necessary to mention his name to identify what the questions were about. Final supplementary, Deputy Higgins?

2.6.7 Deputy M.R. Higgins:

Just a brief comment first. Yes, the Head of Jersey Financial Services Commission did meet with Mr. Burrow and again he did emphasise his lack of resources as one of the reasons why they did not take action. Secondly, the Minister was asked to meet with Mr. Burrow and could not find the time in the, I think, 2 weeks that he has been in the Island. In terms of the final question, is the Minister aware that Jersey's reputation has already been damaged by this particular incident because the visiting French delegation from the French Senate that were coming in to examine how well we regulate our finance industry went across the road to meet Mr. Burrow and discussed the practical aspects of the regulation in this Island? They said they were told one thing in the Commission, how well we are regulated, and they were very interested to hear in practice how we do regulate. Is the Minister aware of this?

Senator A.J.H. Maclean:

Yes, I am aware that the Senate met him. Clearly, they were having meetings with the J.F.S.C. and he was located very close by. Yes, I am aware of that. I also would like to restate the inaccuracies of what Deputy Higgins has just said with regard to the lack of resources of the J.F.S.C. I met with the Commissioner of the J.F.S.C. yesterday and that was certainly not said. What was probably said was the fact that it is an expensive route to take and there has to be solid evidence in order to go for a restitution order. There was not and is not, on the advice that has been received, sufficient evidence to pursue that particular course.

Deputy T.M. Pitman:

Sir, could I raise the défaut on Deputy Martin please?

The Deputy Bailiff:

It is proposed the défaut be raised on Deputy Martin. Do Members agree? The défaut is raised.

2.7 Deputy R.J. Rondel of St. Helier of the Minister for Economic Development regarding the introduction of revised licensing legislation:

Would the Minister advise Members when the revised licensing legislation will come before the Assembly?

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

Delivering a simplified modern and flexible Liquor Licensing Law is well overdue and remains a priority of my department. However, in order to ensure that the new law is part of the wider States strategy on alcohol, I am working with the Ministers for Home Affairs, Health and Social Services and Treasury and Resources to bring forward a joint strategy which not only deals with licensing but also public safety and public health. The timescale of work in this area is currently dependent therefore on a number of departments. That said, good progress is being made and I am confident that joint proposals for future alcohol and licensing policy will be published soon. This will include a Licensing Law White Paper and the new legislation should then be lodged for debate in early 2013.

2.7.1 Deputy R.J. Rondel:

Does the Minister agree that it should perhaps be given even more of a priority than its current position, given the increasing problems of alcohol due to the high costs of the Health Service and could he elaborate on when soon may well be?

Senator A.J.H. Maclean:

Yes, I would agree with the Deputy that this is a serious issue in terms of alcohol abuse. Certainly the Health Department feel very strongly. They have an alcohol strategy which they are bringing forward, which will assist with this issue. It is not just the licensing legislation. Clearly it is a number of areas that need to conspire in order to try and tackle alcohol abuse within the Island, particularly underage drinking which is a problem and does need to be addressed. As far as specifics, it is a matter of weeks in terms of publishing further details. The White Paper, for example, the legislation, as I have said needs to go to law drafting and that is why I have said the beginning of 2013 is when I hope we will be in a position to lodge for debate the new Licensing Law.

2.7.2 The Connétable of St. John:

Given this new Licensing Law is in the process of being reviewed, will the Minister make sure that it is reviewed along with the Taxi Law? A lot of the problems that have arisen over recent years, since the law was last reviewed by the then Tourism Department - which comes under his remit - back in the 1990s, and a lot of problems at the Weighbridge and in outlying areas were caused because there was not the joined up thinking between the 2 departments. Would he give that some thought?

Senator A.J.H. Maclean:

One of the reasons for delay is that it has been so joined up across many departments, clearly it takes a little longer to get these matters progressed. That is regrettable and indeed, I might add, not an acceptable answer, but just a fact. With regard to the taxi issue, there was, of course, a Green Paper, which covered a number of areas. I will check on the results with regard to taxis. I do not know whether the now Connétable was involved in the Green Paper consultation, whether he fed into that, but I am happy to supply him with any results that came through as a result of the Green Paper that was consulted on last year.

2.7.3 The Connétable of St. John:

Will the Minister please confirm that he will look at the Taxi Law in relation to this because they are very close together? A lot of the problems arise because there has been no joined up thinking between the 2 areas of pubs or discos that empty out at a certain time. You want to make sure there are sufficient taxis on the rank to clear the people. This is where a lot of the problems have arisen, having been at both ends of the spectrum when we put the law in place and previous to that when I was in the Honorary Police.

Senator A.J.H. Maclean:

The Connétable's point is well made. It is not directly involved within the Licensing Law but it is relevant and I will certainly ensure that it is taken into consideration.

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

The Green Paper was completed in 2009 and it has taken 3 years to get to this stage. Could the Minister confirm that this was due to departments not being able to agree and not being able to compromise on a way forward? If so, what is the Minister doing differently to bring this forward within the next 3 years?

Senator A.J.H. Maclean:

Yes, that is broadly correct. I would not disagree with that point. However, as I made the comment in my opening answer, there is now good progress being made and the fact that the departments are operating together whereas they were not before. There was more of a silo operation previously. That is not the case now. I am very encouraged by the very constructive way in which the departments that I have mentioned are working together to try and find a solution. I believe the timescales that I have outlined are realistic. I am certainly determined and I know the other Ministers are determined and the Chief Minister has been watching with a beady eye as well to ensure that we progress this matter.

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

Could the Minister, if and when he does look into the taxi problem to do with the licensing, also look into the fees for the taxi marshals and so that every Parish contributes? As they leave St. Helier to go to every other Parish and it is St. Helier and the Minister for Home Affairs who pay for it at the moment.

Senator A.J.H. Maclean:

I believe this is straying way out of the question and also my remit. I do not have my sticky fingers in so many pots but I will certainly pass it on to the relevant Minister.

Deputy R.J. Rondel:

Just to thank the Minister and assure him that we will all be watching him with our beady eyes.
[Laughter]

2.8 Deputy J.H. Young of St. Brelade of the Minister for Transport and Technical Services regarding threatened strike action by bus drivers:

Will the Minister inform Members of the circumstances which led to the threatened one-day strike by bus drivers and state whether the States contract with the operator provides for the public to be compensated in the event of the unavailability of the publicly subsidised bus service without adequate notice? Would he give details of the action he proposes to take, particularly his contingency plans to prevent a repetition?

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

I am delighted to inform Members that Connex announced yesterday that all of the planned industrial action has been cancelled following a successful conclusion of negotiations with union representatives. However, in answer to the Deputy's question, in a press release issued on the morning of Thursday, 7th June 2012, Connex set out the circumstances which prompted Unite to announce industrial action. In essence, the union was unable to reach agreement with the company on the workforce's 2012 pay claim of 1 per cent above inflation despite the involvement of J.A.C.S. (Jersey Advisory and Conciliation Services) in negotiations following the notification of strike action to the company. In the event of a strike, the States of Jersey would have been compensated for the non-operation of public bus services in accordance with its contract with Connex. The relatively small proportion of passengers who prepay for travel tickets would be provided compensation by Connex. Connex is a private company and I wish to make clear that these are employees of Connex and the management of employee relations is a matter solely for them and therefore I am not party to internal negotiations. However, T.T.S. (Transport and Technical Services) liaises closely with the company to ensure that the effects of any potential industrial action on the public is minimised and mitigated. Additionally, T.T.S. officers have remained in communication with coach and taxi operators to ensure as far as possible alternative public transport services would be available in the event of a strike, particularly to important locations such as the airport. In addition to this, contingency plans have been developed to manage the additional commuter parking demand which would have been generated.

The Deputy Bailiff:

Minister, 2 minutes is the Bailiff's general rule for answering questions and you have now been going for nearly 3.

Deputy K.C. Lewis:

Just finishing off now, Sir. T.T.S. has also kept key stakeholders closely informed such as Education Department, Jersey Tourism and Ports of Jersey so they could also make arrangements to mitigate the effects of a strike.

2.8.1 Deputy J.H. Young:

Thank you for the very detailed answer. Just a couple of points if I may check. Is the Minister satisfied that the formula for public subsidy would not mean that the public had to pay out more subsidies if the service did not run?

Deputy K.C. Lewis:

No, the State is compensated.

2.8.2 Deputy J.H. Young:

Is the Minister satisfied that this eleventh hour deal which was announced, I think, calling off the strike at 17.14 of the evening when it was due to start, is he satisfied that that eleventh hour deal will not affect the negotiations in a new contract and will not reduce any opportunity there is to change the service in future to an improved service, particularly on Sundays?

Deputy K.C. Lewis:

No, my information is this will not be binding on any new company.

2.8.3 Deputy G.P. Southern:

I think I just may have heard a part answer to my question there in the last few words. Can the Minister confirm that there is no agreement with the new company taking over these jobs as to terms and conditions being protected by T.U.P.E. (Transfer of Undertakings (Protection of Employment)) type conditions as promised? I go even further, that is the situation.

Deputy K.C. Lewis:

No, T.T.S. will use its best endeavours to transfer all staff to the new company.

2.8.4 Deputy R.G. Le Hérisssier:

Would the Minister not concede that while he portrays Connex as independent in its labour relations, essentially the ultimate stop is the public who pay the bills and pay a massive subsidy for the public transport service on the Island? So therefore we have, indirectly or otherwise, a vital interest in what occurs. Would he not also agree that a lot of this has been fermented by a major culture of overtime where overtime has become the factor in the wage structure of the company and has made it very difficult to get it organised on another basis?

[10:30]

Deputy K.C. Lewis:

Yes, the preferred tenderer, CT Plus, has made it clear that if they were to get the contract, they would expand the service and employ many more drivers which would alleviate that problem.

2.8.5 Deputy R.G. Le Hérisssier:

Would the Minister not concede that his department is intimately involved in the process because we, the public, ultimately pay all the bills?

Deputy K.C. Lewis:

Yes.

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

I do not want to repeat Deputy Southern's question but maybe I could be a little bit more specific. Would the Minister tell the Assembly whether it is his intention to transfer terms and conditions from Connex to the new bus company?

Deputy K.C. Lewis:

Yes, as I say, it is all under negotiation at the moment with the preferred tenderer, CT Plus, that all the basic conditions would be carried forward. With regard to pay, I think they would be linked to the 2011 pay scale.

2.8.7 Deputy T.A. Vallois:

Could the Minister confirm that a bus strike would be classed as a service failure by his department under the contract and therefore the penalty regime invoked upon the company?

Deputy K.C. Lewis:

Yes.

2.8.8 Senator L.J. Farnham:

Could the Minister remind Members how much public money is paid under the contract to Connex each year please? 2011 will be fine.

Deputy K.C. Lewis:

I am not sure of the exact figure off the top of my head but I believe it is about ...

Senator L.J. Farnham:

To the nearest million would also be fine.

Deputy K.C. Lewis:

If I can speak, I think it is about £7 million out and about £3.5 million back.

2.8.9 Deputy G.P. Southern:

Does the Minister accept that sadly only the threat of strike action has brought a resolution to this problem and does he see that being the case for public sector workers in general?

Deputy K.C. Lewis:

No, this was resolved by the union Unite, their drivers, and Connex sitting around the table and talking.

2.8.10 Deputy G.P. Southern:

Does he accept that there are several parallels in this particular case with the public sector case especially that the 2012 pay offer is not consolidated, which is the same offer coming from the current Employment Board.

The Deputy Bailiff:

I am not sure the Minister has responsibility for the pay offer, Deputy. Deputy Tadier.

2.8.11 Deputy M. Tadier:

It is interesting to note the Minister says he is not privy to the negotiations but knows exactly what factors have led to the success of it. Will the Minister inform Members whether or not Connex received an index related increase in their budget for 2011? Thank you.

Deputy K.C. Lewis:

Yes, I will have to get back to Members regarding the amount.

2.8.12 Deputy J.H. Young:

Would the Minister accept that the public do expect continuity of service, that these kind of situations cause anxiety and that there is a responsibility on the Minister in handing out public money to ensure that not only is the service as good as possible but at least there is some stability of it?

Deputy K.C. Lewis:

Absolutely. We were all distressed to hear of a possibility of a bus strike and, yes, that will all be in the new contract.

The Deputy Bailiff:

I congratulate the Deputy on having 4 questions there which have got passed the Chair.

2.9 Deputy G.P. Southern of the Minister for Economic Development regarding the breakdown of new job opportunities in terms of high-value (professional and managerial) posts and those of lower value (clerical/manual):

It contains several strands, Sir. Will the Minister give a breakdown of the 1,011 job opportunities in P.55/2012 to show in each sector the number of high-value professional and managerial posts and those clerical and manual which are of a lower value and inform Members how many of the 1,011 jobs have been filled and would he further state how he proposes to ensure that future growth creates high-value employment and diversity?

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

Three minutes did you say, Sir?

The Deputy Bailiff:

Well, you have got 1,011 questions there I think [Laughter].

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

We do not hold a breakdown of specific job types within each sector as manpower returns request information on total staffing numbers but not the type of roles. I should add that job titles alone are not necessarily an indicator of what can be deemed high-value as jobs with similar job titles in different sectors may get paid very different salaries and may require significantly different skill sets. With regard to the second part of the Deputy's question relating to jobs filled versus opportunities created, I have already stated that these statistics will be published. However, it seems sensible to await the June manpower returns to ensure a fully up-to-date picture. To answer the final element of the question, future growth that creates high-value employment opportunities is a clear objective of the draft Economic Growth and Diversification Strategy that was lodged on 1st June. That is why we have already created Locate Jersey who are specifically tasked with targeting inward investment business. These are high-value, high productivity sectors including financial services, e-commerce, intellectual property, I.C.T. (Information, Communication and Technology), renewable energy and so on. Thank you, Sir.

2.9.1 Deputy G.P. Southern:

What powers does the Minister have which will ensure success in promoting high-value job creation, which has been the long-term aim of his department for the last decade? What is the difference?

Senator A.J.H. Maclean:

One of the biggest differences is the fact we are specifically and proactively targeting, outside of the Island, inward investment. We have created Locate Jersey, we are going out and successfully over the recent years - hence the statistics - bringing a wide variety of businesses, not just financial services business, but other sectors into the Island to set up and create employment here. The statistics, I have mentioned. We are continuing to analyse those statistics, as I have said, from June manpower returns and we are happy to publish even more.

2.9.2 Deputy G.P. Southern:

The Minister does not know what high-value jobs are and what is not because the labels are different in different firms but, nevertheless, he is going to make sure that he produces high-value jobs. Can the Minister refer to his document on page 26 and recognise that over 400 of the 1,000 jobs are in retail. Are these high-value jobs or are they shop assistants?

Senator A.J.H. Maclean:

In fact, part of what the Deputy is referring to is the inward investment activity which was part of an M. and A. (Merger and Acquisition) with Waitrose and, yes, 200 of those are in retail and are in relation to that particular organisation but having said that, that is 200 new jobs created within that particular sector. It is job creation. You cannot have jobs in just one particular sector or one particular area. We are interested in all jobs but the aim is clearly raising the productivity in existing sectors and introducing new inward investment businesses which are of a high-value nature.

Deputy G.P. Southern:

If I may, Sir, another supplementary please?

The Deputy Bailiff:

All right.

2.9.3 Deputy G.P. Southern:

On the detail on page 26, how come he is aiming for diversity when the record says that 270 of those 1,000 jobs, a quarter of the jobs, are in finance, so it is more specialisation?

Senator A.J.H. Maclean:

I would simply say to the Deputy he would be better informed if he bothered to come to the Economic Growth and Diversification Strategy Briefing that was offered to States Members where there was an opportunity for him to ask questions. **[Approbation]** Indeed, I am always available if he or any other Member would like to come to Economic Development and discuss these matters in detail. I am very satisfied that inward investment is working. We have got a lot more work to do but we are bringing in high-value businesses, they are creating job opportunities for Islanders and we have got to do more of it and not less of it. I would simply add to that, the Deputy should perhaps not be looking so short-termist. Economic diversification is a long-term game and we are in that game.

2.9.4 Deputy M.R. Higgins:

The Minister has admitted that he does not know the breakdown of the jobs into the type of category they are. Is this not just another example of the failure to monitor what is going on? You state the policy that we are going to go for high-value, low footprint type industries but you do not have the facts to back it up. So is the Minister going to ensure that the statistics that will be gathered will enable us to be able to monitor this particular process?

Senator A.J.H. Maclean:

I think the Deputy and Deputy Southern are missing the point. When we seek to drive inward investment businesses, we talk to businesses and we seek their business plans and the value they are going to add to the economy. What I have been asked this morning is of more than 1,000 job opportunities, to give a breakdown of what those are. That is completely unreasonable. What we do do is that we look very closely on every application for an inward investment business wishing to set up in Jersey, we look at the business plan and the value that that business is bringing to the Island.

Deputy M.R. Higgins:

With respect, the Minister did not answer the question. The question was, going forward; will you gather that data so we can monitor what is going on?

Senator A.J.H. Maclean:

I have already stated that with regard to the gathering of data between job opportunities created and jobs filled, yes, we look at that through manpower returns, which happen twice a year. The June statistics are coming out shortly and are going to be analysed. These will help to inform the debate and we are happy to publish them.

2.9.5 Deputy R.G. Le Hérisier:

Apropos job creation and job removal, would the Minister comment on whether the anticipated decline in the fulfilment industry has indeed occurred or have the prophets of doom been stopped at the gates, so to speak?

Senator A.J.H. Maclean:

Surprisingly, it might be a little early to give a conclusive answer to that. Yes, there have been job losses, as one would anticipate, but businesses are continuing, as good businesses do, to apprise themselves of other opportunities. They have been slow in that respect to make as many people

redundant as perhaps we would have expected at this stage. So there have been job losses, not to the levels yet that we had anticipated but it is still very early in the process.

2.9.6 Senator L.J. Farnham:

Two small parts to this question. The first one is, is the Minister extremely puzzled and confused at the type of questions being asked by Deputies who seem to be interrogating him for a policy that creates jobs? Secondly, could he just confirm please that jobs in retail and low-value parts of the economy as described, including tourism, are not only important but vital to the Island?

Senator A.J.H. Maclean:

I am often perplexed by some questions but that, as they say, goes with the territory. With regard to the last question, yes, we need a balance in our economy. Clearly there are different skill sets throughout our community. We have to ensure that we provide job opportunities for all. That goes without saying and that is why such an investment is being made, particularly at this time with regard to job creation. We will continue to do that through Skills Jersey and all the other educational establishments within the Island.

2.9.7 Senator S.C. Ferguson:

Is it not for the Government to provide the environment? Does the Minister really believe that Government can identify successful new business areas? Has the Minister got the information on which to make any decisions considering that we have no economic analysis of the fiscal stimulus?

Senator A.J.H. Maclean:

Economic analysis of the fiscal stimulus is not really particularly relevant to this but what I would say is that it is not - and I have often said this - for Government to start trying to pick winners. What we can do is we can work in partnership and we should work more and more in partnership with the private sector in order to set the foundations to ensure that business can succeed in the Island. That, I believe, is what we are successfully attempting to do with the creation of the bodies that we have put in place like Digital Jersey, Jersey Business, which is now privately operated to support smaller and medium-sized businesses in the Island and so on. We will continue to work in partnership with the private sector. That is where the ideas are and that is what we need to continue to do. What we also must not do is be frightened to take risks and I believe that as much by Government as it is by private sector. We see that particularly in my recent visit to Israel where there is no fear of taking risk. They realise there will be failures but they have to and continue to invest in growth opportunities.

2.9.8 Deputy G.P. Southern:

Will the Minister accept nonetheless, notwithstanding his answers, that 70 per cent of these new jobs are in retail and in finance? He has singularly missed his target so far and will continue to miss his target after promoting diversity. In terms of the question he was asked by Senator Farnham, the record shows - and these are his own figures - that one new firm has been set up in tourism creating one job.

Senator A.J.H. Maclean:

I really do not know the point that the Deputy is trying to make. It is not clear at all. He is thinking, in my view, short-termist, he is not thinking of the long term and he is not looking at the successes that have been achieved. There is a lot more work to be done. This is the beginning and not the end but what he should not be seeking to do is to take cheap pot shots at...

Deputy G.P. Southern:

That is unfair, Sir.

Senator A.J.H. Maclean:

... I may say companies and individuals that are prepared to have confidence to invest in Jersey, which is exactly what they are doing. We should reciprocate that confidence by giving them our support and that is exactly what we are seeking to do.

[10:45]

The businesses that we drive into this Island through inward investment, we want to be successful, we want them to continue to grow and we want them to continue to employ local people. That is what is beginning to happen but there is a lot more to do and I would hope the Deputy would get behind a positive initiative like that and make some constructive suggestions. Yes, come and engage with the department. We would like to hear about his ideas, if he has got good ideas. We are in this together. Let us work together **[Laughter]**.

Deputy G.P. Southern:

Does the Minister accept that all I have done today is quote his own figures?

The Deputy Bailiff:

Deputy Southern, you have had your final supplementary.

Deputy T.M. Pitman:

Sir, before we move on, is it possible to request that some of the Constables quickly return to the Chamber because I am one Member who does need a comfort break and we have been quorate for quite a while?

The Deputy Bailiff:

I am certainly not going to identify any particular section of the Assembly but it is true that we are on the minimum 26 and you are now free to go, Deputy, if you wish to. **[Laughter]**

2.10 Deputy M. Tadier of the Minister for Social Security regarding the frequency of Long-Term Incapacity Allowance benefit payments:

Will the Minister advise what process and criteria are employed when deciding whether to grant a request for a weekly, rather than a monthly payment of Long-Term Incapacity Allowance benefit and would he state how many individuals currently in receipt of L.T.I.A. (Long-Term Incapacity Allowance) are paid by the week?

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

Long-Term Incapacity Allowance is paid 4-weekly in advance in accordance with the Social Security Claims and Payments (Jersey) Order 1974. This benefit is available to working age people and is paid based on an individual's assessed loss of faculty. Over two-thirds of the current 3,500 L.T.I. (Long-Term Incapacity) claimants receive payments of less than £100 per week and it would not be cost-effective to administer this benefit on a weekly basis. L.T.I.A. is an in-work benefit and many people who receive payments have other sources of income. Those on low incomes are likely to also be receiving income support, which is paid weekly. In the very small number of cases where L.T.I. claimants have difficulty in managing their money on a 4-weekly basis, alternative solutions are provided such as making payments to a relative or friend acting as an appointed agent or paying the benefit through income support on a weekly basis. Those few individuals in this situation are assisted on a case by case basis, tailored to meet their particular circumstances. I can confirm that 6 L.T.I. claims are currently paid through income support and approximately 70

people have agents. This will be for a variety of reasons and not just to help out with their financial management.

2.10.1 Deputy M. Tadier:

Thank you for the information, Minister. I understand the point about it not being cost-effective and the suggestion is not in any way that everybody should be paid on a weekly basis. Simply I am trying to get information about how those who think that they could benefit from a weekly payment, because they have difficulty perhaps managing their budget, can go through that stage. Will the Minister confirm that although there are two-thirds on that who earn less than £100 a month, there are also those on income support who get very small amounts of money, perhaps less than £25 a week who also get paid on a weekly basis. Therefore, there is no reason in reality that in individual cases, perhaps more people should be offered the payment of a weekly L.T.I.A. benefit.

Senator F. du H. Le Gresley:

The Deputy, I think, has slightly confused the Members. I think it was inadvertently. I did not say people were getting £100 a month. There are people getting the equivalent of £100 a week, which of course over a 4-week period would be £400. The point with income support is it is a weekly benefit and is paid weekly. Therefore we would be very reluctant to change the current arrangements which are in place by law to pay this L.T.I.A. on a 4-weekly basis, which is the same way as we pay old age pensions and maternity allowance.

2.10.2 Deputy G.P. Southern:

If relatively small sums can be paid on a weekly basis as a matter of routine through income support, why will the Minister not consider more generally paying weekly benefits rather than, in this case for L.T.I.A. monthly, to enable more people to better manage their budgets?

Senator F. du H. Le Gresley:

Anything is possible. It is just a matter of cost. There has not been sufficient demand, as I have already indicated, to change the current procedure. I would have to have far more evidence that there is a major concern out there before we would change legislation and also incur extra costs.

2.10.3 Deputy G.P. Southern:

Does the Minister accept that there may be a lack of demand because as with many other benefits, the department does not advertise the possibility that this might happen in the first place? Will he accept that he ought to do more to advertise what is available through the benefit system than he does now?

Senator F. du H. Le Gresley:

The department has a very comprehensive website on the States of Jersey website which explains all the benefits and how they operate. We have numerous leaflets in the front of the department when people arrive, so I do not accept the Deputy's criticism about lack of information. Insofar as L.T.I.A. which is the subject of the original question, it is the case that if a recipient does ask and we feel that there are genuine reasons why they would need to receive their benefit weekly, we will make those arrangements. I really think that is a very good arrangement and I do not propose to change it.

2.10.4 Deputy J.A. Martin:

Would the Minister not agree, or perhaps he could find out, that of these 3,000 people on L.T.I.A., I would presume - and the Minister may have the figures - that the majority are topped up weekly by income support? So why is it physically impossible not to because I do know people are very confused to get these 2 separate payments? I think to say that it is not cost-effective when, as I say,

the majority are already topped up by income support weekly ... can he let the House know the figures of the 3,000 who are topped up and really look into this a bit deeper?

Senator F. du H. Le Gresley:

I am happy to provide the Assembly with more information about the number of recipients of LT.I.A. who are also on income support. I am quite happy to do that. I do not believe that it will change the view of the department and my view that this benefit is a 4-weekly benefit in the same way as I have mentioned to other benefits. We all have to remember of course that most people these days are paid monthly if they are in work and the majority in fact of the recipients of L.T.I.A. are people in work and therefore they are used to budgeting over a 4-week period.

2.10.5 Deputy M. Tadier:

There will be more questions perhaps asked privately as well as publicly and I appreciate the Minister has also been very helpful up until now, something which the Assembly will not necessarily appreciate. Can the Minister acknowledge that there is potential in looking for efficiencies as Deputy Martin suggested, when there are 2 different systems, some of which pay very small amounts of money; the others which are paying larger sums of money? I appreciate that some people are working on LT.I.A., some people are not working. Many who do work are also receiving weekly payments if they were a manual worker for the States, for example. So will the Minister look into a more holistic approach to make sure that there is joined up thinking at his department in terms of income support payments which are done weekly, L.T.I.A. which is done monthly? In order to see if a more appropriate and user-friendly system can be come up with which would potentially save money but which would certainly benefit the recipients of those benefits?

Senator F. du H. Le Gresley:

I am pleased that the Deputy recognises the help that I have already given on this matter directly to him. I am quite happy to look into the matters he has just raised. I do not expect to see any dramatic changes required but I am certainly happy to look into the matter further.

2.11 Deputy M.R. Higgins of the Minister for Home Affairs regarding the oversight of the States of Jersey Police:

Would the Minister inform Members who, if anyone, has the power to ensure that the States of Jersey Police carry out investigations into alleged wrongdoing when the police decide not to do so and who has oversight of this aspect of police operations?

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

The oversight of the States Police is the responsibility of the Minister for Home Affairs. The police have a statutory duty to take all such lawful measures as may be necessary for the purpose of bringing offenders, with all due speed, to justice. When an allegation of an offence is made, they are duty bound to make an assessment and to give proper consideration to the allegation to establish if an offence has been committed. They will normally make a preliminary assessment to determine that there is some substance to the allegation and some evidence of an offence having been committed. In some cases, they will conclude that the matter is a civil matter and not a criminal matter. In some cases, they will conclude that the allegation is spurious and not based upon evidence. Sometimes claimants even fail to attend at police headquarters to make a formal complaint. Where matters are referred to me, it is my role to ensure that proper consideration has been given and a proper process followed in relation to the investigation. I must not, for important constitutional reasons, override the principle of the operational independence of the police. Therefore, the ultimate decision remains with the police. In addition, the Attorney General has the

power in some cases to institute investigations and will also sometimes request the police to do so where he finds this appropriate.

2.11.1 Deputy M.R. Higgins:

Is the Minister aware that in the George Burrows case, the Jersey Financial Crimes Unit and the J.F.S.C. are playing ping pong as to who should be dealing with the alleged fraud by Standard Bank to the detriment of Mr. Burrows?

Senator B.I. Le Marquand:

I do not believe that to be so. This was yet another example of a general question being asked of me which was going to be followed up by a specific question. With respect to the Deputy, that process is not helpful. I did, however, correctly guess what this was about and indeed have a copy of a letter written recently by the police to Mr. Burrows explaining that this matter. The criminal investigation has been looked at and reviewed by 3 different officers at different levels. Each of those 3 officers looking at it concluded that there was insufficient evidence to warrant a prosecution. So I do not agree with the assessment of the Deputy. The police have looked at this independently as a criminal matter. Three different officers on different occasions have assessed it. They have all come to the same conclusion.

2.11.2 Deputy C.F. Labey of Grouville:

Would the Minister also confirm who has the power to investigate when the allegation is of the Jersey Police wrongdoing?

Senator B.I. Le Marquand:

Well, the main issue in relation to wrongdoing with regards to individual police officers of course is a matter for the Independent Police Complaints Authority to oversee an investigation which may or may not subsequently lead to a disciplinary hearing. If the Deputy's question relates to a complaint against individual officers, that is the appropriate process. If the Deputy is asking me a question in relation to my role in relation to overseeing such matters, I certainly can inquire into matters and do so on appropriate occasions but I normally will not do so until the matter ceases to be an operational matter. I will normally, if I think it is appropriate to do so, make inquiries to find out what happened, to draw conclusions and to see whether there is a need for change in terms of processes and procedures.

2.11.3 The Deputy of Grouville:

I would like to take the Minister up because I am not entirely sure he answered my question. Who should an individual go to if there is an allegation against the Jersey Police Force, not an individual, and what if the Police Complaints Authority fails to respond?

The Deputy Bailiff:

I am sorry, Deputy. Do you mean an allegation of criminality or an allegation of some civil wrongdoing?

The Deputy of Grouville:

Criminality, Sir.

Senator B.I. Le Marquand:

Well, inevitably, an allegation of criminality would be an allegation against individual officers and not against the force as a whole. Therefore a person should make a complaint in the normal way to the States of Jersey Police and then officers not connected with the matter will become involved in the investigation. If necessary, officers will be brought in from outside the Island to conduct an

independent investigation in relation to the matter. I have tried earnestly to answer the Deputy's question but I am not sure I understand what the question is.

The Deputy Bailiff:

Deputy, do you wish to press it any further?

The Deputy of Grouville:

Yes, Sir. If an external police force is brought in, who is responsible for drawing up the terms of reference?

Senator B.I. Le Marquand:

If an external police force was brought in to investigate a matter, then clearly the nature of the matter that they would investigate would be set out by leadership of the police force. The leadership of the police force is the answer to that unless, somehow, the Attorney General had got involved in the process.

[11:00]

2.11.4 The Deputy of Grouville:

So the terms of reference are drawn up by the police force that is being investigated? Is that what the Minister is saying?

Senator B.I. Le Marquand:

The Deputy keeps on referring to a police force being investigated in the context of criminality. There cannot be a possibility of a police force being investigated quite in the way that she means. It is individual officers. If it were very, very senior officers, then, obviously, there would be a need to ensure a sufficient degree of independence but processes also exist in relation to that.

2.11.5 Deputy M. Tadier:

It is at times like this I wish I had gone to a posh school and then my Latin would have been better but I know there is a saying about who polices the police - obviously, Deputy Le Hérisier is more well-versed in that - and I think that is what the Deputy of Grouville was getting at. If I can ask this question, it may be helpful. I think what one is trying to ascertain is that the Minister has quite clearly reminded the Assembly that it is inappropriate for the Minister to get involved in operational matters. However if there has been a suggestion - and it is hypothetical it seems at this point - that a lack of confidence in the institution of the States of Jersey Police were to be a problem for an individual or a group of individuals, would it then be appropriate for a complaint to be made to the Minister, because it becomes a political issue, and for the Minister to then take action?

Senator B.I. Le Marquand:

The structure of authority in relation to matters concerning the police flows down via the public who elect the Members of the States; the Members of the States who elect the Minister for Home Affairs; the Minister for Home Affairs whose job is, among other things, to hold to account the Chief Officer of Police; the Chief Officer of Police whose job is to ensure that matters are operating properly within his own police force. So there is a structure which flows down. Ultimately, the Minister for Home Affairs holds to account the police force by holding to account the Chief Officer of Police in relation to ensuring that he is conducting matters properly and overseeing matters properly.

2.11.6 Deputy M.R. Higgins:

The Minister is wrong. It was not just the George Burrows case that I was going to raise. There are a number of cases. Members are contacted by members of the public in fact far too frequently on

matters concerning the police force including further reports of police officers entering property without lawful cause. In other words, entering without a warrant and so on or taking property from premises and then losing the property. We have incidents reported where the cases have involved former police officers and all of a sudden the inquiry has come to an end. Those types of matters, who should we take those to? Is it you or is to whichever?

Senator B.I. Le Marquand:

I think it is a matter of choice. I would always suggest that matters be taken initially to senior police officers. But if people are dissatisfied with the outcome of that, they should come to me, because I have the wider role of oversight. In such cases, I will pass on information and request a brief report in relation to the matter, so that I can assess what is going on and whether it is being dealt with properly. As I say, I would always, in relation to any of the Home Affairs departments, urge people to go first of all to the senior officers of the department and only if that fails then to come to me and I will then intervene.

The Deputy Bailiff:

Minister, I hesitate to intervene, but public confidence in the police is very important. Is it worth adding something about the Police Complaints Authority? You have mentioned it briefly, but Members perhaps have not focused on that.

Senator B.I. Le Marquand:

I thought I did mention that. That is precisely why we have an independent Police Complaints Authority. The Police Complaints Authority has the role of overseeing the investigation of complaints against individual police officers and can, at the end of the day, require a disciplinary charge to be brought, even if senior officers are declining so to do. But that process is not a criminal process. That is a process in relation to disciplinary action against individual officers. That is precisely why it has been set up as an independent body.

Deputy M.R. Higgins:

Just a comment on that, complaints have been made to the Police Complaints Authority, who do not inform people what the incident was about and also have not got back to people who have made complaints.

2.11.7 Senator L.J. Farnham:

Not a question, just an attempt to be of assistance, the rules relating to the Police Complaints Authority are clearly set out on the States of Jersey website indicating the process to follow in the course of a complaint.

Senator B.I. Le Marquand:

I am grateful to my Assistant Minister. I also have responsibility under the law for oversight of the Police Complaints Authority. So, if people have problems with the way in which the Police Complaints Authority is operating, they should ultimately refer those matters to me, because I also have an oversight responsibility there.

2.12 The Connétable of St. John of the Minister for Transport and Technical Services regarding tenders for the scrapyards contract:

Would the Minister inform Members whether Picot and Rouille Limited has been chosen to tender in the current round of tendering for the scrapyards contract? Would he also state whether all the preferred companies on the shortlist are locally based companies with experience in recycling?

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

As Members will appreciate the questions being asked would require me to divulge information that is restricted by the tender process. With this in mind, I am not in a position to answer them at this stage. I can, however, give the Constable of St. John and the Assembly my assurance that the tender process being undertaken meets the appropriate States of Jersey procurement rules and pursues a number of other criteria such as employment of local staff. Leading practice in environmental and safety management and the requirement to provide a business model which offers best value to the States of Jersey. The Environment Scrutiny Panel has been fully briefed on the scrapyards contract progress to date and all the issues relating to the existing and new contract. I do not believe that information relating to a particular company should be discussed in this public forum. I do not think it fair and reasonable to do so while my department is under strict rules of tendering. I am happy to provide further and the latest information to the Environment Scrutiny Panel, which will answer the question asked by the Constable of St. John.

2.12.1 The Connétable of St. John:

Given the Minister's answer, is it usual that when a company has been told that they are not going to be on the tender list, for the department to write an unsigned letter to Picot and Rouille - which I have a copy of here - saying that they are not on the tender list, but their name will be given to companies to ask if they wish to become junior partners in any deal? Can that be right for the Minister and his department to be using an odd way of approaching this situation, given these people are not on the tender list?

Deputy K.C. Lewis:

I am not sure of the letter to which the Constable refers. Hopefully he will furnish me with a copy. Obviously we would like any local companies employing local people to be involved in any new or further contracts. But nothing is guaranteed.

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

Would the Minister advise whether the shortlist of preferred companies is still to be finalised?

Deputy K.C. Lewis:

The amount of companies invited to tender is 6, following first stage assessment.

The Deputy of St. Ouen:

Does that mean that the list has been finalised?

Deputy K.C. Lewis:

The final list, yes.

2.12.3 The Deputy of St. Ouen:

When will the tendering process be concluded?

Deputy K.C. Lewis:

I believe that will be in several months' time.

2.12.4 Deputy T.M. Pitman:

Maybe I have missed something, but with fairness to the Constable of St. John, the letter he refers to does seem to suggest a process that hardly seems appropriate or above board. Could the Minister clarify a little more in his answer?

Deputy K.C. Lewis:

I would need to see the letter.

2.12.5 The Deputy of St. Ouen:

Could I ask the Minister, would he reconsider including the local company on the tender shortlist?

Deputy K.C. Lewis:

The tendering process is a very rigorous process. Quite a few companies have applied. There have been local companies, there have been off-Island companies and there have been a combination of local and off-Island companies. As I say, there has been a very, very strict process and the list is there. The number is 6.

The Deputy Bailiff:

I think you were asked whether you were going to reconsider.

Deputy K.C. Lewis:

That would not be in my remit.

2.12.6 The Deputy of St. Ouen:

I struggle to understand that, because this is a company that has been providing a service to this Island for 40 years [**Approbation**] and I would ask that the Minister would seek to find a solution that would allow this company to tender or take part in the tender process for the new contract.

Deputy K.C. Lewis:

The company tendered along with every other company. The tender process is very rigorous.

2.12.7 Senator L.J. Farnham:

Could the Minister give an example of why a company such as this would be excluded from the final tendering process?

Deputy K.C. Lewis:

Quite bluntly, they did not come up to the mark.

2.12.8 Senator S.C. Ferguson:

Would the Minister care to explain whether the tender was being handled through the Procurement Department or through his own department?

Deputy K.C. Lewis:

It was through a combination of the 2, I believe.

2.12.9 Senator S.C. Ferguson:

Supplementary, please, Sir. Does this mean in effect that the Procurement Department, who perhaps do not know the industry as well as the Minister's department, were in fact taking the lead on this contract?

Deputy K.C. Lewis:

The departments do have experts employed in the industry and it was a very rigorous process.

2.12.10 Deputy M.R. Higgins:

If I could just seek clarification on that, is the Minister trying to tell us that the State's Procurement Department have specialists in material handling and recycling?

Deputy K.C. Lewis:

Transport and Technical Services has experts in materials and recycling.

2.12.11 The Connétable of St. John:

I hope I can get given a bit of leeway given my colleagues have had considerably more bites at the cherry than I have. Given that there will be remedial work on this site, who will be undertaking the work? Also, of those companies tendering, are they all fully experienced in recycling? If not, how could they be on the tender list?

Deputy K.C. Lewis:

All the companies tendering are experienced in recycling. Any remediation work is under investigation.

2.12.12 The Connétable of St. John:

Sir, a supplementary on the final part? If the remedial work is currently under investigation and there is less or about 6 months left on the contract, when will this work be carried out and by whom?

Deputy K.C. Lewis:

The remediation inspection is under investigation as we speak. It may not be possible to use exactly the same site to start with. But we have to do exploratory works on the site to see if there is pollution there.

The Deputy Bailiff:

By whom? The question was by whom.

Deputy K.C. Lewis:

I beg your pardon, Sir, T.T.S. officers.

2.13 Deputy T.M. Pitman of the Minister for Housing regarding the provision of adequate safe play areas for children in States Housing developments:

Can the Minister give assurances that efforts will be made to ensure that all States Housing developments are provided with adequate safe play areas for children as a matter of urgency?

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

I would like to see play areas on many of our estates, where appropriate. But I cannot give assurances that all States housing developments will have a play area provided. There are a number of pertinent considerations which have to be taken into account. These include the availability of land and or facilities that lend themselves to that provision or conversion, the dynamic of the resident population on the estate, consultation with representative tenant associations, planning consent in some cases and the availability of funding.

2.13.1 Deputy T.M. Pitman:

I thank the Minister for his answer and I know he is committed to this. Indeed we visited a site just the other week. Does the Minister agree, I am sure that he will, that a small amount of investment in young people now can save a fortune in the long term with regards to vandalism or perhaps avoiding accidents?

[11:15]

So, when we have areas that just perhaps need fencing around them, that given his £27 million windfall the other week, if there is any spare change from that, could he channel some of that into those areas?

Deputy A.K.F. Green:

I do agree that investment in our young people is important and pays dividends very often. Throughout the development of our estates, we have found that working with the community is key. We have had evidence of this and its successful provision of safe play areas at Clos St. André, at Le Geyt and La Collette. As the Deputy referred to, we are working together with the residents of the Cedars where we met with the District Deputies and the delightful young people in the Cedars and I hope to provide a facility for them if we can.

3. Questions to Ministers Without Notice - The Minister for Social Security

The Deputy Bailiff:

Very well. We come to the end of that part of question time. We now come to questions to Ministers without notice. The first question period is to the Minister for Social Security. Deputy Le Hérisssier?

3.1 Deputy R.G. Le Hérisssier:

Can the Minister confirm that the delay to the introduction of the insurance scheme, the Care for the Long Term Elderly, is solely based upon the fact that he does not believe that the suggested rates were set at the right level or are his changes going to be of a more radical nature?

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

In answer to this question, I could speak for about half an hour, but I am sure you would not wish me to do so. The suggested rates that the Deputy refers to were, of course, in the report accompanying the proposition which introduced the enabling law. The rates that were mentioned there were as a result of the Green and White Papers that were consulted on. It is a fact that in reviewing these rates that they do not appear to be adequate. There will have to be streamlining of not only the contributions required but also the means testing and the eligibility to the scheme. There are a number of aspects that I am looking into. That is a reason for the delay coupled with, of course, the need - which I believe is imperative - to make sure that we collect contributions from people who have earned and unearned income. That is why we are looking to work with the Tax Department for the collection of the contributions.

3.1.1 Deputy R.G. Le Hérisssier:

Could the Minister explain his concern that this scheme may be placing a much greater burden, as indeed are other schemes now because of the way the economy is moving, upon the younger generation and that the older generation, those who have now moved into retirement and have in some cases, for example, done well out of property, that they should bear a greater burden? Is that his thinking?

Senator F. du H. Le Gresley:

This is such a difficult area that it is difficult to answer very quickly in a couple of minutes. The fact is that that Green Paper showed that the calculation was that contribution rate for employees could be 6 per cent by 2036 and possibly 8.5 per cent by 2049. I am very concerned that with the projection of the ageing population that that 8.5 per cent may be even exceeded. That is why we are looking at the contribution rates and also whether we need to phase this scheme in gradually rather than offer all benefits from day one.

3.2 Deputy G.P. Southern:

That is a major change of policy there, we just heard. Could I ask the Minister, does he have figures for the amount of overpayments made under the Income Support System? Does he accept that when overpayments occur it does cause hardship in paying those overpayments back?

Senator F. du H. Le Gresley:

I would be very well prepared for this question time if I had that sort of figure at the top of my head. However, I agree completely with the Deputy that when overpayment occurs it does create great difficulties for the individual who has to repay the department. I can tell the Deputy, and I think he is well aware, that the rate that we collect any payment is at £3 per day or maximum of £21 a week. But there is discretion and we do work very carefully to make sure that people are not placed in a difficult financial position.

3.2.1 Deputy G.P. Southern:

Will the Minister then examine this particular area and produce some figures as to how often this occurs? Will he take measures if he considers it appropriate to alleviate or to ameliorate this situation?

Senator F. du H. Le Gresley:

I think it may well be very difficult to provide the Deputy with the information he is seeking, because overpayments can occur in very small amounts, which the department may decide to overrule and not claim back or there could be substantial amounts. Current claims are about £6,600. So, to go through the claims over the last 4 years would be incredibly time consuming and I am not sure they would be of great value. However, I am prepared to consider whether the rate of £3 per day is appropriate for collecting money overpaid and that is something I would be quite happy to look at.

3.3 Senator L.J. Farnham:

Given the high level of unemployment, is the Minister considering introducing any form of work scheme that will help facilitate in returning some of the unemployed to work? I am alluding to schemes such as work involving environmental projects that include a certain amount of training and skills implementation.

Senator F. du H. Le Gresley:

I am pleased to advise the Senator that the use of environment work schemes is something that the Back to Work programme is currently developing. These are voluntary schemes, I would stress. We are working with the Men of the Trees, in particular, to have an ongoing scheme to do with the trees in the Val de la Mar reservoir and the restoration of the forest there. So, that is an example of a scheme that is currently up and running. We have people from the Workwise area who are currently doing voluntary work. I am sure that in conjunction with the Minister for Planning and Environment that we will hopefully have other such schemes coming forward in the future.

3.3.1 Senator L.J. Farnham:

Just a point of clarification, the Minister when he says “a voluntary scheme”, does he mean it is voluntary as to be included in the scheme or it is not remunerated?

Senator F. du H. Le Gresley:

Voluntary to take part in the scheme.

3.4 Deputy J.A. Martin:

Given the Minister's comments that he thinks that ... estimated the long term care is at such a low rate, I have grave concerns of the delay. What I would like to ask the Minister for Social Security is would he look into the amount of people who are on the verge of keeping their main residence, but now could be delayed for up to 2 years? Would the Minister look into people not signing over their main residence to Social Security, who on their demise will then be able to sell that property, which is happening now? I think that is the main concern. That is really sort of 2 questions. Why the delay, because we should get started if it is not enough? Secondly, the concerns out there again about the main residence of people ... you are going to capture a lot of people's homes in the next 2 years.

Senator F. du H. Le Gresley:

To bring in a temporary relief pending the full scheme coming into force is something that my officers are looking at. Sadly, I have to inform that Assembly that to do anything of that nature is going to cost significant sums of money and this would probably mean an increase in the amount of income support benefit that we pay for people in nursing or residential care. There is no budget for this and I am not sure that the Minister for Treasury and Resources would give me the increased budget to introduce a temporary scheme to relieve some of the problems that the Deputy is referring to. We are looking at it and if we are able to do anything I will come back to the Assembly with some proposals.

3.5 Deputy T.A. Vallois:

A large number of recommendations were made in 2 Scrutiny reports over the last 3 years and were deferred due to a review being undertaken by the Minister's department. What has happened to that review and will the Minister endeavour to update Scrutiny as to those particular recommendations?

Senator F. du H. Le Gresley:

That is quite a vague question, because the Deputy has not told me what it is that she is trying to get me to respond to.

Deputy T.A. Vallois:

Sorry, it is with regard to income support.

Senator F. du H. Le Gresley:

I think the fact is we are continually reviewing income support. It never stops. Members will be aware that we have recently lodged the proposition, which again is the result of reviewing income support. One of the main recommendations of the last Scrutiny Panel report was that we produce a report on the components and the cost of income support and how the money has been allocated. I am pleased to advise Members that that report is nearly ready for publication. I am due to see the final draft very shortly. It will be released as an R. I am sure that Deputy Southern, in particular, will have plenty of questions once he reads the report.

3.5.1 Deputy T.A. Vallois:

There were many other recommendations that were made and deferred due to a review being carried out by the department. This was specifically stated in the response by the Minister. Now, will the Minister come back to Scrutiny and advise us on an update as to where they are with those recommendations or whether they are even accepting them?

Senator F. du H. Le Gresley:

To the best of my knowledge, the previous Minister responded to the last Scrutiny Panel report. I have read his comments and I believe that we are covering all the angles.

3.6 Senator L.J. Farnham:

Could the Minister just remind the Assembly please, of the level of benefits that are currently paid out on an annual basis, and an indication of how they have increased or otherwise over the last 2 to 3 years?

Senator F. du H. Le Gresley:

The department's report on the payment of benefits out of the Social Security fund will be available very shortly. Insofar as income support, I have already indicated that we will be producing a separate report of the components. I can say that the figure in total for income support, which includes residential care transition, winter fuel, was just over £90 million in 2011.

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

In a previous answer the Minister said he is reviewing low income support payments. I wanted to ask him whether any consideration had been given to tie in low income support payments in with housing qualifications. What I am referring to is increasing the period of time to 10 years that people would need to be living here before they qualified for low income support payments.

Senator F. du H. Le Gresley:

We have taken the opportunity of using the Jersey Annual Social Survey, which has just been sent out to approximately 4,000 households to ask the very question the Deputy is raising as to the length of residence that people feel is appropriate to qualify for income support. This is just one source of information that we will use should we decide to increase the current period of 5 years to a longer period.

3.8 Deputy G.P. Southern:

Could the Minister inform Members what take up, I know it is early days, of the subsidised work scheme he has so far met on the scheme that he announced last month?

Senator F. du H. Le Gresley:

I think the Deputy refers to the employment grant, which is to encourage employers to take on somebody who has been unemployed for more than 12 months, of which there are approximately 310 people at the moment. The answer to the Deputy's question is that as of yesterday we have had about 40 inquiries. Some are progressing to the point of selection of candidates and taking up employment.

3.8.1 Deputy G.P. Southern:

Is the Minister content that that is an appropriate response, 40, some of which will not be progressed, out of 310? Is that enough? What more can he do?

[11:30]

Senator F. du H. Le Gresley:

The scheme has been made available and publicised since 18th May, so it has not really be running for 4 weeks yet, so that is an average of 10 inquiries per week, which I do not think is too bad. We have to bear in mind that, of course, in many cases it is about creating new jobs, because employers may be thinking of using this scheme to perhaps increase their workforce. So, in the current economic climate, some employers may not feel that they are ready to increase their workforce.

3.8.2 Deputy G.P. Southern:

Could I have a supplementary, Sir? What measures does the Minister have in his armoury to improve that particular score?

Senator F. du H. Le Gresley:

The Back to Work team are doing a fantastic job in communicating with employers, making sure that we try and match skills and bring in appropriate training. Certainly we are working in particular with the Jersey Hospitality Association, because personally I see that as an opportunity to find new employment for people. A lot of work going on and where possible if new schemes arise that will generate opportunities for employment then we will progress those.

4. Questions to Ministers Without Notice - The Chief Minister

The Deputy Bailiff:

That brings question time for the Minister for Social Security to an end. We now come to questions without notice to the Chief Minister. Deputy Tadier?

4.1 Deputy M. Tadier:

Would the Chief Minister inform Members why stakeholders were not informed of the engagement of Mr. Williamson when clearly they were informed at the outset of the engagement of Verita and also invited to speak to him about the consideration in the formation of the terms of reference?

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

I am not sure that there is an answer to that question. Perhaps, if anything, it is an oversight on my part, which I am trying to correct now.

4.1.1 Deputy M. Tadier:

Sir, supplementary? The Chief Minister is far too much of an erudite and clear-thinking man to make such an oversight. Clearly he realised that an undertaking was given by his predecessor and when Verita was engaged the first thing that was done was for those States Members who were interested and members of the public and groups like the Jersey Care Leavers Association were brought in immediately to discuss with Verita. Was it not the case that the Chief Minister did not want to inform anybody that Mr. Williamson had been engaged and it is only when myself and other interested States Members started to make inquiries that we were told that Mr. Williamson had been engaged? Otherwise we would never have known. The public would never be in this position to know at this stage.

Senator I.J. Gorst:

It is not the case that the public would never have known, because I intend to publish the results of Mr. Williamson's work. I can simply reiterate the first answer that I gave, that it was an oversight on my part, which I am now endeavouring to correct.

4.2 The Connétable of St. John:

Could the Minister give details of his calendar engagements for the rest of this week, please?

Senator I.J. Gorst:

I think I am going to have to refrain from answering that, because I have only got 15 minutes and it would take considerably longer?

4.2.1 The Connétable of St. John:

Could he give the calendar events for one day of this week, please?

Senator I.J. Gorst:

Yes, today, I have had a meeting prior to this States sitting. I am hoping, Sir, and I am relying on your good judgment that we might finish by lunchtime. I have 2 meetings in my diary to take place during the lunch interval. I have 4 other subsequent meetings this afternoon. Then I have an evening meeting starting at 6.00 p.m. which I expect to finish around 9.30 p.m. I was pleased to be able to read in my papers overnight that there might be light refreshments provided at that meeting, which means that I do not then need to rush home and eat my cold dinner.

4.3 Deputy T.A. Vallois:

As per the response in the written question to the Chief Minister by myself, could the Minister explain why it is only now that H.R. (Human Resources) needs investment and why it was not 3 years ago when we were given exactly this same kind of response and nothing happened?

Senator I.J. Gorst:

Some people have referred to me as an optimist. I am sure that that is rather too generous. I cannot always speak on behalf of those who have gone before me, but I am absolutely certain that investment is required now. I believe that we have probably had report after report which is now showing that the central corporate functions have been under invested. It is not right. We are paying too high a price for that under investment. It cannot go on.

4.3.1 Deputy T.A. Vallois:

Supplementary, Sir? Could the Chief Minister give an indication of how much that investment will be for H.R. function?

Senator I.J. Gorst:

Off the top of my head I think that we are looking at around £500,000 to strengthen that H.R. function and ensure that it is fit for purpose. The complete redesign of the public service is going to cost much, much more than that.

4.4 Deputy J.H. Young:

In the absence of an ombudsman, is the Assembly to conclude from his actions in approving the *ex gratia* payment in the planning enforcement matter brought to our attention by Deputy Higgins, that in the future he and his department will be dealing with all claims and complaints against all States departments? If not, will he provide guidance whether powers exist for Ministers to deal with them?

Senator I.J. Gorst:

I think that any complaint should in the first instance be referred to the department. There were some exceptional circumstances in this case, that the Council of Ministers felt with regard to undertakings given, but the legal situation that the department found itself in, we felt that this *ex gratia* payment was the right way forward.

Deputy J.H. Young:

I would like some clarification from the Attorney General on this question of the *vires* of Ministers being able to authorise *ex gratia* payments. I think it is a point of principle there. Now is the time to do it.

The Deputy Bailiff:

But not during Chief Minister's question time. Deputy Martin?

4.5 Deputy J.A. Martin:

Would the Chief Minister confirm that Jersey Post is collecting V.A.T. (Value Added Tax) for the U.K. after the kicking we got? If it is not collected this end, the English Post is holding the collector or the receiver, mainly on eBay, on even very small amounts, to ransom for the minimum amount of £5.95. What is the Minister intending to do about this?

Senator I.J. Gorst:

I think that this does not necessarily fall under the Chief Minister's remit, but the Minister for Economic Development or Minister for Treasury and Resources remit. It is my understanding that, yes, the memorandum of understanding, which I think it is, is still in place and therefore in effect, Jersey Post are collecting V.A.T. on the pre-paid system as they were previously. The difficulty, of course, is that while we might feel that that is extremely uncomfortable, the United Kingdom has made that decision. What it does continue to allow is that those who are posting high value items into the U.K. market place are able to do so quickly, which is critical to the mail order delivery business model.

4.6 Deputy G.P. Southern:

The Chief Minister mentioned the total redesign of the public sector. Does the Chief Minister consider that he is treating the public sector pay negotiations seriously enough, given his postponement yesterday of a meeting due on the 11th January because of other pressing matters? Although his representatives had insisted that national representatives of the public sector workers were required to attend on 11th January, he postponed this meeting. For this vital meeting, he was told, they have to be there and yet he postponed.

Senator I.J. Gorst:

I am not sure where the question was. It is indeed extremely important. I issued a statement, I believe, on Friday saying that I am sorry that that meeting had to be cancelled, because there were people travelling from the United Kingdom, it had to be considered in early course. I recognise it is no excuse, I do have a very busy diary and it is only appropriate that there is appropriate preparation time for those important meetings as the Deputy will be aware. It has been an extremely busy time and it was with regard to the appropriate preparation for that meeting.

4.6.1 Deputy G.P. Southern:

Is it beyond the wit of the Minister's department to fix up a date, which still has not been fixed, for completion of this particular meeting? Does he not consider that the whole progress of pay negotiation is being unnecessarily delayed by his department? Is it not about time he got a move on?

Senator I.J. Gorst:

Pay negotiations have historically taken a number of months, because by very nature they are negotiations. I am not sure that it is fair to criticise one side and say it is time they got a move on. But, yes, negotiations must continue.

4.7 The Deputy of Grouville:

As a Member of the Scrutiny Panel at the time, I suggested to the Migration Advisory Panel to consider the introduction of a deposit for an employment card with a nominal sum of perhaps £300. That would be refunded upon leaving the Island. That way, it would act as the only mechanism for knowing who has left the Island. Would this not be a better way to pay for the administration costs of cards?

Senator I.J. Gorst:

I was not aware of the Deputies recommendation. It is perhaps not too far removed from what is now being suggested, other than if we were to take a deposit and refund it obviously that would not then help with the cost because the amount would be refunded. The purpose of the consultation on the fees is to cover the cost of the mechanisms for control of migration. I think probably that is an appropriate methodology to adopt.

4.8 Senator L.J. Farnham:

I would like to ask the Chief Minister the position in relation to the Chief Officer of the States of Jersey. I understand the incumbent is there in an acting basis and I wonder if any thought had been given to making a position of Chief Officer of the States of Jersey permanent in the near future.

Senator I.J. Gorst:

Yes, it has. The issue was discussed by the Council of Ministers and we are now in a position of actively dealing with that particular issue. We hope to be able to recruit to that post.

4.9 Deputy M. Tadier:

Will the Chief Minister confirm or say whether he thinks that the recent suggestion for charging immigrants to enter the Island risks sending out a wrong and xenophobic message of an Island, which has traditionally been welcoming and dependent on immigrants, both culturally and economically.

Senator I.J. Gorst:

I do not believe that it does. Guernsey charges for such administration, as does the Isle of Man. Therefore, I do not believe that it does, because the Deputy makes the right point. The Island has historically been reliant upon immigrant labour and we must acknowledge the benefit that those individuals have and continue to give to our community.

4.9.1 Deputy M. Tadier:

Supplementary? If the charges are to be retrospective, will the Chief Minister envisage himself having to pay this fee?

Senator I.J. Gorst:

I am not sure that the charges are to be retrospective. If the Deputy has read the consultation document, there is no proposal to charge what will be entitled individuals. Of course, it is not really for me to talk about my individual circumstances and therefore I will not.

[11:45]

4.10 Deputy T.A. Vallois:

Could the Chief Minister confirm whether he will be appointing a Chief Executive within his term of office?

Senator I.J. Gorst:

I hope to be able to do so, yes.

The Deputy Bailiff:

Very well. If there are no other questions, that brings questions to the Chief Minister to an end. Senator Le Gresley, the departure of yourself from the Assembly room seemed to coincide with the absence of noise; I wondered whether this was a coincidence or whether you have an admission to make?

Senator F. du H. Le Gresley:

I had a feeling that I might be the guilty party, but I have checked my piece of equipment and no message came through, so I do not believe I was, Sir.

The Deputy Bailiff:

It must have been a coincidence then. Very well, that brings question time to an end. I give notice to Members that P.61/2012 Vote of Censure: the Minister for Treasury and Resources has been lodged by Senator Ferguson. There is nothing under J, Personal Statements. There is nothing under K, Statements on a Matter of Official Responsibility.

PUBLIC BUSINESS

5. Standing Orders: Answer to Questions (P.30/2012)

The Deputy Bailiff:

We come to L, Public Business, P.30/2012, Standing Orders: Answers to Questions, lodged by Deputy Southern and I ask the Greffier to read the proposition.

The Assistant Greffier to the States:

The States are asked to decide whether they are of opinion (a) to agree that appropriate amendments should be made to Standing Orders to make new provisions in relation to the answering of oral questions to provide that (i) where lists of data are required in order to answer a particular oral question, these may be circulated to Members in printed form at the time the answer is given; (ii) answers given shall address the content of the question being asked and be confined to the subject matter of the question; if the Presiding Officer is of the opinion that the answer given fails to do so, he shall draw the Member's attention to these requirements in Standing Orders and ask the Member to attempt to address the content of the question more directly; (b) to request the Privileges and Procedures Committee to bring forward for approval the necessary amendments to give effect to the proposals.

5.1 Deputy G.P. Southern:

As I think it is possibly the only business on the agenda, I will try not to keep Members too long on this. Basically, this is an attempt to improve the quality of questioning in this Chamber and, more importantly, the quality of the answers. It is a very simple task. Certainly in the first part, which talks about where there are lists, data and factual things required, these should be pre-printed and circulated so that people can offer a better supplementary on the actual numbers. We have seen Ministers reading out great long lists in the past in order, it seems, not to answer the question particularly, but to take up time, because it saves them being asked another question. I think that is essential if we are to do oral factual questions. Last week I was unable to attend the subcommittee which is considering this particular question. I left it to them, completely without my input, apart from saying as I left: "I would obviously like your support" and lo and behold they did consider this to be a useful amendment. In the minutes of that meeting - with me absent, so no influence at all - "this proposition sought to amend Standing Orders so that where lists of data were required, in order to answer a particular oral question; these could be circulated at the time the answer was given. The subcommittee agreed with this proposal". So, backing from the subcommittee on which I am sitting. Although not from the main committee, P.P.C. (Privileges and Procedures Committee), which has also examined it - I do not know in what depth, but certainly we considered it in some depth and agreed with it - but P.P.C. opposes it. I do not know why. Secondly, that the answers, at the very least, address the question. This is absolutely vital. There are many ways in which Minister can avoid answering a question. In the House of Commons - and I hold this out as a threat - the Prime Minister is allowed to say things like: "I note the Member has not asked me

about this” and then answer that particular question, thus avoiding answering questions altogether. I believe we should not go down that route. This is a modest attempt to contain the inevitable drift from meeting to meeting, from month to month, from year to year, that a bit more leniency is allowed and answers become softer and less appropriate and more meaningless. With the best will in the world, it seems to me that that is a process that tends to happen. From meeting to meeting, from year to year, a little more leeway is given, a little more leeway, and all of a sudden we have answers which are not worth listening to. At the moment, I believe, most of the answers are. But, we have already had a letter from the Bailiff to Ministers saying words to the effect - I have not looked at it recently, although I did look at it at the time: “I am rather tired of hearing you tell me about all your great achievements which have nothing to do with the question you have been asked. Will you please smarten up your answers?” It also said: “By the way, your officers seem to be giving you extremely long winded answers, can you cut those down?”

The Deputy Bailiff:

I am sure the Bailiff, Deputy, would want you to quote him exactly rather than summarise with your own spin on what he said. **[Laughter]**

Deputy G.P. Southern:

I am sure he would. If I had found it last night, I would be quoting. However, I did not and it is my presentation, so I will continue if you do not mind. **[Members: Oh!]**

The Deputy Bailiff:

I am not sure about that.

Deputy G.P. Southern:

Thank you, Sir, for permitting me to present. When considering the second part of my proposition, the subcommittee of which I am a Member, but I was not there at the time, said: “... and was also unanimous in supporting Deputy Southern’s other proposal that the Presiding Officer should have the discretion to require Members to address the content of a question more directly, if it was considered that the answer initially failed to do so.” That is the nub. It is possible to answer a question by talking about things other than the question. I have given 4 examples in my proposition of where I believe that has happened. In one case the Bailiff picked it up quite successfully. You could argue that this means we do not need to change anything, but I do not agree with that. The reality was in one particular case and it was the Bailiff in answer to a question asked by me of Senator Gorst and he managed to say: “Will the Minister answer the question? Does he consider the overall package still to be fair and balanced?” The Minister at the time had managed to give 12 lines of answer, when in fact the answer, when prompted, was only 2 lines and said: “Yes, I believe it is fair and balanced.” That is the sort of obfuscation I want to try and avoid. I believe that if we were to accept this amendment to Standing Orders, it would not take many occasions for it to happen that the Bailiff gives a little ticking off and refers: “Will the Minister, please, address the question?” It would not take more than 2 or 3 incidents where that happened that Ministers would, I believe, fall into line. I believe that fundamentally Ministers do want to do their best to answers questions accurately and properly. I do not believe anybody deliberately sets out to obfuscate and to avoid answering the question if they can help it. This is about addressing the question. It is the simplest way of getting better quality answers which do relate to the question and not to other things that we could do, I believe. I believe it is worthwhile supporting and I maintain the proposition and look forward to hearing Members’ comments.

The Deputy Bailiff:

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

5.1.1 Senator S.C. Ferguson:

As the Deputy knows, and as the Assembly probably knows now since he told them, my subcommittee on Standing Orders has been considering questions and question time with the helpful contributions obtained from Deputy Southern. The subcommittee has been cognisant of the fact that allowing Ministers to produce long lists of data in oral question time or indeed allowing Members to ask oral questions requiring data will blur the distinction between oral and written questions. It is essential that Members do not abuse this proposed privilege. It may well be that there will need to be a qualification of any Standing Order to curb such abuse. Personally, I would like just to rely on Members self-discipline, but sadly I think their enthusiasm may overcome their self-discipline on occasion, so perhaps we do need to just curb it. At the moment, the Privileges and Procedures Committee, as is obvious from the comments, is holding to the previous policy as the proposed changes to Standing Orders have not been debated by the committee. Consequently I shall abstain from the vote, being caught, I am afraid, in Deputy Le Hérissier's classic pose, firmly with one foot on each side of the fence. The second part of the proposition, the subcommittee has again agreed, but the same arguments apply. I certainly have noticed some improvement in the ability or perhaps intention of Ministers to stick to the point, since you, Sir, and the Bailiff have usually, gently, pointed out the error of their ways. Frankly, I do not like producing yet more rules, but sadly I think perhaps it is necessary. Our original comments, as I have said, were in line with the previous policy and against this additional rule. Since I have yet to argue this in the full committee, I will again abstain from the vote.

5.1.2 Deputy J.A. Martin:

I am not sure if the Senator is quoting the P.P.C. comments correctly. They do not support this proposition. Maybe I misheard. I thought we were saying again that normally, as the Senator is looking at it...

Senator S.C. Ferguson:

If the Deputy would like to give way.

Deputy J.A. Martin:

Yes, sorry.

Senator S.C. Ferguson:

Yes, I am fully aware of the fact that the comments did not support the proposition. The majority of the subcommittee support the changes proposed by Deputy Southern, but we have not argued it yet in committee. Therefore, I do not feel that it would be appropriate to vote either way at this point.

Deputy J.A. Martin:

Sorry, I misunderstood the subcommittee chair. Yes, I did help compile these comments and I stick by them. I think Deputy Southern, in his opening remarks, said that this could be needed because after a deadline has passed for a written question. Now, written questions are there. I can look at this both sides of the coin, as well. If you want to move and you want lists for oral questions you can move them back a few days. I know the amount of time officers prepare in doing written questions. So, if you want the same lists for oral, be careful what you wish for. Secondly, I would just like to quote the part where I do not understand where Deputy Southern is coming from. He says in the fifth paragraph: "The response may contain all the right words and phrases and may be expressed fluently and haltingly but nonetheless it fails to address the question."

[12:00]

Here, I do not mean answers which are unsatisfactory to the questioner or those with which the questioner does not agree politically, nor answers to loosely phrased questions which do not pin the respondent down, but those which simply ignore the question or answer a completely different question, often at length.” The Deputy goes on to say that placing a requirement for a Minister or other Members, he believes, is quite straightforward. He does go on to say that some people may have got good at the art of answering questions and maybe their delivery is pretty good with not a lot of substance. That is my objection to question time. I think the Chair is getting better at - not you, Sir, but whoever is in the Chair - keeping Ministers to short, sharp answers, which I think oral question time is meant to be, with lots of supplementaries and allowing the questioner to have a second supplementary. I think it is coming along very well and I would not like to see it go back with loads of lists to people who are just taking in at that minute, because it does say to place the written information on the desk as the question is being asked. What does that achieve? I think it only helps for someone who has missed the deadline and that is no excuse to move a Standing Order, because of States Members tardiness. I do not agree with that. The second point about whoever is in the chair making ... they do nudge. I am very concerned that this could make the Chair, as the Deputy says, sensitive. It could make it political. We do often hear answers to questions I do not like and I do not agree with politically. It does not mean the question is wrong. When do I question that the answer I have is not right? I may know that it is not right, because I might have more information, because I am an astute politician who has done my research and done my homework. That does not mean I can direct the Chair to tell the Minister he has not given me the right answer. I think, be careful what you wish for. I normally agree with a lot of what Deputy Southern is saying, but I cannot agree on this. I stick by the comments of P.P.C. and I cannot see why it does need altering. Tightening, yes, and I think we are getting there with oral questions. Oral question time is the most interesting. I was not here at roll call, because I had to attend a medical appointment, but driving in in the car (I even managed to find A.M. (Alternative Band)), and started to hear the beginning of question time and it is the most interesting part. I would like to keep it as it is. I think if Back-Benchers or questioners, even I ask questions. It is how you phrase them, it is what you know and what you are going to get out of the question. I do not think changing it and certainly the Chair probably directing more - as we have researched in P.P.C. - the Chair can be spending more time than the questioner or the Minister answering questions. In many of these other parliaments it does not work so I urge Members for this, and probably not often, to absolutely not support Deputy Southern on this entire proposition.

5.1.3 Deputy M. Tadier:

I am also a member of P.P.C. and my position on this is slightly more nuanced in the sense that I think first of all what Deputy Southern is trying to do is laudable. I mean, I think we can all have a salutary think about the way in which we ask questions and the way in which questions are answered. I think it is important at this stage to flag up the fact that the blame does not entirely lie with Ministers, of course when a Back-Bencher, somebody who asks a lot of questions, does not get the answer he or she likes one tends to feel miffed. One particularly feels miffed if no attempt has been made to answer the question but similarly I recognise that we are all politicians and sometimes we try and get away with things in questions, multiple questions, *et cetera*. So it is a minefield for the Chair and of course we are all human, we are just trying to get what we can asked and answered in the States. Having said that, I think we are making a bit heavy weather of certainly part (i) and I would also make it at least a partial case for part (ii) of this being adopted because I think that perhaps at the time - I am not sure what I was doing on P.P.C. - but I do not fully agree with all of these ideas. It seems to me the problem with questions - and this is no doubt being looked at by Senator Ferguson’s subpanel - is that we have 2 different deadlines for questions. There is no real need for that and I am sure it causes an amount of stress to the Greffier’s Department because on a Monday we have a 9.00 a.m. in the morning deadline for

written questions and we have a 12.00 p.m. cut off for oral questions on a Thursday. So when P.P.C. say that it would simply encourage Members who missed the deadline for written questions to submit questions as an oral, I think that is slightly disrespectful because there is already a 3-day delay in there and in politics a lot of things can happen in 3 days. It also ignores the fact that we have some prolific questioners in this Assembly and I am sure they will not be mentioned. We have on the one hand Deputy Southern who sits over here, we have Deputy Baudains of St. Clement and I know the Constable of St. John now. They all seem to use their written questions and their oral questions. For them there is certainly no chance that they are going to miss the deadline for written questions and say: "Well I better get this in as an oral question." There is clearly a difference between written and oral questions in their nature and that is to be picked up by the Greffier's Department and by the Chair, ultimately. But we all get different deadlines so if I get a phone call and I had one, not necessarily a call but the question I lodged to the Minister for Social Security was essentially an oral question, it was in order and it was passed as such but it did require a certain amount of data. It would be useful I think, if Members had that data circulated to them, not as the question was being read out, clearly that would be stupid, but in advance of question time all the papers should be on the desk. I think that would be the correct way to do it. Deputy Martin is correct to say that papers should not be distributed at the very last second and that goes without saying. But there is also another issue here because we do get undertakings from Ministers to say: "Well I do not have the information available at hand" and that is entirely understandable, again if it is an oral question it is coming on a Thursday, there may not have been sufficient time on the Friday or the Monday to source the correct information. Traditionally there is an etiquette that has developed, a convention that Ministers generally will circulate the information to Members, certainly to the Member involved, via email. There is an issue with that because that is not covered by privilege and if you ask a question in the Assembly data is given out there and then, whether it is a written question, an oral response or some notes accompanying a written question. That would be covered by privilege if it is given in the Assembly, also it is recorded formally on Hansard, it is available for those listening on the radio and it can also be reported by the media. So a document which is given, whether accompanying a written or an oral question simply is extra information which should be beneficial. It also has the added advantage that you do not have to wait 2 weeks or one and a half weeks for Hansard to be printed. We have a very good Hansard, it is verbatim, it is not the same way in which other parliaments use, for example the House of Commons have a Hansard produced the very next day and that is obviously a remarkable resource but it is different to the way we do ours. So I think ultimately this is a sensible democratic tool, it does provide more information and I do not think it is true to say that it will encourage Members to submit oral questions which should be written questions. If oral questions are being submitted now which should be written, that should be being picked up already. So what it simply means is that if there is additional information which could be handed out by Ministers it should be done so at the point that it is suggested. I would say to Members that we should perhaps be a little bit more flexible when considering part (a) (i) because this is more beneficial for people, for Members, for the public, and it also gets around that awkward moment of parliamentary privilege because we know that an email sent by the Minister, as I have said, is not covered by that and is not backed up by that. Part (ii) I would suggest we could see it as belt and braces. I think certainly the key thing for me is I want to make sure that when questions are asked they are done concisely, they are done correctly; when answers are given that they are picked up. But to suggest that the Chair would be being political and that he does not have the discernment to know when he is being political, I would suggest is slightly untrue and is disrespectful. As there is clearly a difference if I ask a question, let us say, to the Minister for Environment or to the Minister for Economic Development, I want to know about the town park, what time does the town park close. A simple question. The Minister will say: "Well the town park was commissioned in 1997 by Senator Syvret" and then we had a long debate about that and by the end of all that, inadvertently perhaps, he has forgotten what

the question is and I have probably forgotten it as well. So I do not know how the Chair is necessarily going to fare. With his might of learning he probably has hopefully managed to keep an interest and pick up the fact that: “Well you have not answered the question there, Deputy Tadier was asking you what time the parks are open” and if he intervenes then and says you have not answered the question, that is clear, that is not in any way political, it is a statement of fact. I was talking to teachers when they were accompanying the primary school and we had a chat, I knew one of them from La Moye, and they were saying: “Well it is quite easy, if somebody in my class does not answer the question we say, ‘Well ask the question again’.” Go back and ask the question, if you have not got the information you wanted. If we look at page 5 of Deputy Southern’s report I think we should ask the question how do things come over to members of the public? He has taken an example of asking a question of Deputy Noel, presumably as the Assistant Minister for the Treasury. Question 5 we have Deputy Southern saying: “I point out that the Assistant Minister has completely failed to address the question.” Now, listening from outside the members of the public are going to tend to think: “Oh, this is just party politics going on” we have got one Member saying: “You have not answered the question” the Minister saying: “I have answered the question” and in the meantime valuable time is being used up. If it is the questions without notice, there are 15 minutes and that soon goes, especially if you are asking supplementary questions. It would be a lot more impartial and it would look a lot better for the esteem of our Assembly if the Chair were to intervene and say: “Well, you have not answered the question, answer the question” provided of course that it is factual rather than political. I do not think it is beyond the wit of any Chair, and certainly not a Chair who has had legal training, to go back and ask a States Member to do that. So what I am suggesting here and what I think Deputy Southern is doing, is this is belt and braces, it is enhancing the Standing Orders. It is not saying that any Chair has to do that and it could also be the Greffier of course who is sitting in the Chair. I certainly think we are making too much fuss about this; we should at least give it a go. If it is not adopted today I would ask that the Standing Orders subpanel give very deep thought to these issues, which I am sure they are doing. But to sum up I would ask that Members adopt part (a), I think that is quite sensible, we do not need to be making a fuss there. Hopefully at some point we could have a deadline which is the same for written and oral questions because it is confusing to new Members and I think it is not helpful to the Greffier. But certainly with regard to the second part, as long as we are moving in the right direction I think there is no harm in adopting this but certainly in the long term we should be looking for interventions from the Chair perhaps slightly more often. I know they are already happening but certainly when it is factual and not politically based.

5.1.4 Senator P.M. Bailhache:

The proposer made much play of the fact that the subcommittee of the Privileges and Procedures Committee supported his proposition but the P.P.C. itself of course opposes it. Although the vice chairman of the P.P.C. appears to be in favour, the majority of the members of the Privileges and Procedures Committee were opposed to the proposition for the reasons which are set out briefly and clearly, I hope, in the report. So far as the first proposal is concerned it would confuse the distinction between oral questions and written questions, as Deputy Martin has said. In fact, it seems to me that it might be desirable to give the Presiding Officer the power to require a question to be submitted as an oral question which clearly required much detailed information to be included in the reply to be re-put as a written question. That may be a matter to which the P.P.C. should give attention. So far as the second part of the proposition is concerned, it may be true, as Deputy Southern says, that Ministers do sometimes skirt around a question. Sometimes they may feel they have good reason to do so. But it must surely be the responsibility of the questioner to draw attention to any prevarication and to skewer the Minister if he deserves to be skewered.

[12:15]

But the real reasons for opposing the second part of the proposition are again set out in the P.P.C. report. It is that it would draw the Presiding Officer into a political role in the sense of requiring him to take or to appear to take a political stance in either supporting a Minister or supporting a questioner in some controversial exchange. That would be wrong and I hope that Members will reject the suggestion. Asking questions and eliciting answers is in fact an art form. If one is training to be an advocate, one is trained at some length in order to achieve this end and one of the first things that one learns is that short, tight questions are the best. A long, rambling question allows a Minister to ramble in reply or to choose that part of the question with which he is comfortable to reply. So it is really up to Members putting questions to ensure that their questions are discrete, finely honed and that there is no escape from them. At the end of the day, if a Minister fails to answer a question unreasonably and is exposed, in that sense, before Members of the Assembly then he will be the loser. There is no perfect success in question time but at the end of the day Members will know whether a questioner or a Minister has got the better of the exchange and if the Minister has behaved unreasonably then Members will judge him adversely. But it is for Members and not for the Presiding Officer to sort this out.

5.1.5 Deputy M.R. Higgins:

If I can just address one point from the previous speaker. I was on the subcommittee that discussed this and one of the flaws we have got with the current subcommittee system of P.P.C. looking at these issues is that the Members who perhaps are unsuccessful in getting their way on the subcommittee who also sit on the main committee have a second bite of the cherry. So, in other words, the subcommittee may sort of go in a particular direction and make a recommendation but they do not sit on the main committee whereas some other Members do. The main committee then debates it again and that person gets a second bite of it and tries to sort of argue the case. I think this is what has happened in this case. Secondly, just coming on to the main thing, questions are one of the few ways in which Back-Benchers can hold the Executive - and by that I mean the Council of Ministers as a grouping or individual Members - to account and to elicit information. The only other way that we can do that is through the Scrutiny process and both questions and Scrutiny have their limitations and at times are wholly ineffective. Ministers have become very adept at saying and writing a great deal and revealing very little. It is a question of trying to sort out the wheat from the chaff. In some cases Ministers give away nothing at all or they simply avoid the question by saying either that they will get back to us once the information has been collated, but never do because they hope that we have forgotten about it in the meantime. I am currently writing up a complaint to the Chief Minister regarding Deputy Duhamel, the Minister for Planning and Environment, over the answers that I have been receiving from questions I put to the Assembly, both oral and written. It is amazing when you look at the answers to the questions you get, you read Hansard or you go through the written answers and see what they have done. So for example I had a question to do with asking about the Committee of Inquiry into Reg's Skips and asking the Minister to explain how they had dealt with the criticisms laid out in those reports. The answer did not refer to criticism, it referred to recommendations which were different and omitted the criticisms, for example, of the enforcement division. If we look at another one I asked for information on planning applications over a certain period of time and about delays in them, where the delays were caused. When you read the answers, firstly they are incomplete and, secondly, they are highly misleading. I have got another one here, I asked about the number of complaints the department had received regarding officers within a certain period of time. I know and Deputy Young know that list is incomplete so, again, it is misleading. Question here, this one I asked regarding enforcement actions: "How many enforcement actions had been held between 2005 to the present date" and some other additional information. I asked it on 17th January. I have still not got an answer. I asked it again about 2 months later and still did not get an answer. I can tell you there are probably less than a handful of enforcement actions every year. Why the delay? I have another

one here which is to do with human rights. Members are well aware that I have been asking about the human rights audit in the Planning and Environment Department. The question was, I have asked it repeatedly, did they carry out an audit as all States departments were required to do before the law came into force in the year 2000? There has been much ducking and bobbing, trying to avoid the answer. Basically the answer is they did not. Now, I have got answers from the Minister - in fact I am going to mention this one here in particular - the Minister produced an answer that listed all the laws that he said had been audited. Very misleading document, anyone looking at it, at first glance, would think that the Minister had said yes, they did their audit and it was all done properly. When you look at it he listed various laws and said yes against the law but then if you look at it closely he is talking about a law that was amended later. Yes, the law was amended 5 years later. It was checked by the law officers but it had not been done in the year 2000, which is what the question was about. Basically I think what I am going to say here is that Ministers have become very adept at not answering questions, whether they are written or oral. For example, we have to listen to the wording; we have to listen very closely. I tackled the Minister for Economic Development some time ago on whether the former Operations Director of Jersey Airport received an enhancement to her salary when she left and the answer was no. Well I said I know for a fact she did, she left 6 months before the end of the contract but she was paid a year's salary. Now, what would you call that 6 months extra pay for going early? I personally call it an enhancement. The Minister would have a different definition of enhancement to me. So what I am trying to say is we need to tie down and pin down Ministers so we get honest, accurate answers.

Senator A.J.H. Maclean:

Sir, as a point of order on that last speech, the staff member that the Deputy referred to did not receive a year's salary as a payoff. That was completely inaccurate.

Deputy M.R. Higgins:

I will happily produce the evidence to the Comptroller and Auditor General.

5.1.6 Deputy T.M. Pitman:

I do not want to say too much. I am getting quite worried because I really enjoyed Senator Bailhache's speech, particularly his suggestion of skewering the Ministers, it sounds pretty good to me and I hope P.P.C. will take it up and investigate fully. I think it is a bit unfair to throw a red herring about Deputy Southern using this in case he misses a deadline because if there is one thing Deputy Southern hardly ever does is miss a deadline for a question. I think the real danger of not pursuing this is that we lodge ... well, that is not the right term, but the former Deputy of St. Mary was going to bring a very good proposition about honesty in questions. He has given that to me and given me permission to lodge it and obviously I would give him the credit for it. But really a lot of that would just repeat what Deputy Southern is trying to get at in a much simpler format. I know what Deputy Martin is concerned about, that we end up just getting an erosion perhaps of oral questions but surely that is down to our P.P.C. to make sure this is worded correctly so that could not happen. I also think it is very unfair to say that it is down to Members to ensure questions are drawn out over Ministers because you are never going to see a situation here, with due respect, where we have a Jeremy Paxman of 34 times: "Will you answer the question?". We just do not get that. Perhaps a better way would be to give the Chair, like yourself, the paper to add Fergie time when someone does not answer the question and keep adding a bit more on and a bit more on. I do not see any real problem with this, I have to say, because we are all apparently moving to this great big inclusive cuddliness of new politics. I mean, I have a new best friend apparently. I learned from the *J.E.P. (Jersey Evening Post)* I have probably made another best friend now with Senator Bailhache so I am probably politically finished. [Laughter] But we are all cuddling up together, let us all cuddle Deputy Southern, I know he is a bit prickly sometimes but

I think what he is doing is quite straightforward. I do not think we need to make such heavy weather of this. Yes, let us vote for it, have a cuddle and we will be finished by lunchtime.

5.1.7 Connétable J. Gallichan of St. Mary:

Very briefly, my opinion of this is that neither parts of this proposition are necessary and I believe they should be rejected. It is unfortunate that we are taking this forward today. I appreciate the Deputy has the right to bring it, I think this is the third time he has come forward with this and it has not come to a debate. But we have heard - this is the exactly the reason why we should not be debating it - the subpanel chairman now feels that she has to abstain on this issue because she has not had the opportunity or the time has not been right to bring the subpanel's findings to the committee for P.P.C. to inform. That is really very unfortunate. But I am concerned that if this was adopted, in fact far from strengthening things, we would have a weakening of the weapons in the arsenal that we have as regards questioning, because there would undoubtedly be a significant blurring of the distinction between written and oral questions. People seem to be considering whether a question is written or oral in the way that you ask it, but if you look at Standing Orders the distinction is how you wish the answer to be given, not in how you wish to put the question. If you are asking for an oral question it is because you want the answer to be given orally. If you are expecting a lot of factual lists then you are quite clearly expecting a written answer. There is a difference and the difference is there for a reason, it allows for a greater variation, a greater gradation of how you can ask questions and what information you can expect in reply. My fear is that answers to questions will become more turgid, that we would lose the spontaneity and this fencing, this duelling between the questioner and the questionee, if there is such a word. I think that would be a very great loss to the Assembly. As for the second part I believe the Chair is robust in challenging, I have certainly been challenged when I have not given a concise answer when it has been my turn to do it. But even if the Chair was not robust enough, a Member is certainly able to immediately stand and say: "Sir, I am afraid that did not answer my question" or: "You are cutting me off at the knees" or something similar. I do not see there is any need for this and why tie ourselves down more when we have adequate Standing Orders. The questioning has been working, I think, remarkably well. Even Deputy Southern said himself he does not see a problem now, it is to prevent something in future. Well, I am sorry, we are for ever putting things in, in anticipation of problems that never arise and I urge Members to reject both parts of this.

5.1.8 The Connétable of St. John:

Having worked on the both systems, coming in the House back in 1994, the system that was under the committee system for questions and answers was far more robust than it is today. Far more robust. If you will bear with me a moment or 2 I will repeat one in particular. When the new marina was being built, the Elizabeth Marina, I can recall putting questions to the President of the day, Deputy Carter or Senator Carter - I am not sure which position he was holding at that time, Senator I think - about a boat that was being used. He got so frustrated with the questioner that he threatened to knock his teeth down the questioner's throat if he would walk out into the Royal Square with him and he marched out of the Chamber. The Bailiff of the day, the late Sir Peter Crill looked at me and said: "There is nobody to answer your question, Deputy", so I sat down, in fact I sat down and then I immediately left the Chamber only to be drinking a cup of coffee with the President in the Members room outside where he was so exasperated. Half the Chamber had followed me out expecting to see us both in the Royal Square having fisticuffs. But the fisticuffs should be happening on the floor of this House, the verbal fisticuffs, not out there. I would like to see under the current system, the person who puts the oral question given far more bites at the cherry to get the information out of the Minister, not just be given the original question plus a supplementary and then come back in at the end with a second supplementary.

[12:30]

Today that means absolutely nothing. Unless you can get the information out of the Minister the person who puts the question should be given sufficient time to have sufficient supplementaries to hold that person to account. That does not happen any longer and it is definitely not working. I believe we do need changes, contrary to the previous speaker who is a former president of P.P.C., but for somebody who spent a lot of his time on his feet putting questions, this new system, as far as I am concerned, is totally flawed. I am talking about this particular part of Government. The question time is flawed and does need a proper review so question time becomes really meaningful.

5.1.9 Deputy G.C.L. Baudains:

In contrast to the previous speaker, which you will no doubt consider to be unusual, I believe that the system of questioning under the old committee system was not ideal. I happen to believe that the present system we have is probably as good as we are going to get it. I do agree with Senator Bailhache which may surprise him. I mean, I have been asking questions in this Chamber for 10 years or more and it is probably only half a dozen occasions in all those questions where I have not had a satisfactory response, and it is an art form. I recall the situation when Senator Norman was president of Harbours and Airport and if you asked him if something had or had not happened he would stand up and say yes and then sit down. [Laughter] If you then stood up and said: "I would like a supplementary on that" the Chair would rule: "What is it you do not understand about 'Yes'?" So you learned to put your question and at the end of it say: "If the answer is yes would the president give his reasons why". So it is the way that you word the question that is important. I am not convinced that what I consider to be the blurring between written and oral questions is going to be of assistance, I think it could be a disadvantage. I would urge Members to concentrate on getting the question in such a way that the Minister cannot avoid producing the answer which you require. Should that still fail there are other remedies. You could, in the last resort, bring a proposition to force the answer.

5.1.10 Connétable L. Norman of St. Clement:

Very briefly. I would just say to Deputy Higgins that the subcommittee looking into these matters has not yet reported to the Privileges and Procedures Committee, so there has been no question of members of the main committee having an advantage because they have had no presentation yet from the subcommittee who will be given the full opportunity when they present to that committee. But I just wanted to say briefly, similar to Deputy Baudains, I think the problem, if there is a problem, is in equal measure with the quality of the questions as well as with the quality of the answers. I think one or 2 Members have forgotten one of the basic rules of asking questions, you do not ask a question unless you already are absolutely sure of the answer. But the Deputy of St. John reminded us of the question I answered many years ago. I was actually making notes about some of the examples that Deputy Southern has given in his proposition of the questions and the alleged evasive answers. In fact I would suggest in some of the examples here the answers have been much more open and detailed than they should have been because he asks the question: "Does the Minister agree?" Well, the answer to that is either "yes" or "no" but the Minister went into 5 or 6 lines of explaining why. There are 3 or 4 of those in the examples: "Does the Minister still believe?" The answer is "yes" or "no". "Does the Minister accept?" The answer is "yes" or "no". What questioners need to do, as Deputy Baudains replied, is to ask the question that you really want the answer to. "What time does the park open?" That is a one word answer, 8.00 a.m., for example. But if Deputy Tadier wants to know why the park opens at 8.00 a.m. and not 9.00 a.m. or why it opens at all or who opens it, then that is the question that should be asked. Really, I think, Members who ask questions need to think about what is it they are really trying to find out and ask that question. Rather than some of those questions which really only require one word answers and the Ministers have tried to be helpful by giving more information.

5.1.11 Senator L.J. Farnham:

A bit of a follow-on from that really. Answering questions is bit of an art and so is asking them. I think that some of the questions really should be open or closed. Quite frankly if you want a short answer you ask a closed question. The 6 key words you should be beginning your questions with are why, what, where, how and who, for example. If you look at the examples in here the questions all start with “does” or “will” or “can”. So very clearly I think the answer to this is making sure that the questions are succinct and aimed at obtaining a specific answer.

5.1.12 Senator B.I. Le Marquand:

In relation to the first part I can only tend to agree with the comments made by Senator Bailhache and some comments made by others. Unfortunately this part will totally obscure the difference between oral questions and written questions. I simply cannot support this because it cannot ever be right, in my view, that an oral question in order to be answered would require a long list of data. Simply that is not an oral question; it should never be asked or indeed, in my view, approved by the Chair in that form. I am, of course, a professional asker of questions in relation to my legal profession, my work as a judge and so on. I have to say that sometimes some of the difficulties that occur in this Assembly are because the questions are bad questions. I have found it impossible so far to give a good answer to a bad question. Particularly I find it difficult to give a good answer to a multi-part question which also contains factual information that is incorrect. Now, those of you who have observed my methodology on this over a period of time will know what will happen to such a question. My first priority will be to seek to correct the factual error. My second priority will be to answer the part of the question which I can recall. My third priority will be to ask the Chair to remind me what the rest of the question is. That is what happens almost every time and that is because bad questions are being asked and I cannot give a good answer to a bad question. It is also because my memory is not as good as it once was of course. Questions often contain such factual statements which are wrong and which need to be responded to. That then takes the attention of the person answering the question away from the question which is hidden away there on to the factual error. Questions are often difficult to understand. It is very difficult to answer an ambiguous question. I have not criticised anybody this morning but this morning I could detect from the puzzled expression on your face that in relation to some of the questions being asked of me you were equally struggling to understand what they were about. Sometimes a full answer cannot properly be given. There may be issues of commercial confidentiality, confidentiality in relation to police investigations, confidentiality in relation to employee disciplinary matters. Inevitably the Minister is struggling because he is being asked to answer questions on matters he should not be being asked to answer. There are also questions sometimes asked in relation to matters of policy which is under formation and the Minister, understandably, will not want to be answering a question which he might be asked, something like: “What are you considering possibly doing here?” because it could be absolutely a wide range of matters and it is not proper and appropriate at that time to be revealing that. I recently was asked a question which effectively was asking me to reveal confidential discussions between myself and my senior officers and I said: “I would never reveal that”, nor should I ever be properly asked to reveal that or, indeed, confidential discussions in the Council of Ministers or with other politicians. Sometimes Ministers, in my opinion, waffle because they are not skilful yet at knowing how to deal properly with the bad questions or with the questions which should not have been asked. They have a perfectly proper reason to say: “I cannot answer this in detail” for this, that and the other reason but they do not yet know that or understand that. Finally, frankly the problem with the second part, the big problem with the second part, is it is going to lead to lengthy wrangling as is indeed an example given by the P.P.C. as to whether or not the Minister is answering the question, what on earth does the question mean in the first place, *et cetera, et cetera*. So for those reasons I will be voting against both parts.

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on Deputy Southern to reply.

5.1.13 Deputy G.P. Southern:

I never thought it would take so long to get to this point but then I had not been listening to Senator Marquand for a while. Senator Marquand praised himself, as usual, for being trained and being a judge and asking questions, as he does, and then completely ignored the core of what I am suggesting. An answer that says: "I cannot answer that because it is confidential" addresses the question. An answer that says: "That is policy information ex-I.D. (?)", that addresses the question. Nor does what I am proposing deal with the issue that Deputy Higgins brought up which was misleading answers, he does not address that. That is to be addressed elsewhere. It says: "The answer must address the question" and it is not about whether you think it is a good answer or a bad answer or you are not happy with the answer, if it addresses the question then it is an answer. I was going to say that we have got vast experience in the Chair of legally trained minds who can quite easily see when an answer does not address the question. They are used to it. They are trained in it. It is very straightforward. But we are told today in this debate that, it seems to me, speaker after speaker has said: "We have got it right as it is, we do not need to do anything." In particular the Constable of St. Mary suggested that part of the enjoyment is some of the specious answers that we do get and we should have a joust. Well, I think that is what she said and so lines like the ones from Senator Ozouf about me, incidentally: "He has obviously been practising his lines in relation to a point scoring issue." Then, later on, "That question is a bit rich coming from the Deputy." That sort of remark which enables somebody to start off avoiding answering the question continues. Looking at this emphasis on: "It is up to the questioner." The example I give on page 10 and 11 exemplifies why we need to adjust the system. Deputy Le Fondré was the asker of the question and correctly he did have a longwinded question. It is 10 lines long. The question, essentially, is right in the middle of it. It is no wonder he did not get an answer the first time but the question was: "Could he confirm that the individuals performing it are interims from H.R. and Treasury who have little or no property experience?" He gets an answer which does not address the question: "He has not answered the question. The people doing the review, do they have expertise in properties?" Twice. Again, got no answer. That is not answering the question: "Do the people doing the review have expertise of significant depth in property?" He tried 3 times to ask the question. End result, the Chair did not say: "Will you please answer the question?" He went on: "He has still not answered the question. Can I also just point out that he has said ..." to which the Deputy Bailiff, and I am sorry it is you this time: "No, this is question time, Deputy, it is not a question." He had 3 goes at doing it. All I am saying by my proposition is can we get the questioner, like Deputy Le Fondré, some additional help and support to get the answers. That is what the issue is about. At which point I will relieve everybody and let people get away for lunch and call for the appel. I believe there have been objections to one part of this proposition and not the other. So is it possible to do it in 2 parts?

[12:45]

The Deputy Bailiff:

It is all one proposition in paragraph (a). So (a) and (b) can be taken separately but I regret that (a)(i) and (a)(ii) cannot be taken separately.

Deputy G.P. Southern:

So (a) and (b) is what I call for and I call for the appel.

The Deputy Bailiff:

Very well, the appel is called for and I invite Members to return to their seats. We will take the voters on paragraph (a) of the...

Deputy M. Tadier:

Sorry to interrupt. Does it make sense to take (a) and (b) separately?

The Deputy Bailiff:

Well, not very much I think is the answer to that so I was going to accede to it. He is entitled to ask for it. The vote is on part (a) of the proposition and I ask the Greffier to open the voting. All Members have had the opportunity of voting. I will ask the Greffier to close the voting.

POUR: 5	CONTRE: 36	ABSTAIN: 1
Deputy G.P. Southern (H)	Senator P.F.C. Ozouf	Senator S.C. Ferguson
Deputy M. Tadier (B)	Senator A.J.H. Maclean	
Deputy T.M. Pitman (H)	Senator B.I. Le Marquand	
Deputy T.A. Vallois (S)	Senator F. du H. Le Gresley	
Deputy M.R. Higgins (H)	Senator I.J. Gorst	
	Senator L.J. Farnham	
	Senator P.M. Bailhache	
	Connétable of Trinity	
	Connétable of Grouville	
	Connétable of St. Clement	
	Connétable of St. Peter	
	Connétable of St. Lawrence	
	Connétable of St. Mary	
	Connétable of St. Ouen	
	Connétable of St. Brelade	
	Connétable of St. Martin	
	Connétable of St. Saviour	
	Deputy R.C. Duhamel (S)	
	Deputy R.G. Le Hérissier (S)	
	Deputy J.A. Martin (H)	
	Deputy of St. Ouen	
	Deputy of Grouville	
	Deputy J.A. Hilton (H)	
	Deputy of Trinity	
	Deputy K.C. Lewis (S)	
	Deputy E.J. Noel (L)	
	Deputy A.K.F. Green (H)	
	Deputy J.M. Maçon (S)	
	Deputy G.C.L. Baudains (C)	
	Deputy of St. John	
	Deputy J.P.G. Baker (H)	
	Deputy J.H. Young (B)	
	Deputy of St. Mary	
	Deputy of St. Martin	
	Deputy of St. Peter	
	Deputy R.J. Rondel (H)	

The Deputy Bailiff:

Part (b) now falls away as a result of (a) being defeated. It is now 12.45 p.m. I do not know whether Members wish to deal with the last matter or someone propose the adjournment.

Male Speaker:

Can I propose we continue the business for the last item?

6. The States Members' Review Body: Revised terms of reference (P.44/2012)

The Deputy Bailiff:

It seems to be the view of Members. Very well, then we come to P.44, the States Members' Review Body: Revised terms of reference lodged by the Privileges and Procedures Committee and I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion, (a) to approve the revised terms of reference of the States Members' Remuneration Review Body as set out in the appendix and, (b) to agree that notwithstanding the proposed new 5-year term of office for the members as set out in paragraph 5 of the terms of reference 2 members appointed in 2012 shall be appointed for a term of 2 years only to ensure that the membership is thereafter renewed on a rolling basis.

6.1 Deputy M. Tadier (Vice-Chairman, Privileges and Procedures Committee - rapporteur):

I am making this proposition on behalf of the Privileges and Procedures Committee. The Chairman, obviously, sends his apologies. He is away on States business. The nature of this proposition is essentially quite straightforward. It is a matter of housekeeping. It is important to point out that this is not a debate about what the States Members' Remuneration Review Body does. It is not even a debate about pay or whether we need one. It is simply a debate about how they will, in future, be constituted. I think it is important before we go on, nonetheless, to thank those members involved in the review body for their extremely hard work since it was set up. **[Approbation]** I think it is something we appreciate is necessary. Clearly, we may have our own opinions and the public do have opinions about States Members' pay and it is seen to be quite successful since it was initially set up. At this point I think it is probably wise just to remind Members that if they do have concerns, if they have got anything that they think that the body should be aware of, and that goes for the members of the public too, they are there to receive submissions. They do take them on board and take them into account when deciding what their recommendations should be. There are essentially just 2 main changes that are taking place here. At present the term of office is for 3 years for members who serve on the body and it is being proposed that this be increased to 5 years. The idea here is that it gives greater continuity to those members but it also would allow them to serve 2 terms of office before reaching the 10 years' service, which is considered to be the maximum in the Jersey Appointment Commission's code for bodies of this type. I understand that the Appointment Commission also considers that a 5-year term with the possibility of one renewal for a 5-year term is the most appropriate term for the office of quangos of this nature. Incidentally, I did question the 5 year thing when we discussed this at P.P.C., I said: "Is it really necessary to have it for 5 years? Why is being changed from 3 years?" I did see the logic in having the continuity there. States Members, of course, at some point will probably be elected for 4 year terms but there is no reason that their terms would, obviously, have to match. In fact I think it is beneficial to have them overlapping. The other change is simply in the manner of appointments. In 2010 the States agreed that the majority of appointments currently made by the States should no longer be made by the full Assembly. I think this was seen as something slightly tedious and unnecessary and so it will be done by the Appointments

Commission and after a 2-week period of notification to the States Assembly, as happens with property transactions. So I think that is sufficient detail there. I hope the matter is straightforward but, of course, I would be happy to answer any questions and I make the proposition.

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

I will not delay, especially the Chief Minister who I know is going to another meeting and several of us as well. Reading the projet was quite enlightening to me as a new Member of this Assembly. I previously read the newspaper articles and listened to the various media reports without quite understanding how remuneration and allowances were set for States Members. I seem to recall a report of a Member even walking out during a debate in order to express his frustration at the whole procedure. I thank the Privileges and Procedures Committee for a very clearly set out and easy to understand document of the process as to how the review body is comprised and works. Obviously it does not show how the body reached their final decision but that is not the issue being proposed today. The terms of reference seem very clear and the Privileges and Procedures Committee seem to be attempting to now clear up several anomalies to allow for future work of the review body. As the document states: "Much hard work has been undertaken by the previous body in their unpaid and difficult role." I understand that the proposition before us today is merely to approve the revised terms of reference and to amend the period of terms of office of the members currently comprising of 4 but to a composition of 5. I am unsure how the second part of the projet will be achieved in that the existing members are to seek reappointment for 2 or 5 years respectively. My understanding is that at least 3 of those members would not be able to stand for a further 5-year term in 2017. That is if they sought reappointment, of course. I am not sure if the proposition would have not been better as an annual replacement with appointed dates. However, the main issue that the electorate will once again raise and be very suspicious of is that of the appointment of the members of the review body. I am unsure how this can be overcome. The public will rightly be suspicious in seeing that it is the Privileges and Procedures Committee made up of 7 States Members. I have the highest regard for all of those 7 Members, but it is a group who will select, who will pick and who will appoint the 5 review body members, albeit in consultation with the Jersey Appointments Commission. It will be those that are selected, the appointed 5 members, who will come up with proposals for remuneration and allowances and even other issues, relevant issues to us. We must understand that the public, the electorate, are very suspicious and seek accountability on every aspect of public spending and indeed that is correct. I have no doubt whatsoever that the review body are a dedicated team of the highest integrity and I have no queries or problems regarding their ability to be fair. However, it is my concern that it is still a group of 7 States Members who will appoint the people who are to make the recommendation regarding their own and our remuneration package and then who does the body report back to, having done their work regarding their recommendations? Yes, they report back to the 7 States Members and it is the 7 States Members, through their chairman, who will in turn report the recommendations to this Assembly. The review body also have an additional role, the responsibility of making any other recommendations within their term of reference. But as we know none of those will be implemented until this Assembly has agreed it. We will agree our own. The review body could say: "We recommend this or that" and the P.P.C. will bring this back to the Assembly and we will say: "No, thanks. Not this time. We think that is wrong. We want more. We want this or that." I can understand the concerns of the electorate and I take those concerns seriously. I hope we, as Members, can also understand the concerns and suspicions of those people. I believe the public are concerned and frustrated that Members of this Assembly will still have some say in the setting of the allowances and remuneration and that we are involved in the appointment of people who will set those recommendations. I know we are not here today to discuss the proposition regarding the actual procedures as to how to remuneration and allowances of Members are achieved and we are not here either to discuss the criteria set out for the review body in reaching their decisions.

However, in conclusion I am not sure how they could do this any different. I know there is nothing worse than people saying: "I do not like this" but not offering an answer to the problem. But I believe there is, indeed, a need for an improved or different system. One where the whole process is totally divorced from States Members. I do not believe that the public, the electorate, believe that the review body is an independent remuneration body, even though they are, especially as it is States Members, themselves, who appoint them. I will support today's proposition because of what is being asked. However I would like to urge the Privileges and Procedures Committee to consider and review the current system regarding the setting of remuneration for States Members with a view of completely removing that responsibility that the States Members currently have in the process.

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

When I read the proposition it was clear to me and it made sense. One thing that did strike me which I think it would be interesting for the House to know is how often the panel meet for their deliberations?

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on Deputy Tadier to reply.

6.1.3 Deputy M. Tadier:

I will start off with that last point because; (a) we did speak to them. They came to P.P.C. to talk to us. I cannot remember the question that was asked but I do not have that information present. I would be happy to circulate that information but it will not be covered by parliamentary privilege I am afraid but I am sure that they meet sufficiently as is needed. Thank you for the reminder from the Constable of St. Martin. I think it probably was remiss of me in my wanting to get this finished perhaps and expedite proceedings. I forgot to mention that there will be an increase in membership from 4 to 5. This was the desired amount and they were working at 4 for quite a while but 5 is perceived to be the best number. Also, of course, we are looking at the terms of reference here today. The terms of reference that they had previously worked to were perhaps not seen to be necessarily as cohesive as necessary and these will certainly be a lot clearer. I will try and answer the point from the Constable of St. Martin and if there are other points I do not manage to cover because I have forgotten then I invite him to come back with clarification. The way I look at it, is that certainly everything that he said is welcome and if there is a perception, and I do not necessarily feel that myself, but if what he is saying is true for a proportion of the population, and also if that perception is partly validated, I think we do need to look at that. What I would say is that really we have an appointments body ... now this body, if we do not have confidence in that body then something is fundamentally a problem there because this is a body that we use to appoint all sorts of other quangos, *et cetera*. I would really say that as a member of P.P.C. I do not see P.P.C. overriding any of the recommendation of that Appointments Panel unless there was a very good reason to do so at which point that would be a completely different ballgame. So I see it and without wanting to use these words, it is not necessarily the best example, but we are, essentially, approving or rubberstamping what the Appointments Panel say. So in that sense I do not think there is any real risk of conflict of interest although the perception is one that maybe we need to look at it. It is a very difficult issue though, of course, when dealing with any kind of parliament because we are, essentially, self-regulating and there comes a point at which the buck has to stop. Somebody has to make a decision at what point and who appoints the Appointments Commission. At some point it has to be done by somebody. So, depending how far you go back there is always going to somebody making the decision with a potential conflict of interest. I would also add that States Members do have a say because ultimately there is nothing that prevents a States Member bringing a proposition. Although we try and do everything we can in our power it is embarrassing

for the States to have to debate their own pay but there may well be occasions. For example, I am sure if the States Remuneration Body, in a hypothetical example, were to recommend a 50 per cent pay increase for all States Members in a year in which most workers receive no pay increase there would be no shortage of States Members who would be willing to make a proposition, probably a vote of no confidence in the actual Remuneration Body but certainly these things can happen. So I hope they cover the points. I think these are really just matters of housekeeping and I will make sure I get the information also for the Constable of St. Lawrence.

The Deputy Bailiff:

Very well, we come to the vote. Will all Members in favour of adopting the proposition kindly show? Those Members against. The proposition is adopted. Vice Chairman, do you wish to propose arrangements for the forthcoming meeting?

[13:00]

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

7. Deputy M. Tadier (Vice-Chairman, Privileges and Procedures Committee - rapporteur):

The arrangements will be as per the Order Paper with one exception. Members will be aware that today on their desk there has been placed a Vote of Censure: Minister for Treasury and Resources which, I propose, would be taken, as is traditional, as the first item of business of the next meeting.

7.1 Connétable J.M. Refault of St. Peter:

May I ask some information on that particular one? If we look at page 4 of that proposition, third paragraph starts: "We intend to produce an addendum to this proposition." Is it appropriate that this is not lodged at the same time and if it is appropriate, when can we expect to receive that?

The Deputy Bailiff:

Sorry, Connétable, you referred to?

The Connétable of St. Peter:

Page 4 of the proposition, the third paragraph starts with: "We intend to produce an addendum to this proposition."

The Deputy Bailiff:

Senator Ferguson, can you help the Assembly on that because it is clear the Minister for Treasury and Resources ought to know precisely what he is facing?

7.2 Senator S.C. Ferguson:

Basically, the gang of 4 know that ... all will be revealed. No, the point is that Members have had problems reading the reports and we are producing a simplified summary of it with a timeline so that Members do not have to plough through 170 pages.

The Deputy Bailiff:

Well, obviously you are entitled to produce ...

Senator S.C. Ferguson:

But there will be no new material of which the Minister for Treasury and Resources should be ...

The Deputy Bailiff:

When are you intending to produce that?

Senator S.C. Ferguson:

All being well at the beginning of next week.

The Deputy Bailiff:

Can I say, Senator that is very unsatisfactory. [**Approbation**] The Minister for Treasury and Resources is entitled to know what is facing him when there is a motion of censure which is being produced. If an addendum is produced which is a summary of somebody else's work then you can be absolutely sure that some Members will want to compare the summary with the original piece of work and there is a real risk that there is then going to be argument about the accuracy of the summary. But it is your proposition and you deal with it as you wish.

7.3 Senator P.F.C. Ozouf:

I am grateful for your remarks. I just ask for justice and fairness. The Senator also mentioned "a gang of 4." I was not aware that this proposition was in the name of any other person apart from Senator Ferguson. It is, I think, surely courteous of this Assembly to know whether or not this is a joint proposition or a panel proposition and from whom I am facing accusations.

Senator S.C. Ferguson:

It was not intended to bring new material to make it more difficult for the Minister for Treasury and Resources. The proposition, as it stands, brings the matters which are under consideration to this Assembly. The Members who have been involved with this are the Constable of Grouville, Deputy Le Hérissier and Deputy Le Fondré.

7.4 Deputy J.A. Martin:

Can I just seek some clarification from the Senator? I think she said she is producing an addendum, I know it says it in the report, because some Members are having problems accessing the reports from the C.A.G. (Comptroller and Auditor General). Well, I have got the 2 hard copies which I have been carrying around with a lot of interest. Does the Senator really think that I do not understand? Who is having a problem accessing the reports? I do not think we need any more information. I think it is there in black and white and we can all study it. I think this just confuses the issue.

The Deputy Bailiff:

Deputy, can I just add ...

Senator S.C. Ferguson:

I think that is excellent.

The Deputy Bailiff:

Let me speak please, Senator.

Senator S.C. Ferguson:

Sorry.

The Deputy Bailiff:

That C.A.G. means the Comptroller and Auditor General, just in case that is a new word that the public will not understand.

Deputy J.A. Martin:

Oh, I have got a lot of new words. They get used to me. [Laughter]

The Deputy Bailiff:

And some of them you may use in this Assembly. [Laughter]

Senator S.C. Ferguson:

Yes, I am pleased to hear that. I would not doubt that the Deputy would. She has always been somebody who likes to read the original documentation for herself and I would expect no less of her.

7.5 Deputy M. Tadier:

Can I just ask, it seems to me we need to separate the political from the procedural here? It depends on the nature of the addendum which the Senator, even though she refers to herself as “we” in this, is bringing. If it forms part of the proposition that, presumably, would have a different impact on Standing Orders as to whether it is just some separate notes for clarification which she will circulate before the debate takes place.

The Deputy Bailiff:

The proposition is as lodged and the report that accompanies it is obviously there. The relevant notice period is 14 days before debate. I must say, for my own part, I should be surprised if the production of a controversial addendum, which is intended to form part of the report. I do not see how that works within Standing Orders nor do I think it is fair on any recipient of a censure motion to have not very much time to prepare and not to know what they face. At the end of the day this is a political matter and it will be dealt with.

7.6 Senator I.J. Gorst:

Of course, I could not agree more with you. It is, indeed, a political matter. I would just urge Members, it is a very serious matter and I would have hoped that every Member would find time to read both reports of the Comptroller and Auditor General [Approbation] prior to coming to this Assembly to debate what are very serious matters.

7.7 Deputy R.G. Le Hérisier:

Given the confusion that may have been sown in people’s minds and it may, indeed, have stemmed from a very innocent mistake in writing. I am sure the proposer might wish to confirm that the addendum will not be an integral part of the proposition and therefore it will not be laid before the House. There will not be one laid before the House as an integral part. Could you confirm that?

Senator S.C. Ferguson:

Obviously it is a question of considering the comments that have been made in the Assembly this morning and due notice will be taken of them.

The Deputy Bailiff:

Very well, we add P.61...

Senator P.F.C. Ozouf:

May I just ask one point? I apologise for intervening. May I ask for whatever is coming, by way of addendum, for the Senator to give an undertaking that that will be provided by the very least by next Monday.

The Deputy Bailiff:

If provided at all.

Senator S.C. Ferguson:

Certainly we will attempt to do that.

The Deputy Bailiff:

Well, I think we cannot take this any further today. P.61 is added to the agenda for 26th June. I give notice to Members that I have received 2 reports, and they should have been circulated already, R.73, the Criminal Injuries Compensations Board: Report and Accounts for 2011 and R.74, States of Jersey Financial Report and Accounts for 2011, which is a bulky document, filed by the Minister for Treasury and Resources. Very well, the States now stand adjourned until 26th June at 9.30 a.m.

ADJOURNMENT

[13:08]