

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 1st MAY 2007

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

QUESTIONS

1. Written Questions

1.1 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE ANNUAL EXPENDITURE ON VEHICLE RECOVERY SINCE 2002:

Question

Would the Minister provide members with the annual figures for her Department's expenditure on vehicle recovery since 2002 and advise what companies have been contracted to provide this service to the Police since that date?

Answer

There are no companies contracted to provide tow-away services to the police. The Force, however, does maintain a rota of companies who can be called to carry out work, as required, either on behalf of the Force or the owners of vehicles. The members of companies on the list at any one time can vary according to commercial and operational circumstances. Work is allocated to different companies on a strict rotational basis. In 2005 a total of ten companies were approached and invited to apply for inclusion. Three expressed an interest at that time.

Since 2002 the following companies have at various times been included in the rota -

No. 1 Recovery

L. Balacco

R. Boschat

Bishops

Robin Ward

There are currently two companies on the rota, namely Robin Ward and No1 Recovery.

The annual cost to the Police for this service, for the years 2002 to 2006, was as follows –

2002	£24,465.00
2003	£26,451.00
2004	£28,577.00
2005	£22,405.00
2006	£27,212.00

Given that a significant number of tow-aways arise from road crashes, a review has recently been undertaken to examine whether the distribution of charges between the Force, vehicle owners and insurance companies is one which properly reflects the responsibilities of each and the interests of the taxpayer. The findings of the review are currently being examined.

1.2 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING WASTE RECYCLING LEVELS:

Question

Would the Minister provide members with a breakdown of the amount of waste recycled by his department over the last 5 years and its percentage compared to the total amount of waste produced per year in Jersey?

Answer

The table below provides a breakdown of waste statistics for the last 5 years. The majority of these tonnages are handled by Transport and Technical Services but some is via a contract with a partner or wholly by a private company.

Scrap metal and recycled aggregates figures would not normally be included in UK Municipal waste statistics so have been listed separately here.

It should be noted that States Members can find these statistics published annually in the States publication "Jersey in Figures"

WASTE AND RECYCLING 2002-2006					
Recycling	2002	2003	2004	2005	2006
Paper and card	1,389	1,933	2,029	4,221	6,571
Packaging wood		1,400	1,300	1,008	1,000
Alu cans	12	12	12	14	16
Textiles	168	167	287	327	436
Plastic (supermarket film)					59
Plastic (agricultural crop cover)	483	177	493	536	420
Glass	5,360	5,323	5,470	5,897	6,918
Green Waste Received	12,000	12,500	10,000	11,902	12,902
Total recycling	19,412	21,512	19,591	23,905	28,322
Energy from Waste	80,916	81,622	77,101	72,848	73,628
Total non inert	100,328	103,134	96,629	96,753	101,950
Recycling rate	19.4%	20.9%	20.3%	24.7%	27.8%

Recycling not included in normal municipal waste figures					
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Scrap Metal Recycled	10,320	10,000	9,770	10,029	8,354
Aggregates Recycled	33,629	29,895	27,691	24,358	33,901

1.3 DEPUTY S. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DURATION AND LEVEL OF SUBSIDIES TO WATERFRONT OUTLETS:

Question

Would the Minister advise members whether subsidies were provided to the company owners of the various outlets at the Waterfront Leisure complex and, if so, would he provide detailed figures outlining the annual amounts paid to each company to date.

Answer

P.92/1999 was adopted by the States on 27th July 1999 which agreed to enter into lease for 150 years between the Public and CTP Limited (the developer) for the development of a leisure complex comprising of leisure and competition pools, health and fitness studio, two fast food restaurants, a night club and café/restaurant with live entertainment, a public house, ten screen cinema and a public square. The financial agreement was that a capital premium of £620,000 would be paid by CTP for the site and a payment of £10.9 million would be paid by the Public for the construction of the leisure and competition pool.

In addition, the States received an overage payment of £450,000 in October 2004. Overage is the residual balance from sale proceeds after deducting the cost of development and the developer's profit, and it represents the value of the land in addition to the payment of £620,000 already received.

The public receives a cash subsidy of £7,750 per calendar month which commenced in July 2003 representing a contribution from the Developer towards the pool's operating costs. This figure increases annually by reference to the increase in the Jersey Retail Price Index and continues for a period of 20 years from the commencement date. To date the following payments have been received by the Public and passed on to the operator of the AquaSplash (public swimming pool) -

July 2003	£3,000 (initial payment for part of the month)
August 2003 – June 2004	£85,250 (11 monthly payments of £7,750)
July 2004 – June 2005	£95,796 (12 monthly payments of £7,983)
July 2005 – June 2006	£98,664 (12 monthly payments of £8,222)
July 2006 – June 2007	£101,616 (12 monthly payments of £8,468)

The AquaSplash also receives a subsidy from the Public in line with the management agreement of 23rd August 2001, this makes up the revenue / expenditure shortfall in a given year as detailed below for the operation of the pool:

Year	Revenue	Expenditure	Subsidy
2003	£431,611	£542,067	£110,456 (pool opened July 2003)

2004	£898,624	£1,144,788	£246,164
2005	£965,159	£1,175,629	£210,470
2006	£1,014,005	£1,289,461	£275,456

Other than the Aquasplash, we are not aware of any additional subsidies provided to the company owners of the various outlets at the Waterfront Leisure Complex. Any commercial arrangements are private matters between the private sector landlord and the tenants. It is envisaged that as with any private commercial property, the landlord will be setting the rental levels in accordance with the market.

1.4 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE FORMAL PROCESSES EXISTING BETWEEN JERSEY AND HER MAJESTY’S GOVERNMENT RELATING TO THE NEGOTIATION OF CONSTITUTIONAL MATTERS:

Question

Would the Chief Minister outline the formal processes which currently exist between the States of Jersey, HM Attorney General and Her Majesty’s Government relating to negotiations on matters of jurisdiction, constitution or constitutional relationships?

Answer

I interpret ‘matters of jurisdiction, constitution or constitutional relationships’ to mean issues relating to the external relations of Jersey in respect of the United Kingdom or any other state.

Article 18 of the States of Jersey Law, 2005, states that a function of the Council of Ministers includes discussing and agreeing their common policy regarding external relations. Furthermore, the Article provides that a function of the Chief Minister includes conducting external relations in accordance with the common policy agreed by the Council of Ministers.

However, this responsibility is always carried out within the authority of the States of Jersey. For example, in implementing a policy agreed as part of the States Strategic Plan, or in following adoption of a proposition in the States, the advice of HM Attorney General and guidance of the Bailiff will be sought where appropriate.

Following the agreement of a policy position by the States or by Ministers, the process for communications with Her Majesty’s Government is either directly via Ministerial correspondence or through official correspondence via the Bailiff’s Chambers after discussion with HM Attorney General.

1.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Chief Minister inform members –

- (i) what proportion of the £2.5 million required to fund the 2007 States employees' pay award his department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Chief Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) £81,100.
- (ii) The department will absorb the additional cost by close control of staff turnover and vacancies.
- (iii) As the department's work is entirely dependent on the work of its staff, this will inevitably lead to some delays in some activities.
- b) The department was required to make £30,900 efficiency savings in 2007. These are being implemented by improving working practices and focusing all work on the key priorities set out in the Strategic Plan. The more important context is that the department has already achieved efficiency savings of £1.64 million in 2005 and 2006. These have been delivered as part of the change programme, a major part of which has been the creation of corporate HR and IT functions. £676,000 of these savings were attributed directly to the Corporate Management Board budget which represents a 6 per cent reduction in funding.

1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Minister inform members –
- (i) what proportion of the £2.5 million required to fund the 2007 States employees' pay award his department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) £100,400, which represents about 4% of the £2.5 million.
- (ii) The department undertakes a monthly budget forecasting exercise to monitor and control its budget. Current forecasts show that the department can accommodate the £100,400 pay award in 2007 due to staff turnover and vacancies.

- (iii) It is not anticipated that there will be service cuts or delays in activities in 2007.
- b) The department was required to make £1,358,000 of permanent efficiency savings in 2007, of which £900,000 relates to Property, £357,000 to the finance function and £101,000 to procurement and departmental efficiency savings.

The reduction in funding arising from the 2007 pay award is for one year only as it will be factored into the Departments' base budgets from 2008. It is, therefore, expected that the 2007 expenditure will be accommodated by close control of the 2007 budget.

1.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Minister inform members –
- (i) what proportion of the £2.5 million required to fund the 2007 States employees' pay award his department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) Economic Development has had to absorb £27,700 of the £2.5 million required to fund the 2007 States employees' pay award
- (ii) The department undertakes a monthly budget forecasting exercise to monitor and control its budget. Current forecasts show that the department can accommodate the cost in 2007 without detrimental effect to the business plan.
- (iii) It is not anticipated that there will be service cuts or delays in activities in 2007.
- b) The department was required to make £155,800 efficiency savings in 2007. These were achieved by a fundamental review of the department's expenditure.

The reduction in funding arising from the 2007 pay award is for one year only as it will be factored into the Department's base budgets from 2008. It is, therefore, expected that the 2007 pay award cost will be accommodated by close control of the 2007 budget.

1.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Minister inform members –

- (i) what proportion of the £2.5 million required to fund the 2007 States employees' pay award his department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) The Education, Sport and Culture Department has had to absorb £973,700 of the 2007 States employees' pay award. The Council of Ministers agreed further funding of £275,300, bringing the sum to be absorbed by the department to £698,400.
- (ii) In an attempt to reduce the impact to front line services, the full additional funding of £275,300 has been allocated to schools. Despite this the schools will have to absorb the following sums:

Type of school	Approximate shortfall in pay awards to be absorbed
One form entry Primary	£7,000 - £8,000
Two form entry Primary	£12,000 - £14,000
Three form entry Primary	£16,000 - £18,000
Secondary	£40,000 - £44,000

Other areas of the service have had to absorb the full shortfall in pay awards.

- iii) Although exact figures were not available, all managers were warned at the beginning of the year of the possibility that they would have to meet a shortfall in pay awards from their own budgets. The 2007 budgets were adjusted to inflate the staff budgets for the anticipated pay awards. This was achieved by reducing non staff costs, calculating staff vacancy factors and reallocating to meet the pay award shortfall.

Service cuts and delays in certain activities have not been identified to meet the shortfall in pay awards. However should managers be unable to operate within their reduced budget there is a possibility that they will have to take action such as delaying initiatives or possibly recruitment to avoid overspending in their area.

- b) Efficiency savings of £340,900 were applied to the Education, Sport and Culture budget for 2007. These will be achieved through staff vacancies, increasing income without increasing the associated costs of generating income, for example sales of active cards and various small efficiency savings across the full range of the department's activities.

Areas have reviewed their processes and implemented efficiencies to save money, for example the Library has altered heating times, increased their ordering of paperbacks rather than hardbacks where possible and they are also attempting to generate more media coverage in an attempt to reduce advertising costs. Staff training has been reviewed and

where possible in-house training has been encouraged, this has led to significant savings. Schools and other service areas are able to take advantage of corporate contracts for purchasing of goods and services and it is hoped that the scope of these savings will increase during the course of 2007.

It should be noted however that additional costs of utilities, for example, which the department has estimated will cost in the region of £250,000, will also have to be found from within existing resources. No additional funding has been allocated to schools or service areas to compensate for these additional costs.

With relatively small budgets for non-staff costs, most areas of the service have limited scope for achieving further efficiency savings over those already identified. Staff costs represent over 83 per cent of the department's gross budget excluding transfer payments (student grants and grants to other organisations).

1.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Minister inform members –
- (i) what proportion of the £2.5 million required to fund the 2007 States employees' pay award her department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) £415,200 of which £117,400 has been allocated from central funds, leaving a shortfall of £297,800 to be absorbed by the Department.
- (ii) The Department monitors its budget on a monthly basis in order that control and forecasting can be exercised over expenditure. The pay award for 2007 will need to be afforded from phasing the introduction of the Discrimination Law; staff turnover and vacancies across Home Affairs services; reduction in overtime expenditure; and cancellation of some training courses.
- (iii) The Department will be making a determined effort to minimise the effect, but the measures outlined in paragraph ii) cannot be carried without impact on services.
- b) The Home Affairs Department had already planned to meet the majority of its 2007 efficiency savings by foregoing non-staff inflation expenditure. The relatively small residual amount of efficiency savings required has been added to the larger sum to fund the 2007 pay rise and is therefore part of the measures outlined above.

1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Minister inform members –
- (i) what proportion of the £2.5 million required to fund the 2007 States employees' pay award his department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) The Health and Social Services Department is required to find the sum of £980,000 as its pro-rata contribution to fund the 2007 States employees' pay award. This is a non-recurring contribution.
- (ii) Four actions have been taken to make this contribution while at the same time minimising the impact on front line services for patients and clients.

The first action was for the Health and Social Services Department to surrender the sum of £428,000 from contingencies and from an 'invest to save scheme'. The latter is an innovative scheme which was introduced last year which seeks to pump prime significant cash releasing efficiency schemes and then 'reward' the particular innovative department by letting it have a 'share' in that efficiency saving for investment in equipment, professional training or other general improvements in a particular service.

The second action was to reschedule £120,000 of minor maintenance schemes.

The third action was to put on hold until January 2008 some infrastructure developments, but included also here was a vision screening Royal National Institute for the Blind Social Worker, an appointment to which was expected in September 2007. For this now intervening period (September 2007 to September 2008) this service will receive social worker support from the general Social Work Department.

The fourth action has been to use gift funds to support some minor capital works and to fund a specific emergency surgical need which was otherwise to be funded from the departmental budget. This emergency surgical need is the funding of bariatric surgery, which I recognise the Deputy takes a very close interest in. The use of the gift fund for these purposes is appropriate as it is a gift left for the benefit of patients at the General Hospital.

- (iii) As the £980,000 would otherwise have been used to support new services for clients and patients, it must follow that the removal of such a sum of money does represent a cut in service. However, my staff have been studious and diligent to ensure that any impact on front line services is mitigated. As to the delay in such matters as minor

capital works, there is always the risk that rescheduling these items to the next year creates the risk of break down or a general depletion in the quality in the living environment of patients and clients.

- b) In addition to this £980,000 contribution to the 2007 States employees pay award, Health and Social Services was tasked with releasing £948,500 as part of the efficiency savings for this year.

Health and Social Services has to manage a wide range of financial challenges which is why the Department is very fortunate to have a Finance Department which has such a high level of professional skill and expertise – with individuals from this Department able to work shoulder to shoulder with service managers and clinical leaders. The world of health and social care spending is characterised by high inflation in pharmaceuticals and other technologies, the cost of securing and rewarding highly skilled health and social care professionals in a challenging global labour market, and the cost of highly specialist treatments (which in the Jersey context translate into treatment on the mainland). Health and Social Services must also meet the challenges placed upon it by the ageing of the population – the demographic time bomb as it is more commonly called. It is axiomatic that the cost of health and social care to older people can be as much as four times more than for a younger person aged under 65 years. The further challenges of meeting the 2007 pay award and efficiency savings must be seen in the context of these other financial cost pressures.

If the Deputy would wish for a line by line statement and detailed explanation of the four actions referred to in a)(ii) above, then I will be very pleased to provide this for him via a meeting with my senior officers.

1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Minister inform members –
- (i) what proportion of the £2.5 million required to fund the 2007 States employees' pay award his department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) The total cost of the pay award for Housing is £39,500, £11,200 is being provided by Treasury and £28,300 is absorbed by the department. The £28,300 absorbed represents 1.12 per cent of the total £2.5 million required to fund the 2007 States employees' pay award.

- (ii) The additional cost has been met by sacrificing some of the year to date favourable variance in staff costs. The year to date favourable variance in staff costs has arisen as a result of staff vacancies.
 - (iii) The Housing maintenance budget would have benefited from the favourable variance in staff costs. However service cuts will not be required to fund this particular pay award.
- b) In total including the £28,300 from the pay award, the efficiency savings required to be delivered by Housing are £137,500 in addition to an approved service reduction of £190,000 in Housing Maintenance.

1.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Minister inform members –
- (i) what proportion of the £2.5 million required to fund the 2007 States employees’ pay award his department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) The department has been asked to absorb £57,000 of the £2.5 million required to fund the 2007 States employees’ pay award, against a background of already being under-resourced.
- (ii) The additional cost can only be met from a combination of staff savings and from a projected increase in income.
- (iii) It is anticipated that the “one-off” additional cost totalling £57,000 could result in a reduction in the service provided by the Planning and Environment Department, unless we can generate an increase in planning and building fee income.
- b) In terms of context the additional £57,000 is in addition to the £50,900 of efficiency savings the department has already been tasked with achieving in 2007.

The Department is on schedule to achieve its 2007 efficiency saving target and will make every effort to achieve the prescribed savings with minimum impact on front line services.

1.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Minister inform members –
- (i) what proportion of the £2.5 million required to fund the 2007 States employees' pay award his department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) £15,000, which represents approximately ½ per cent of the £2.5 million.
- (ii) The Department is considering options available to it to achieve the one-off savings required to meet these costs.
- (iii) The Department will not be considering cuts in services to achieve these savings.
- b) The Department has to find additional efficiency savings relating to its States' funded activities amounting to £29,300 in 2007.

The reduction in funding arising from the 2007 pay award is for one year only as it will be factored into Departments' base budgets from 2008. It is, therefore, expected that the 2007 saving will be accommodated by close control of the 2007 budget.

1.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE FUNDING OF THE 2007 PAY AWARD:

Question

- a) Would the Minister inform members –
- (i) what proportion of the £2.5 million required to fund the 2007 States employees' pay award his department has had to absorb?
 - (ii) what measures have been taken to meet this additional cost?
 - (iii) whether such actions amount to service cuts or delays in certain activities, and
- b) Would the Minister place these in context of measures already taken in response to the need for efficiency savings for 2007?

Answer

- a) (i) The department has been asked to absorb £153,100 of the £2.5 million required to fund the 2007 States employees' pay award.

- (ii) The additional cost will be met from a combination of expenditure restraints and from a projected increase in income.
 - (iii) Due to the fact that the Department has only been asked to fund an additional cost of £153,100 in 2007 it is not anticipated that there will be a reduction in the service provided by the Transport and Technical Services Department, albeit there could be delays to infrastructure maintenance.
- b) In 2007 the Department was tasked with achieving efficiency savings totalling £192,300, these savings have been achieved through a range of measures but especially in the Parks and Garden Section which has implemented a five year plan to reduce its budget by £730,000.

1.15 SENATOR B.E. SHENTON OF THE MINISTER FOR TREASURY AND RESURCES REGARDING TV LICENCE COSTS:

Question

Would the Minister advise members whether the surplus generated from the impôts duty on beer over TV licence costs in 2006, in the sum of £128,349, will be carried forward for use by the Minister for Social Security in order that consideration can be given to distributing the free TV licence benefit to a wider audience?

Answer

The additional revenue generated from an increase in impôts duty on beer was not 'ring-fenced' for any particular purpose but merely created additional revenue to offset anticipated increased expenditure as a result of approving a scheme to provide free television licences for certain people over 75.

The Minister for Social Security could have applied for a carry forward of any underspends in his Departmental budget, in line with the Financial Directions at year end, including that on TV Licences. However, in the event, the Social Security Department had, overall, an overspend of £3.4m primarily because of the increased cost of providing for future old age pensions (supplementation) so there was no surplus available to be requested to carry forward.

2. Oral Questions:

2.1 Connétable A.S. Crowcroft of St. Helier of the Minister for Transport and Technical Services regarding possible Parish participation in the forthcoming review of safety hazards at La Collette:

Will the Minister be seeking Parish participation in the forthcoming review of safety hazards at La Collette?

Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):

La Collette has a review group, which has been established by the Chief Minister's Department, although the initiative came from myself and my chief officer. Therefore, the response to the Constable's question is provided on behalf of the Chief Minister. The La Collette Hazard Review Group includes representatives of all the operators of hazardous facilities within the La Collette site and all of the States departments with either regulatory, operational or property management function within the area. Phase 1, currently under way, focuses on establishing the baseline information about the nature and extent of risks and the current hazard management arrangements.

Phase 2 will assess the policy, resource co-ordination and consultation requirements that arise from the initial assessment. As the Parish of St. Helier does not own or operate any activity within the area defined for the review, it is not proposed to consult with the Parish during phase 1. However, as the Parish, and many other stake holders, will need to be aware of the outcomes of phase 1, it is anticipated that phase 2 of the review will require the Hazard Review Group to consult with the Parish.

2.1.1 The Connétable of St. Helier:

Supplementary, please, Sir. Given that the Hazard Review Group is chaired by the Chief Officer of the Department of Transport and Technical Services, which department has submitted a planning application for a waste treatment facility at La Collette, does the Minister not see that there is any potential conflict of interest or perceived conflict of interest in the structure of the group?

Deputy G.W.J. de Faye:

No, I do not, Sir.

2.1.2 Deputy P.V.F. Le Claire of St. Helier:

Given that the Bunsfield Report, which is out for consultation - including public consultation - to establish the outlying areas of risk that might be further increased, does the Minister anticipate consulting key stakeholders in this review, namely residents of the districts on which these facilities are likely to be sited if they are going to go ahead?

Deputy G.W.J. de Faye:

Currently this cross-departmental group is essentially made up of experts in the risk assessment and understanding of hazard. As I indicated in my initial reply, at an appropriate time where consultation is required, all key stakeholders - which I would assume would include concerned members of the public - will be consulted.

2.1.3 The Connétable of St. Helier:

I would like to seek further elucidation on the Minister's commendably brief reply to my supplementary question. Could the Minister confirm that the planning application for the waste disposal facility has been put on hold, pending the findings of the La Collette Hazard Review Group, and that therefore there could be said to be a desire on the part of that group to conclude their investigations sooner rather than later, given that every week that the planning application is put on hold affects the timetable the department has for implementing the waste strategy.

Deputy G.W.J. de Faye:

From a political point of view I do not and have no intention whatsoever of putting any pressure on a group of this importance. The review of hazards in the La Collette area is an extremely important review to be undertaken, and the length of time that that takes is not going to be a consideration as far as I am concerned. The amount of time that will be required will be taken.

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

Following on from Deputy Le Claire's question, I was not quite happy with the answer. Could the Minister guarantee that the Parishes involved, firstly through the Constable, then the Parish Deputies, will involve the stakeholders, being the residents of the area? That is a guarantee the Minister can give, Sir, if he is willing to.

Deputy G.W.J. de Faye:

Perhaps I should repeat what I said earlier. As the Parish and many other stakeholders will need to be aware of the outcomes of phase 1 of this review, it is anticipated that elements within phase 2 of the review will require the Hazard Review Group to consult with the Parish and other key stakeholders.

2.1.5 The Connétable of St. Helier:

The Minister alluded to the timetable for the current planning application. Could he update the House on what the current timetable is in terms of when we may assume the planning application will be determined?

Deputy G.W.J. de Faye:

I am afraid the Constable is in error, Sir. It was the Connétable who alluded to the timetable and not myself. I am not currently in a position to brief either the Connétable or the House on the precise process of the planning application, although I will be happy to inform the Connétable at another time.

The Bailiff:

We come next to a question by the Connétable of St. Helier of the Assistant Minister for Health and Social Services.

2.2 The Connétable of St. Helier of the Assistant Minister for Health and Social Services regarding her department's progress in implementing the Air Quality Strategy for Jersey:

Would the Minister advise Members of his department's progress in implementing the Air Quality Strategy for Jersey?

Deputy C.J. Scott Warren of St. Saviour (Assistant Minister for Health and Social Services):

The Air Quality Strategy was endorsed by the Health and Social Services Committee in September 2002 and was updated in 2003 to take account of comments from other States' departments and further monitoring results. It should be noted that the monitoring of air quality was introduced a number years earlier than the strategy. The strategy highlights 4 areas of concern. First, the emissions from the Bellozanne waste incinerator. The Constable will be aware that the States of Jersey has a waste strategy which will deliver a new energy from waste plant. The energy from waste plant, which should be fully up and running by 2010, will ensure that waste incineration meets the required modern standards applied throughout Europe. Secondly, the emissions from the Jersey Electricity power station at La Collette. The Connétable will be aware that this facility now operates for a very limited period during the year, as the supply from the French mainland has been increased. The impact on air quality has been to reduce the emissions significantly. Thirdly, the emissions from the old cremators at the crematorium. These were replaced in 2004, and the impact on air quality has been to reduce emissions to the requisite standard. Fourthly, the emissions from road traffic, particularly oxides of nitrogen, which remain the outstanding issue as far as the Air Quality Strategy is concerned. The actions required to reduce the emissions from road traffic are all contained within the recently published Transport and Technical Services Department's Draft Integrated Travel and Transport Strategy for the Island. If this strategy is fully implemented, it is anticipated that vehicle emissions will reduce as far as reasonably practicable at this stage. However, there is a general matter which remains outstanding: the monitoring of air quality to demonstrate definitively the States of Jersey's compliance with E.U. (European Union) standards of air quality. The Assembly will appreciate that gathering high quality long-term data is an essential part of managing air quality. While monitoring does take place, this is not optimum, as this would require additional resources which have yet to be prioritised by my department.

2.2.1 The Connétable of St. Helier:

The Assistant Minister has outlined 4 specific initiatives, 3 of which appear to be well under way. In respect of the fourth initiative - road traffic emissions - could the Assistant Minister indicate when, subject to a satisfactory outcome of the Transport and Technical Services policies, she would expect to see improvement in air quality as a result of falling road traffic emissions?

Deputy C.J. Scott Warren:

We really need to correctly time this investment with the roll-out of the Integrated Travel and Transport Strategy, and then we could performance manage the strategy.

2.2.2 Deputy P.V.F. Le Claire:

May I ask the Assistant Minister to produce for Members a diary of the emissions and the times that the La Collette J.E.C. (Jersey Electricity Company) chimney has been used over the past 12 months, to ascertain the actual usage of the chimney and what the emissions are from that chimney and whether or not they meet E.U. standards as residents have expressed some concerns. Can I also ask the Assistant Minister if she would table for Members the statistics and the areas where air traffic monitoring is occurring at the moment and has been occurring, so that Members can determine the vehicle traffic emissions that are occurring at present and the quantities and the locations, so that we can judge for ourselves in the future whether or not there has been any improvement. Will the Assistant Minister therefore agree to table the actual findings over the last 12 months of the emissions from the J.E.C. chimney and the locations where vehicle emissions testing is occurring at the moment; can we see the figures, please, and the locations?

Deputy C.J. Scott Warren:

I would be happy for my officers to provide the Connétable with a report within a very short time period into the issues he has raised.

2.2.2 Deputy P.V.F. Le Claire:

I do not know if the Assistant Minister is reading from a list of prepared answers, but I am not a Connétable, to begin with, and I do not have any intention of being one. But in respect of my question, I specifically asked for something that is not contained in a report. I am asking for statistics and an evaluation of emissions that are occurring.

Deputy C.J. Scott Warren:

I apologise that I called the Deputy a Connétable. Sir, I honestly cannot give these answers here and now. I do know where there has been some monitoring, certainly of areas in town by the market, but I would like to be able to provide to the Deputy and any Member of the House the full information within a short time span.

2.2.3 The Connétable of St. Helier:

Thank you. In the Assistant Minister's very helpful and clear answers to my questions, she indicated that the Bellozanne incinerator in its current state is of course a problem from an emissions point of view. Could she explain whether action is being taken in consultation with the Department of Transport and Technical Services to reduce the amount of, for example, plastics which are being currently burnt in the incinerator and which are clearly making the emissions that much worse?

Deputy C.J. Scott Warren:

I think probably that is more an answer for the Minister for Transport and Technical Services to give, but we will provide all data that we can, and obviously if we need to consult with the Minister for Transport and Technical Services we will do so.

2.2.4 Deputy P.V.F. Le Claire:

Does the Assistant Minister not believe, given the statistics of the materials that we have seen in the written answers today in respect of Deputy Pitman's questions, that certain items that are being burnt and entering the atmosphere at the moment should be required not to be burnt in the future, and the Health Ministry is the correct Ministry to be voicing our health concerns with?

Deputy C.J. Scott Warren:

I do agree with the Deputy's comments, and it is my understanding there has been a reduction in types of material that are burnt at Bellozanne, but to be absolutely accurate I would need my officers to come back to the Deputy.

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

I wonder if the Assistant Minister could say how often she and the Minister sit down to review these figures and what then is the formal process if there are alarm signals contained within the figures?

Deputy C.J. Scott Warren:

The Minister and I have fortnightly meetings where anything that has been discussed at the Council of Ministers and any concerns that parishioners or people in the Island with health problems raise to me, I bring to that meeting. So we do have regular meetings, and obviously in the meantime if I have any concerns I will either email or speak to the Chief Officer or email the Minister.

2.2.6 Deputy R.G. Le Hérissier:

Would the Assistant Minister acknowledge that that does not appear to be a terribly proactive system?

Deputy C.J. Scott Warren:

I have views about Assistant Ministers generally in this Assembly, but nonetheless, Sir, I can say that any information that I require and that I need I have plenty of people in departments as well as the Minister who I can approach at any time, and the Minister is accessible for me to ask any question, and as I say we have robust meetings every 2 weeks.

2.2.7 Deputy A. Breckon of St. Saviour:

A final supplementary, Sir. In the Assistant Minister's itemisation of the 4 areas of concern, she did not mention the emissions from domestic fires, and I wondered whether that is something which her department is aware of. Obviously in the U.K. (United Kingdom) in particular there is stringent legislation to prevent, for example, coal being burnt in urban areas, and I do not believe that is the case in Jersey.

Deputy C.J. Scott Warren:

I cannot provide the Connétable with an answer to that now, but along with the promised information to the Deputy, I will provide that information, and to all States Members.

The Bailiff:

We come next to a question by Deputy Power of the Minister for Treasury and Resources.

2.3 Deputy S. Power of St. Brelade of the Minister for Treasury and Resources regarding whether a Goods and Services Tax would be charged on the sale of duty-free goods at the airport:

Would the Minister confirm whether a goods and services tax will be charged on the sale of duty-free goods on either outbound or inbound flights at the airport?

Senator T. A. Le Sueur (The Minister for Treasury and Resources):

I am not sure if I understand the question properly, but certainly the sale of duty-free goods on the actual flights to and from Jersey takes place outside territorial waters, and so G.S.T. (Goods and Services Tax) is not relevant. If the question relates specifically to goods sold at the airport duty-free shop, then the draft Goods and Services Tax Law allows that the supply of goods shall be zero rated if the supply would involve their export from Jersey. I understand that the airport's duty-free

shop is currently only permitted to sell duty-free goods to departing passengers, and therefore these goods could and would be zero-rated for Goods and Services Tax.

2.4 Deputy G.P. Southern of St. Helier of the Minister for Economic Development regarding proposed cuts in grant aid to the dairy and agriculture industries:

Further to his written answers on 17th April 2007, will the Minister inform Members whether the proposed cut in grant aid to the dairy and agriculture industries of £500,000 is additional to the reductions proposed in the Rural Economy Strategy, and advise what grants or services will be affected?

Senator P.F.C. Ozouf (The Minister for Economic Development):

The first thing I should say is that I do not personally take the decisions in relation to the dairy industry, because I am conflicted because my father is a dairy farmer. However, I will answer the question in the generic sense based upon information that the department gives me in relation to dairy. Sir, I want to say that this is the second time that the Deputy is asking questions on a document that relates to draft allocations of how the department might spend money based upon this Assembly's expenditure in 2008. Having heard the comments of the Deputy in the media, it is quite clear to me that he has not taken the opportunity to develop an understanding of the draft information as it was intended for Scrutiny to have in the 2008 business planning process. As Chairman of the Economic Affairs Scrutiny Panel, I find this quite concerning. The fact is that the draft allocation of both this question and the next one do not represent cuts to services. They indicate movements of funds to achieve an improved output to the department at the same cost. I am advised that in the most recent business planning discussions there are no proposed reductions in the level of grant to the dairy or agricultural industries. Furthermore, the intention is to improve the value of the industry that the Island and E.D.D. (Economic Development Department) derives by integrating the branding and marketing activities of all departments within the Ministry for Economic Development - tourism and agriculture - stimulating export trade and providing various other business support initiatives as the Deputy well knows are outlined in the increased funding for the Economic Growth Plan.

2.4.1 Deputy G.P. Southern:

I think Members might understand why I apparently do not understand what is going on. So the £500,000 will appear where? Overall in the next 2 years it is proposed at present, although it is subject to being changed, that support for the dairy and agricultural industry will reduce by approximately 40 per cent, from £4.5 million in 2007 to £2.8 million in 2010. Where will this money reappear, and how will it be directed to the benefit of the dairy or agricultural industries?

Senator P.F.C. Ozouf:

These are draft allocations. Should I encourage the Deputy, rather than using the precious time of this Assembly in questions, why does he not come in with the Panel to try and get an understanding of what Economic Development is trying to do? Because simply trying to score points, as he is doing in this question and in relation to his comments on the tourism industry, to say that we do not support these sectors is not going to work, because it is not true.

Deputy G.P. Southern:

Answer the question.

Senator P.F.C. Ozouf :

We have to look at the track records...

Deputy G.P. Southern:

Will the Minister answer the question?

Senator P.F.C. Ozouf:

We have to look at the track records of the States of Jersey subsidy arrangements for tourism and agriculture, and we have to reflect about whether or not they have worked. In my judgment, they have not, but what E.D. is doing is it is moving money into helping businesses export, and we fully support both the agriculture and tourist economy, and I am not going to let the Deputy get away with suggesting anything else. If he is suggesting that economic growth comes through subsidy, then I am afraid we do depart from an understanding and an agreement.

2.4.2 Deputy G.P. Southern:

Is the Minister, as I take him to be doing, guaranteeing that there will be no effective reduction in the support going into the dairy and agriculture industries as a result of this plan, and will he answer the question where exactly will this money reappear and be directed to such purposes?

Senator P.F.C. Ozouf:

I have already said that based upon discussions with my departmental officials and those that take decisions in respect of the dairy industry, that there are no planned subsidy cuts. There are no plans. But I cannot guarantee that, because ultimately these are draft allocations based upon the cake which E.D. will get in the next spending round, which is going on at the moment and will be discussed. In respect of where the money is going, the Deputy knows the answer to that question. It is going in the Economic Development Economic Growth Plan; export initiatives; the export loan guarantee; the small loan guarantee fund. All these new products and services, which are available not only to the dairy and agricultural sectors but the fishing industry, the tourism industry, the e-commerce business sector and the rest of them. That is where the money is going, and the Deputy well knows that.

2.4.3 Deputy G.P. Southern:

Is it not the case that in fact the money will reappear, and it will be redirected towards high value industries, thereby causing not diversification in the economy but restriction and a limitation in what we produce on this Island?

Senator P.F.C. Ozouf:

No, Sir. I am the Minister for Economic Development, not the Minister for Economic Decline. I am not prepared to put money into sectors which do not add economic value. I am optimistic and confident about the future success of both our agriculture and tourism economies, as many other sectors, and I am going to do everything with my department and my Assistant Ministers to deliver that. But I say to the Deputy, come and talk to us to try and understand what we are trying to achieve and not repeating the mistakes of the misguided past.

Deputy G.P. Southern:

Sir, if I may have a point of clarification.

The Bailiff:

If it is a genuine point of clarification.

Deputy G.P. Southern:

I believe it is, Sir; otherwise I would not be on my feet. The Minister said that he does not want to support areas of low economic value. Does that not mean that he does not wish to support agriculture and tourism, which are relatively low in economic value?

Senator P.F.C. Ozouf:

I did not say I was not willing to support low value industries. I actually said I do not want to be the Minister for economic decline, and if subsidies are basically designed to continue to extrapolate decline, then the answer is no. I repeat my offer to him. Come and talk to us rather than having spats across this Assembly and using his position in the media to cast aspersions on our lack of support for tourism and agriculture, because it is not true.

The Bailiff:

We come next to a question by Deputy Martin of the Minister for Housing.

2.5 Deputy J.A. Martin of the Minister of Housing regarding the potential rise in the number of private sector (j) category employees:

Has it moved back to the Minister of Housing, Sir? I directed this question to the Minister of Economic Development, and it was passed to Housing and then on to the Chief Minister. So I am asking the question of Housing, am I? Right, thank you. Would the Minister of Housing advise Members whether he expects the growth of 2 per cent and 3 per cent in the number of private sector (j) category employees as stated in the Economic Growth Plan to continue in the next 5 years and be reflected in manpower returns produced by the Statistics Unit?

Senator T. J. Le Main (Minister for Housing):

The Economic Growth Plan makes no mention of 2 per cent or 3 per cent growth in the number of private (j) category employees. It commits itself to limit the growth of the workforce to 1 per cent and to develop the skills of the local workforce. On the general issue of (j) category employees, both I and the Economic Development Minister are in full agreement and have already given answers on the subject on 5th December and 17th April. But I will repeat some of the key points. Point 1. Regulation of Undertakings and Housing Law continue to be strictly applied; licences for non-local and (j) employees only being granted where no local person is available. Point 2. This has resulted in 84 per cent of the workforce being locally qualified, and substantively this will continue to be the case. Point 3. (j)s account for just 3 per cent of the working population, and any increases will remain relatively small, only taking place within the approved 1 per cent target. Next point. This is entirely in line with economic growth strategies to improve productivity and skills and generate revenues to fund essential front line services. As Housing Minister, I am responsible for (j) approvals, and can give assurance that I take this responsibility very seriously. I exercise strict control - which is why numbers are so low - and will continue to do so. In fact, since January this year, I have refused 30 applications for (j) licences, because I am not satisfied they meet the current agreed policy. We monitor very closely the impact on decisions, especially on the housing market, where all the evidence indicates that (j)s have a very limited impact, with over 92 per cent of purchases being made by locals.

2.5.1 Deputy J.A. Martin:

I do apologise. The question was very late being put in, and it was the Statistics Unit who said 2 to 3 per cent, and that is why I directed the question through the Minister of Economic Development. Then, as I say, it was passed to the Chief Minister. It is reassuring to hear the Housing Minister say that he at the moment is very strict on (j)s. I know why this question was directed to the Chief Minister, because the Population Office comes under that, and I am afraid that the Minister will lose control when in the very near future we have a population register, and a completely different set of Ministers providing the acceptance of (j) categories. Is the Minister not concerned that he is going to lose control? The licences which will be (j)s are going to increase to at least 3 per cent of the working population.

Senator T. J. Le Main:

The issue is quite clear at the moment. I work with the Migration Advisory Group, which is Senator Ozouf, Deputy Gorst and myself, and we sift through all the information on Regulation of Undertakings; we share our meetings with the Economic Development Minister and *vice versa*. They share the information with myself as Housing Minister. Of course, there could be an issue. I agree that it is a concern that I have had in the past. I believe, Sir, that the way it is at the present, I show no concerns. I have to say also that currently the Chief Minister has a complaint that I am being too tough on (j)s, and at the moment it is an issue that we are discussing policy generally all round with the M.A.G. (Migration Advisory Group).

2.5.2 Deputy R.G. Le Hérisier:

Could the Minister tell us, as a result of the loosening, the much lauded loosening of the requirements for (j)s to move into the property market, could he tell us how many have taken advantage of this loosening of the Regulations, and whether in his view it has led to the current red hot situation in the property market?

Senator T. J. Le Main:

I have no figures in front of me, Sir. I can get them. But it is not a great amount. I can assure the Deputy that we have kept a very strict eye on it, and it has not exacerbated or in fact affected the purchase of (j) properties by those we relaxed, the permanent (j)s that were being renewed over the 5-year contracts. So my department and the Population Office are very, very satisfied that it is not exacerbating a rise in prices or heating the economy in the purchases. But I will get the information for the Deputy and for Members.

2.5.3 Deputy G.P. Southern:

Does the Minister not agree that there has nonetheless been a substantial rise in the number of (j) cats. being granted in the last 2 quarters of the last year, and furthermore, does he accept, as the Statistics Department does, that in the finance sector, whereas he quotes the overall figure of 84 per cent locally qualified, in the finance sector in the third quarter of 2006, the numbers were such that 75 per cent were locally qualified and 25 per cent, a rise in the proportion, came from (j) cats. and non-locally qualified in the finance sector, which was responsible for the largest proportion of expansion of jobs?

Senator T. J. Le Main:

I find that a bit difficult. There are a lot of figures there that I cannot put my hand to at the present time. All I can say, Sir, is that since 2001 the workforce on (j)s has increased to 3 per cent, but the locally non-qualified have reduced by 1 per cent. So it has not been at the expense, Sir, of the local qualified market. It has been at the expense of the non-qualified.

2.5.4 Deputy C.F. Labey of Grouville:

Could the Minister explain exactly what is meant by locally qualified?

Senator T. J. Le Main:

Well, if the Deputy of Grouville is seeking to know what is locally qualified, a locally qualified person for housing purposes is currently 12 years continuous residence or Jersey-born, but if it is by the current Regulation and Undertakings Department it is 5 years.

2.5.5 Deputy J.A. Martin:

I am going to find myself absolutely agreeing with the Housing Minister, but I would ask him a question. He has stated just a few moments ago, Sir, that he has been basically - I think he said told off by the Chief Minister, because he has not been...

Senator T. J. Le Main:

I did not say told off, I said there has been a complaint.

Deputy J.A. Martin:

Sorry, Sir, all right. The word was not told off, maybe that is too class ridden for even the Housing Minister. The Chief Minister was not very happy with him.

Senator T. J. Le Main:

No, no. I did not say that.

The Bailiff:

Let us get to the question, Deputy.

Deputy J.A. Martin:

I think I am trying to get my point across, Sir, being the concerns I have, and we did have a chance when Deputy Reed brought a proposition a couple of years ago now to put the Population Office under the Housing Department and it was rejected. Given the concerns the Housing Minister has - and there are some concerns on this side - if this proposition was revisited would he support it?

Senator T.J. Le Main:

Well, certainly the old Housing Committee, of which Deputy Reed was a member and others, were concerned that of course it could be detrimental... well, I suppose it could be the same with any Minister in applying policy; there has to be a degree of common sense, there has to be a degree of working within precedent. We did show some concerns that one person, probably similarly to the Planning Minister, who says too much power can be had by one person. I am confident at the moment that the way the Migration Advisory Group... where in fact it is not one politician or one Minister that is administering the Regulations but - as I say we have the Chief Minister's Assistant, Deputy Gorst and the Economic Development Minister - I am confident that if that is applied in the future with assistance to the Minister that it can be applied correctly, in my view.

2.5.6 Deputy P.V.F. Le Claire:

Understanding locally-qualified and understanding these essential people to our economy, as said by the Housing Minister in his previous answer, locally-qualified refers to 12 years from housing purposes and 5 years from employment, what are the numbers of (j) category employees that have become locally-qualified that no longer show up on those statistics? Is the Minister able to produce for the Assembly the numbers of people that are gaining access to Jersey's (j) category market, which as I understand - and can he correct me if I am wrong - will, under the new immigration rules, be legitimately able to purchase a house due to their extension of employment day one.

Senator T.J. Le Main:

It is fairly complicated, but I would be very happy if Members - including the Deputy - would put any of these issues in writing to me and I am very happy to make a statement at the next States' sitting clarifying or giving the answers to the issue. But I would not like to be caught out in guessing something because the issues change very quickly and the figures are a moving target all the time. But I can give an assurance to this Assembly that I do not give out (j) licences lightly, and as I say, since January this year 30 applications have been refused because they either do not meet the criteria or people are trying to find a quick way into purchase property and we are very, very strict, and I have the full support currently of the M.A.G. group - Senator Ozouf and Deputy Gorst - and I am pretty sure that the Chief Minister would support us on that.

2.5.7 Deputy P.V.F. Le Claire:

Is the Minister still not able to answer that policy issue, because it does not surely need research to understand the policy of whether or not somebody that is eligible to enter the workplace as a (j) category is eligible to purchase day one?

Senator T.J. Le Main:

A person on a 5-year contract can currently purchase a property under share transfer. At the end of the 5-year contract that property has to be sold out of the company and that person has to move out of the property.

Senator F.H. Walker:

Could I just say for the record I am not the least bit happy with the Housing Minister, in fact I am positively ecstatic.

The Bailiff:

We come next to a question by Deputy Southern of the Minister for Economic Development.

2.6 Deputy G.P. Southern of the Minister for Economic Development regarding proposals to reduce support for the tourism as industry outlined in his draft 2008 Departmental Business Plan:

Further to his written answers on 17th April 2007, will the Minister advise Members whether he proposes to reduce support for the tourism industry by around 30 per cent by 2010 as outlined in his draft 2008 Departmental Business Plan, and if so, why?

Senator P.F.C. Ozouf (The Minister for Economic Development):

I will not want to be a broken record, but I refer the Assembly to the answers that I gave to Deputy Southern a few moments ago; the draft reallocations are not designed to represent decreased support for the tourism industry, neither should they be taken by the Deputy in any way of a lack of my support for the tourism industry. My department intends to increase the support to tourism by investment and co-ordination in, for example, the air and sea transport development area, coordination of marketing activity, stimulating inward and outward investment and numerous other new business support initiatives and outlined in the economic growth plan. I would just say to him, H.D. Ferries, the new passenger-only service from France; the new investment with the Normandy French link; 6-daily service with British Airways, 7 at the weekend; increased capacity on Flybe; Thompson Fly arriving from Luton today and Cardiff; B.M.I. services to Heathrow, that is commitment for tourism, as well as the new website that we are developing. I am delighted with the work that my department is doing, providing better value for money, which I hope is going to yield better results for the tourism economy.

2.6.1 Deputy G.P. Southern:

Thank you, at least it was a different answer, Sir, but to claim success for issues which are nothing to do with his department, H.D. Ferries decided to come here because of a business decision by H.D. Ferries, *et cetera*. To claim success for his department and himself is completely ludicrous. I am glad though to notice that I am to understand that a change in a column of figures from £5.9 million to tourism in 2007 to £4.1 million by 2010 to tourism; £5.9 million to £4.1 million is not a cut. I accept his assurance that these figures do not represent a cut.

Senator P.F.C. Ozouf:

I do not claim success with H.D. Ferries, I do claim success in putting the right environment, which gives the confidence for people to come and invest in Jersey. I do claim departmental success in making some things happen, such as B.M.I. Other things are happening because we are putting up a clear sign that we are open for business, that we are determined to ensure that there is a future success of the tourism economy, and in that regard I do claim success for creating the right climate. As far as the direct money is concerned, he will know from the column of figures that he has - and again I ask him to come and talk to ask about them - he will see money moving from direct tourism marketing into route development, that is the way you bring people to Jersey, and that is the future of the tourism industry.

2.6.2 The Connétable of St. Helier:

Notwithstanding the Minister's comments about the development of infrastructure, would he not agree with me that what is still, I think, called "event-led tourism" is extremely important to what Jersey offers the tourists? Would he not agree furthermore that last week's stage of the Tour de Bretagne in Jersey was extremely good expenditure of his budget, and would he not confirm that these kind of events such as the Battle of Flowers, the Battle of Britain, the Band of the Island of Jersey, sporting and cultural activities on-Island are a crucial part of our tourism offer, and that he really needs to make sure that this cut we are talking about does not affect the activities of groups such as the ones I have mentioned?

Senator P.F.C. Ozouf:

I welcome the question from the Constable because he knows very well my views that event-led tourism has a vital role in being the magnet to bringing people to Jersey. I got my fingers burnt last year by increasing the funding for event-led tourism, overturning a previous Economic Development Committee's decision not to do so. I support the Tour de Bretagne, I support the Battle of Flowers, the International Air Display, and for the first time Tourism has gone out and marketed the Island for next week's Liberation Day celebrations. So, yes, he is absolutely right; event-led tourism is the way to get people on those services that I was talking away, and they get my department's full support.

2.6.3 Deputy P.V.F. Le Claire:

I echo the congratulations of the Constable for the event-led tourism that is occurring in the Island. The bike thing last week was fantastic. It also makes me wonder where mine has gone; it disappeared from outside the States' building last week. But here we are with, this question, Sir, in relation to the investment in tourism on a serious matter, can the Minister for Economic Development address the concerns or the queries that people have in respect of a convention centre that has been called upon by the private sector for the States to provide. Could the Minister for Economic Development Committee comment upon the issue there please?

Senator P.F.C. Ozouf:

The issue of a conference centre has been something which has been discussed for a long time, and the previous Economic Development Committee did do a full analysis of that and the conclusions were that the resources required to set up such a convention centre were very significant, and I am happy to give the Deputy the figures. Moreover, it was going to require a very high level of ongoing subsidy. Now, that does not mean to say that we are not keen on developing the conference market; my Assistant Minister is Chairman of the Conference Bureau, and the Conference Bureau, under his leadership, is doing a great job in terms of attracting conferences to the Island - another further element of a piece of business that is out there for Jersey. Will we be able to have a big large-scale conference facility? That I am not at all persuaded that the economics of that stack-up, but the Island has a great future and a great potential in marketing for smaller type conferences, of which we are seeing; of which we saw one only a few weeks ago - a huge pharmaceutical conference over here with the hotel beds filled across the Island. We want more of that and the Conference Bureau is doing a good job in achieving that.

2.6.4 Deputy K.C. Lewis of St. Saviour:

As the Minister knows I am very pro-tourism. The head of Jersey Tourism Department a few ago very bravely said he was managing decline. If I am to read the Minister correctly, Sir, what he is talking about is the re-allocation of resources. Would the Minister state whether he has any plans to reduce the staffing levels at the Tourism Department?

Senator P.F.C. Ozouf:

I would say that I think that Tourism is going through a transition; we are moving from a longer-term break market to a short-break destination market, and all of the initiatives that we are doing in

terms with the Harbours and Airport Department is designed to effectively reinvent really Jersey's tourism offers and create some excitement of that. We are looking at the issue of the Tourism Department. I want to say... and I was very disappointed to read in the newspaper that there were some comments about somehow we were going to handover Jersey to the Jersey Hospitality Association. No way, thank you. What I have done is sent an email to my department saying that I think they are doing a great job, but what we are doing is we are investigating what the best possible model will be in the future for delivering Government money into the tourism sector. It may be it is a Jersey finance model, maybe it is not. But I want to send a clear message to the department staff, who are demoralised when they are being attacked in the newspaper like that, that they are doing a great job, and I hope this Assembly supports their initiatives that we have all seen in the recent weeks.

2.6.5 Deputy G.P. Southern:

Does the Minister accept that I am eagerly anticipating receiving a date at which we can discuss both the issues that I have raised today and many others, since I have been pursuing him for the last 2 months in order to have a meeting, and for various reasons - including a ski trip - he has been unable to meet?

Senator P.F.C. Ozouf:

I think that is a cheap shot, frankly. I think that is a cheap shot. The Deputy himself was out of the Island when my department organised a Scrutiny visit to, I think, the airport where he was giving a briefing where we brought over, at great expense, consultants to advise the airport, and he did not attend that. Maybe he has personal reasons to do so, but so have I had personal reasons not to do so. My diary is open and my door is open to talk to him in relation to economic matters, and rather than doing cheap shots across this Assembly and through the media come and talk to us and set a date; my diary is open.

2.7 Connétable D.J. Murphy of Grouville of the Minister for Planning and Environment regarding the issue of planning permissions for mobile telephone masts in prime positions within the countryside:

Would the Minister explain to the Assembly why he has given planning permission for mobile telephone masts in prime locations within the countryside?

Senator F.E. Cohen (The Minister for Planning and Environment):

I consider that mobile phone masts will always have a negative visual impact in the countryside, the key is to minimise this effect. The States made a decision to liberalise Jersey's telecommunications market some years ago. The issuing of additional licences and allowing each operator to establish separate mast infrastructures was obviously going to lead to a significant increase in the number of masts. It is clear that having been awarded a licence an operator has a reasonable expectation of being allowed to establish a mast network. As a significant part of the Island can be defined as the countryside, it is evident that establishing an adequate network coverage would necessitate erecting a significant number of masts in the countryside. I was faced with 2 alternatives; either I approved around 30 huge shared lattice metal masts of the size of the present mast at Five Oaks or larger, or I approved a larger number of smaller masts. I decided the impact of the former was unacceptable and I therefore concentrated on minimising the impact of the smaller masts. I insisted on wooden telegraph pole replica masts, and one benefit is that they hide much of their electronics within the hollow core. I would make it clear that all appropriate existing lattice masts have been shared by the operators. Unfortunately many masts have been erected in the last few weeks without the applicant having had the time to plant the specified mature trees. Last week I inspected many of the recently erected masts and have personally confirmed the tree planting and landscaping for a number of the new masts to mitigate the impact. I am satisfied that while masts will never be

anything less than an unwelcome visual intrusion in the countryside, I am doing everything possible to mitigate the visual impact.

2.7.1 The Connétable of Grouville:

I met with the J.C.R.A. (Jersey Competition Regulatory Authority) last week and they assured me that even though they are issuing these licences they have no input whatsoever into the planning decisions made by the Minister. I would say that he assumes that they have reasonable expectations for their masts; however would he also agree that the parishioners of Grouville and of the Island as a whole have a reasonable expectation to enjoy their countryside without the intrusion of these industrial-sized installations?

Senator F.E. Cohen:

I think that the use of the term "industrial-sized installations" is a little inflammatory and rather unnecessary. What I would say is that - and I repeat what I said earlier - a licence holder has a reasonable expectation of implementing a network in the Island. How else are they supposed to implement their licence? The Constable is well aware that I have done everything possible, particularly in relation to a certain mast in Grouville, to mitigate the impact. I accept that the visual impact is something that we would all rather do without, but unfortunately it is a consequence of allowing a number of operators to set up independent networks in the Island.

2.7.2 The Connétable of St. Helier:

Would the Minister agree that all of his remarks about the visual impact of phone masts in the countryside must apply equally to mobile phone masts in the urban areas, and would he confirm that he will be seeking to take corrective action, although you cannot plant a mature tree on top of a hotel, would he be seeking to take corrective action to reduce the visual impact of masts in the urban area?

Senator F.E. Cohen:

As the Connétable knows, I am seeking at the moment in relation to a particular mast that is of concern to him, to mitigate the visual impact. I accept that there is an obligation to mitigate the visual impact in the urban areas as much as in the countryside.

2.7.3 Deputy R.G. Le Hérissier:

At any point did the Minister - although he has portrayed himself as the hapless victim of other people's policies - at any point approach the J.C.R.A. or the Minister for Economic Development and say: "Look, this policy is having very perverse consequences, we have got to do something about it"?

Senator F.E. Cohen:

In terms of the way I portray myself I would say that the Deputy is one of those who is responsible for the decision to liberalise the telecommunications market, with the obvious consequences. No, Sir, I have not seen it as my job to go to the J.C.R.A. or to the Economic Development Minister and prostrate myself on the floor and complain about the terrible position in which they have put me. I dealt with it as best as I possibly could and as I have said I have concentrated on mitigating the impact, but 3 networks means 3 times the number of masts; it is as simple as that.

2.7.4 Deputy J.A. Martin:

In his opening answer, the Minister said he had a choice of either X amount of large masts or independent ones. Is it not true, Minister, that you did not really have a choice; all individual operators want their own masts and that is why we have been saturated with smaller masts all over the Island?

Senator F.E. Cohen:

I am not sure that that is correct. Certainly the large lattice masts, which have been shared, are perfectly adequate for the operators, they are quite happy to have their own gizmos on the top of the mast sitting next to the other operators' gizmos, but I am not sure that the operators would necessarily have preferred to have erected their own networks over the alternative, which may have been to force the existing operators, or require the existing operator to share their network at wholesale prices with other operators, but that was a decision that was taken before my time.

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

Obviously nobody denies that these masts are an unfortunate consequence of our adopting the policy of competition, but the question that troubles many of the members of the public - myself included - is why is it that these masts cannot be positioned in less-conspicuous places? I am aware of some recent installations where movement of merely 200 or 300 yards would put the masts virtually out of sight. Surely that would not affect its effectiveness. So, I ask the Minister would he endeavour for any future installations to ensure that wherever possible they are sited primarily in a place where they will be less conspicuous? I am not in agreement with planting mature trees, in fact planting mature trees at this time of the year surely has to be a waste of time, but I am not sure that they will have much effect in our lifetime.

Senator F.E. Cohen:

Yes, I can give an undertaking that I will do my best to choose the best locations, but I am afraid to say to that it is very hard in the countryside to find locations that do not have a significant visual impact, and that impact is always negative. We have done our best to try and balance the ability of the operator to place the mast in the least-intrusive location, but there are all sorts of issues, like, for example, if the mast is put in a hollow the mast has to be taller than if it is put at the top of a hump. It is quite a difficult balance to strike and we certainly have done our best.

2.7.6 Deputy I.J. Gorst of St. Clement:

Can the Minister confirm that his department considers coverage or range provided by these new masts, particularly in low-lying areas, thus limiting their proliferation?

Senator F.E. Cohen:

I do not think that that was a decision that is appropriate for the Planning Minister. The Planning Minister has to look at planning applications; it was not my job to consider limiting coverage. We have treated every application on its merits, we have tried to mitigate the impact as much as possible, but as I have repeatedly said these masts have a very negative impact in the countryside and there is nothing I can do about that other than to try and mitigate as far as possible.

2.7.7 Deputy P.J.D. Ryan of St. Helier:

Would the Minister tell me who he believes is responsible when there are unforeseen and detrimental effects from a previous States' decision that are rearing their heads; who does the Minister think that is responsible if it is not him? Where does the buck stop?

Senator F.E. Cohen:

I think that I do not want to cast blame, what I do want to make clear is that - and it is very easy to pontificate with the benefit of hindsight - if the previous Economic Development Committee had considered the impact of mobile phone masts, and I really do not think anyone realised quite the impact these were going to have, that they may have directed that some form of requirement to share the existing network could have been a better solution. But, of course, I am not aware whether the technology would have worked, how much the technology would have required to be upgraded to facilitate some sort of wholesale networking arrangement, and whether the licence holders would have been prepared to accept that.

2.7.8 The Connétable of Grouville:

With regard to my previous question, would the Minister agree that the reasonable expectations of the people of the Island should take precedence over the reasonable expectations of international mobile phone companies?

Senator F.E. Cohen:

I think perhaps the States should have considered that at the time that liberalisation was agreed. There are also other issues, like the fact that many tens of thousands of Islanders regularly use mobile telephones as an essential method of communication and they are entitled to have freedom of choice in the marketplace and to be able to choose which operator they wish to go to and to have competition that forces prices down, but that does not mean that that is a defence for the negative visual impact, and I absolutely accept that we would have been much better off without any masts in the countryside.

The Bailiff:

We come next to a question by the Deputy of St. Martin of the Minister for Home Affairs.

2.8 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding the compatibility of the Draft Prison (Amendment No. 6) (Jersey) Law 200- with the Human Rights (Jersey) Law 2000:

In light of the response given by the Assistant Minister for Home Affairs on 27th March 2007, would the Minister advise Members what advice she has now received to enable her to make the statement in P.18/2007 that the Draft Prison (Amendment No. 6) (Jersey) Law 200- (P.18/2007) is indeed compatible with Convention Rights of the Human Rights (Jersey) Law 2000?

Senator W. Kinnard (The Minister for Home Affairs):

I will be dealing with these matters in detail when I propose the amendment under public business so I will be brief now to save the States time. In accordance with advice received, I am content that the power to test for drugs, which is a new Article 13(a) in the amendment referred to in the question; the power to test for alcohol, which is 13(b) in the amendment; and the power to search prisoners under 13(c) in the amendment are compatible with Article 8.2 of the European Convention on Human Rights. These powers can be justified on grounds that they provide a reasonable and proportionate means of dealing with discipline, crime prevention and health and safety in the prison. The rules that will eventually be made under Article 29 for the photography, measuring and fingerprinting of prisoners will be submitted for a Human Rights check in due course once they have been drafted.

2.8.1 The Deputy of St. Martin:

The Law as drafted will allow for authorised male employees to search females, and *vice versa*. Would the Minister inform Members as to advice she received in respect of this particular practice?

Senator W. Kinnard:

Again, this will be covered when I propose the amendment in public business. Article 13(c) is silent on whether a search by an authorised employee should only be carried out by a person of the same sex as the person to be searched. My intention is that Article 13(c) should only be brought into force after the rules governing the implementation of this power have been drafted and checked for further compliance. In due course, therefore, Article 13(c) can only be brought into force through an Appointed Day Act when the rules are ready.

2.8.2 Deputy R.G. Le Hérissier

Could the Minister indicate whether in reaching her decision and considering the advice she made reference to experience in other jurisdictions and whether Jersey's practice is indeed in conformity with that of other jurisdictions?

Senator W. Kinnard:

I am always researching other jurisdictions in relation to matters, and in the general matter of all of the areas that are covered in 13(c), yes, indeed I have researched other jurisdictions, and I will be again referring to those when we come to the main debate.

2.8.3 The Deputy of St. Martin:

Could I ask the Minister that if a female prison officer or a female authorised employee objects to search a male prisoner, would that officer or female authorised employee be subject to discipline action?

Senator W. Kinnard:

Article 77(6) of the Prison (Jersey) Rules says that searches shall be carried out by an officer, i.e. a prison officer, not other employee at the moment, of the same sex as the prisoner, except that a female officer may, unless the prisoner objects, carry out a search of a male prisoner. Obviously, again the rules have to be read in conjunction with the amendments, and that is the position at the moment, and as I have said, the further rules will be made under the amendment and will be checked and brought into force at the appropriate time by an Appointed Day Act.

2.8.4 The Deputy of St. Martin:

In view of the statement made by the Minister that the provisions under the draft Prison Amendment were compatible with the Convention of Human Rights, but there was no date - and in fact when we asked last time we were informed that an opinion had not been sought - would the Minister agree maybe in future, and maybe not only for Home Affairs but maybe for every Ministerial department, that when that statement is made that a date is put as to when a statement was agreed?

Senator W. Kinnard:

That seems to me quite a sensible suggestion. I think the point was made and I do not know why we have to go over old ground again, how many political points does he intend to score? My Assistant Minister explained that a number of items were lodged together, this was lodged out of turn, and we apologised for that at the time, and the apology still stands.

The Bailiff:

We come next to a question by Deputy Le Claire of the Chief Minister.

2.9 Deputy P.V.F. Le Claire of the Chief Minister regarding the Island's existing relationship with Her Majesty's Government:

Is the Chief Minister satisfied that the existing relationship with Her Majesty's Government meets the Island's current and future needs, or would the relationship be strengthened through a written constitution, a concordat or other formal understanding in the future, and if so, how?

Senator F.H. Walker (The Chief Minister):

I am satisfied that the existing relationship with Her Majesty's Government currently, and for the foreseeable future, meets Jersey's needs. The relationship is entirely positive and works well on both sides. Whether a written constitution or a concordat would strengthen Jersey's relationship with the U.K. depends entirely on the content of such a document. I am sure that there would be a variety of views, both in Jersey and in the U.K., on what that content should be. There is a strong

argument that an unwritten constitutional relationship allows for more flexibility and for greater development in the future. With regard to the future I will later this morning be making a statement on the conclusion of a formal framework for developing the international identity of Jersey, which I have agreed with the U.K. Secretary of State for Constitutional Affairs. I am convinced that this framework will further strengthen Jersey's constitutional position by setting out the context of the U.K.'s responsibilities for Jersey's international relations, while recognising that Jersey is a responsible, stable and mature democracy with its own broad policy interests.

2.9.1 Deputy P.V.F. Le Claire:

That is very reassuring to hear and I thank the Chief Minister that he is satisfied that the current arrangements do meet our needs and our future needs, and I am sure that most Members will agree with me that that is a wonderful position to be in. But I would like to ask the Chief Minister in regard to the statement that he is going to make, and as he brings it up in his question today, given the content of his answer to me in that any concordat would have to be considered by a variety of people for their views on the content, as any detail of the content might be significant in a constitutional perspective, does then it not also fall if that is the case - if that is good for the goose it should be good for the gander - if it needs to be considered with a variety of views, i.e. the States Members, in respect of a concordat or a written constitution, that any such framework as has been signed, we are about to be told, by the Chief Minister should also return to the Assembly for ratification and their consideration in respect of writing-up the framework of any such agreements in the future, because writing-up the framework stitches us up; it stitches us up to a playing field and measures us in. The question is, does not the Chief Minister agree that if those considerations have validity in respect of a written constitution and a concordat then they should also have had had the approval of the States Assembly before they were drafted and signed by the Chief Minister?

Senator F.H. Walker:

There is a world of a difference between a concordat or a formal written constitution and the framework that I am presenting to the States today. The framework does not change Jersey's constitutional position, it is a statement which basically confirms the U.K.'s ratification of our constitutional position and strengthens our international position in a number of ways, and, it is entirely consistent with the decision of the States taken in the Strategic Plan when the States agreed that I should endeavour to agree a protocol with the Lord Chancellor, which will support further extension of the Island's international personality and independence of action. The way this has been handled is entirely consistent with the way that international agreements are normally handled, and entirely consistent with the way in which the States have previously agreed, and indeed set a precedent for in the signing of agreements with the E.U. on the Savings Tax Initiative.

Deputy P.V.F. Le Claire:

Perhaps we could draw in other Members' attention to the Chief Minister's capable answers when we do get to the statement in respect of these questions, but I...

The Bailiff:

Deputy, you have the opportunity to question the Chief Minister on his statement when he has made it.

2.9.2 Deputy P.V.F. Le Claire:

Yes, Sir. What I was going to say, was rather than pose a whole bunch of supplementary questions at this stage, I will, if I am allowed to ask the questions, reserve those for the time that we address the statement. But may I ask at this point, just as a gesture of politeness, I do have a question for the Chief Minister in this respect, which I will set aside for later, that has to do with defining, in particular, agreeing to meet international standards when those international standards may have an impact upon our fiscal position. How can the Chief Minister agree to meet international standards?

Should it not have been “agree to consider meeting international standards”? Setting up the wording of a framework like this stitches us up in my opinion.

Senator F.H. Walker:

It does nothing of the kind, and for the Deputy to suggest it stitches Jersey up misses the point and misses the whole basis of what is being presented to the States today. This is good news for Jersey; this strengthens our position, and to suggest it does anything to contrary suggests to me clearly the Deputy has totally failed to understand what is before him now, and I regret that.

2.9.3 Deputy P.V.F. Le Claire:

The Island has always said that we will endeavour to meet, and that we will meet, international standards and we have prospered both culturally, economically and internationally as a result and we intend to continue to do so. Would the Minister not agree with me that in making the response that he has just made to me he fails to understand that I am applauding the work and the current and future relationship of the United Kingdom, which has been developed by the Chief Minister and his Council of Ministers? I am applauding that, but what I am saying is that it is difficult, if not impossible, for Members such as I to understand the impacts of agreements that have been negotiated without our involvement. If I have thoroughly failed to be able to be aware of these issues, then I am sure every other Member must be in that same boat too. I asked these questions prior to this information coming out. My questions were tabled prior to any of us knowing about these issues, and the consideration of these issues have been presented to us on the desk this morning, most Members have not read them and they have not turned to the framework of the understanding either. So, is it not really disappointing that the Chief Minister can rise to his feet to say that I am not on board; when the reality is nobody invited me?

Senator F.H. Walker:

I am intrigued by the Deputy's version of being supportive when he uses phrases like "stitches us up", it does not sound terribly supportive to me, so I am sure he will sympathise with my confusion. All international agreements which carry new obligations for Jersey are of course subject to the agreement of this House and have always come to this House, and will continue to come to this House. This is a framework statement of the international position in relation to the U.K., which does nothing other than strengthen Jersey's position, and I say again to the Deputy he should be warmly welcoming this as a significant move forward for Jersey and not damning it, I suppose I could say, with the faint praise that he seems to be doing in the phraseology of his questions.

The Bailiff:

We come next to a question by Deputy Power of the Minister for Treasury and Resources.

2.10 Deputy S. Power of the Minister for Treasury and Resources regarding the appointment of 10 additional staff for the processing of the new Goods and Services Tax:

In the view of the statement made within the debate of the draft Goods and Services Law, at the cost of hiring 10 additional staff for the processing of the new Goods and Services Tax would be £1 million, would the Minister confirm that this remains an accurate estimate and give details as to how these 10 posts will be split between the Treasury and Customs and Excise Departments?

Senator T.A. Le Sueur (The Minister for Treasury and Resources):

The estimate of an additional 10 staff required to operate the new Goods and Services Tax (GST) was provided by Crown agents in its final report headed, *Design of Prototype Goods and Services Tax* published in January 2005. The figure quoted of £1 million is the anticipated annual operational cost of G.S.T., which includes administration, information technology systems and staffing. The majority of additional staffing is likely to be within the Income Tax Department. The

estimated 10 additional staff numbers are very much dependent on the adoption of the following 3 criteria: first a simple broad-based G.S.T. system; secondly that current Income Tax Department compliance resources are deployed for G.S.T. and direct taxes; and thirdly, that modern information technology systems should be in place. Now that the Law has been approved by the States, the G.S.T. Director and the Director of Customs and Excise are working with the project team and Crown agents to undertake a reassessment of the staffing requirements for both the Income Tax Department and Customs Service. The result of this review will be available in due course. However, at this stage I have no reason to question or doubt the accuracy of the current estimate.

The Bailiff:

We come next to a question by the Connétable of Grouville of the Assistant Minister for Health and Social Services.

2.11 The Connétable of Grouville of the Assistant Minister for Health and Social Services regarding precautions to safeguard the health of the people who live in close proximity to mobile phone masts:

Would the Minister reassure the Assembly that all precautions have been taken to safeguard the health of the people living in close proximity to mobile phone masts and confirm that should evidence be presented to indicate serious associated health risks the masts would be shut down?

Deputy C.J. Scott Warren (Assistant Minister for Health and Social Services):

I can most certainly assure the Assembly that all precautions are being taken, and will continue to be taken, to safeguard the health of the people who live in close proximity to mobile phone masts. The Connétable will hopefully take comfort from the way in which planning applications for mobile phone masts are sanctioned; a licensed company must make applications through the planning processes laid down by the Minister for Planning and Environment. Each mobile phone mast planning application must take the form an individual application, and when such an application is received by Planning and Environment it is referred as a matter of routine to the Health Protection Team and proficient officers from that team then undertake a site inspection on every occasion. The officers consider each site application against the international standards laid down by the International Commission on Non-Ionising Radiation Protection. To date, all such applications for the installation of mobile phone masts have complied with these standards. It need hardly be said that the Health Protection Team will continue with these practices to ensure that the potential risk to Islanders is fully assessed on each and every occasion that a mobile phone mast planning application is made. I am currently considering the review into the perceived effects of mobile phone masts, which was presented to the States on 20th April by the Health, Social Security and Housing Scrutiny Panel. At first glance this Scrutiny report is of a high standard and would appear to strike the right balance between scientific opinion and public anxiety and disquiet. I am particularly mindful of the recommendations within the report as to how health monitoring might well be enhanced. When I have obtained advice from my professional and technical officers on this matter it may well be that we can enhance the level of health protection even more from that which currently appertains. Finally, I can most assuredly confirm to Connétable that should evidence be presented to indicate serious associated health risks then I would contact the Minister for Planning and Environment immediately, and I have no doubt that advice to decommission such a mast on health grounds would be acted on immediately by my fellow Minister.

2.11.1 The Connétable of Grouville:

I thank you for your reply, which is quite all encompassing, but is the Minister aware of the O2 closing down a mast in Warwickshire where a cluster of cancer-related cases was found in the area around the mast?

Deputy C.J. Scott Warren:

Yes, I am aware of this. A correlation obviously may or may not relate to health impact, but I would say to the Connétable that before us I feel we have an excellent Scrutiny report and it does... the whole basis - and people can take also comfort from reading page 103 and 104, the Assistant Director of Health Protection's report in it - if there is any evidence comes to light we will, as I said in my reply, act upon it.

2.11.2 Deputy R.G. Le Hérissier:

Following on the Constable's question, could the Assistant Minister please explain to the House how that particular bit of evidence will be assessed and whether it is being actively assessed given the assurances she has just given us?

Deputy C.J. Scott Warren:

The Health Protection Team - obviously they are aware of this report - will be looking at any and every piece of new evidence that comes, and that is what is recommended as well in the Scrutiny report. We have 6 weeks to analyse and get back regarding the Scrutiny report, which as I said I believe is an excellent way forward, so I can give an assurance that nothing that is of concern will be neglected by our department.

2.11.3 Deputy S. Pitman of St. Helier:

Would the Assistant Minister not agree that there is, as yet, no international or national consensus on whether or not mobile phone masts affect human health? For this reason does she not agree that precautionary principles should be applied when current planning applications are received to install these masts in highly populated areas, which is the current policy of the Education Department, who will not permit their installation in close proximity to schools?

Deputy C.J. Scott Warren:

Our department does support the precautionary approach, which is also outlined in the Scrutiny report, and obviously that approach was recommended in the Stuart report in the year 2000. All new data will be reviewed. I am aware of the situation regarding the siting nearby schools in Jersey and I will give the assurance that the Health Protection Team, as I have said previously, will be looking at all these issues in conjunction with studying and making comments on the report.

2.11.4 Deputy P.V.F. Le Claire:

So perhaps the Assistant Minister might ask her department to comment upon the practice of keeping these masts away from schools while allowing them to be sited at Fort Regent over the heads of those people participating in sporting activities and over the heads of a private nursery school which is a matter of yards away from one of the largest antennas that I have seen on the Island and one of the most powerful ones. Would the Minister undertake to investigate with her officers whether or not there is an overall encompassing policy between States and private provision of safeguarding young people in these situations?

Deputy C.J. Scott Warren:

I will obviously take these concerns that have just been expressed by the Deputy to the Health Protection Team. This is, overall, a matter of managing risk in the best way possible in the light of current evidence and future evidence, but certainly those comments regarding the nursery school will be conveyed to the Health Protection Team.

2.11.5 Deputy R.G. Le Hérissier:

As the Deputy is aware, there has been a total relaxation as part of this contradictory view society has of mobile telephones within hospitals. Many Trusts are now allowing the use and are now saying it does not interfere with hospital equipment. Could the Assistant Minister tell us, as I am

sure she will have studied this development, what decision has now been reached in regard to their use in the Jersey Hospital?

Deputy C.J. Scott Warren:

I know that there was a restriction on mobile phones. In fact, I was once told off by a doctor for having a mobile phone as I went into a lift. I have seen a mobile used by a member of staff in the Jersey Hospital but I will come back with a definite answer to the Deputy this week.

3. Questions to Ministers without notice - The Minister for Social Security

The Bailiff:

Thank you. We now come to questions to Ministers without notice. The first question period is of the Minister for Social Security and I invite questions.

3.1 Senator J.L. Perchard:

Will the Minister advise the Assembly as to his timescale for bringing to the States revisions to the Employment Relations Law; revisions that will outlaw the disgraceful practice of lightning strikes and the ability of unions to call for industrial action without first having conducted a secret ballot of their members?

Senator P.F. Routier (The Minister for Social Security):

The Employment Relations Law has been approved by the Privy Council and it needs an Appointed Day Act but before the Appointed Day Act is made, there will be codes of practice which need to be finalised. The codes of practice have been consulted upon by the Employment Forum and I am working with my Assistant Minister and my department to finalise the codes. For a final consultation, they have to be advertised in the *Gazette* that they are available and for 28 days they are available for responses. After that stage, it will be my responsibility to make an Order to present to the States as an Order and they would come into force when the Appointed Day Act comes in.

3.2 Senator J.L. Perchard:

Does the Minister believe that the Order that he will bring in as a part of the Appointed Day Act of the Employment Relations Law will prevent what happened recently; that is a small group of harbour engineers holding the Island to ransom by forcing the closure of the Port of St. Helier or will it be necessary to introduce tougher legislation to protect Islanders from what only can be described as a one-sided abusive relationship with those that hold the key to our ports; our ports which are the lifeline to our Island?

Senator P.F. Routier:

Once I had sat down, I realised that I had not answered the question previously about the timescale. The timescale will be that I would imagine that within the next 2 or 3 weeks, I will be able to finalise the draft code of practice and that will be lodged and advertised for a further 28 days. So by the summertime, the Appointed Day Act will be able to be made and we will be in a position with that. With regard to what the codes will say and what the Law will achieve, the codes will set out a mechanism for strikes to be organised. A secret ballot would need to be taken and also notice would need to be given if workers wanted to have a strike. There is no intention of stopping people from having a strike, if they feel that that is a necessity. Obviously, it is their right to have a strike but what it would do is put in place a notice period which would be required to ensure that the public and employers were able to organise themselves. For instance, if the agricultural community were faced with an immediate walkout, it would affect their trade obviously. So they would be able to work around that situation as long as they had a week's notice that the strike is going to happen.

3.3 Deputy G.P. Southern:

Will the Minister inform Members what progress is made in processing application forms for Income Support and, furthermore, state what advice he has received on the use of these application forms and data that they contain from the Data Protection Commissioner and the Law Officers' Department and will he release such advice to Scrutiny?

Senator P.F. Routier:

Progress with regard to people returning the forms to the department has been very good so far. It has been steady and we have been getting a good flow of forms back to us. In saying that, there are still some which are outstanding which we would encourage people to return to us as soon as possible because we will need to have that information so that we can pay any benefits that they want to apply for. The question with regard to advice about the forms and the suitability of them from Data Protection, the Data Protection Office has looked at the forms and it has to be recognised that these forms will not exist as soon as Income Support comes in. So they are transition forms and that information obviously is being collected by the Housing Department for their housing rent rebates system and also for people who have been claiming social security benefits. The advice that we have been given by the Data Protection Office is that when we get to go live with the system, it would be preferable to have information available to everybody so that it is publicly known what the questions were going to be. We will be looking at that to ensure that we can ensure that the data protection issues are fully clear and people are satisfied with that. Obviously, with everything that we have been doing, we have been having Law Officers' advice and we have accepted that advice and will be acting upon it.

The Bailiff:

May I plead with the Minister to be concise in his answers? One-third of the time has expired with 2 questions.

3.4 Deputy R.G. Le Hérisier:

As the Minister knows, the 3 angry and terribly nice young men have embarked on their cost cutting crusade. Could he please tell us whether he has plans to rein-in the cost of supplementation and indeed could he explain why it appears to be moving in a somewhat uncontrollable sense at the moment?

Senator P.F. Routier:

The cost of supplementation has grown over the last couple of years and we are doing a major piece of work. Once Income Support has settled, it is in the Strategic Plan and the Business Plan that that piece of work will be carried out in the autumn of this year.

3.5 Deputy J.A. Martin:

Can the Minister explain what talks have taken place between himself and the Minister for Education on how people in possession of H.I.E. (Health Insurance Exception) cards now will be able to access the free Active card that this entitles them to if they need one and if they would like one for young families and how this will work under the new Income Support system?

Senator P.F. Routier:

The Deputy raises a very good point because H.I.E. cards have been used for a number of things, not only health but also the buses as well and that is an issue which needs to be addressed and we will be looking at that as soon as we possibly can. What we need to do is to ensure it. H.I.E. will not exist in the future but if other departments have used it...

Deputy J.A. Martin:

Sorry, my question was can he tell the House what talks he has had with the Education Minister so far. Not in the future, so far. Thank you, Sir.

Senator P.F. Routier:

I have had no talks directly with the Education Minister about this matter. I am sure that not only the Education Minister but also the Minister for Transport and Technical Services - if they want their services to be provided for people on low incomes - will want to identify a mechanism with which they will be able to support people in those ways. H.I.E. will not exist in the future.

3.6 Deputy J.B. Fox of St. Helier:

In relation to the transfer of the old St. Helier Welfare Department staff, could the Minister tell me if in fact the staff did transfer to his department and are their specialist skills being used now within that department or have they been transferred to other units within the Social Services. Thank you, Sir.

Senator P.F. Routier:

I will try and be as broad as I possibly can because it is a small number of people, so I would not want to give an indication that they could be identified as individuals but certainly the intention and the offer has been made to everyone to transfer to us when the changeover comes and some are taking up that offer and some are making a decision not to. It will be their own personal decision. We are interested to gain the knowledge and the skill base that the St. Helier Welfare Department has built up and we are working closely with them to ensure that they continue using those skills.

3.7 Deputy A. Breckon:

The Minister did mention the increase in supplementation. I wonder if he could tell the House why that is.

Senator P.F. Routier:

There are very, very many reasons and I would be told off by the Chair for speaking for too long if I went into all of them. I think what would be better for everyone, including myself, is to make sure that we have a very thorough and extensive review carried out in the autumn of this year which is what the plan is to do. There are very, very many reasons that there are increases in it but I would not want to pick on one in particular which would probably give you the wrong impression.

3.8 Deputy G.P. Southern:

Will the Minister explain to Members what contingency funds he has put in should he receive demand for Income Support which far outweighs that which is currently being delivered through welfare through new claimants wishing to claim and what measures is he taking to ensure that when the new Income Support scheme is in place, take-up is maximised?

Senator P.F. Routier:

I think all Members are aware that the available funds for Income Support is what is currently being used in existing benefits around the Island, so when the rates come before this House for debate, we will have to do so in the recognition that we have an amount of money to use. We recognise that a judgment needs to be made for any contingency in additional people coming to claim benefits and we will be making an allowance for that but, obviously, it is going to be a balancing act with regard to how much rates are and how much you can put aside for increased take-up. I can assure the Deputy that when the scheme does come into being, it will be advertised very widely and ensure that people have the opportunity to take-up the benefits if they are in need of the benefits.

3.9 Deputy R.G. Le Hérissier:

With the addition of rent rebate, the Minister will now be running 2 of the major budgets which we have historically been able to control. Would he explain the most important factors leading to the increase in supplementation and, secondly, how he intends to re-fashion rent rebates?

Senator P.F. Routier:

Again, with regard to supplementation, I think it is really better to wait until we have a full review. There are numerous things. We just do not know, to give you a straight answer. It would be wrong to pick on anything in particular. There is a big piece of work that needs to go on with that. That there are more people in work is the big one, so that is obviously the biggest but there are lots and lots of quirks around it.

Deputy R.G. Le Hérissier:

Can I ask for clarification? Surely, when people come to the office and ask for it, an officer approves a reason. Does the Minister not have an analysis of these particular reasons that are given?

Senator P.F. Routier:

Was that in relation to supplementation? I do not think anybody comes into our office. I know for sure that nobody comes into the office and asks for supplementation. The Deputy I think has a misunderstanding of what supplementation is. Supplementation is the amount of money with which the States top-up people's insurance contributions. There is an insurance contribution premium which pays for people's benefits and their pensions and that is set at a level and if people do not earn enough for their contributions to reach that level, the Treasury top-up that difference. No one comes into the department and says: "How much are the States going to contribute towards my pension?" I wish they did. They might be more aware of what was going on.

3.10 The Very Reverend R.F. Key, B.A., The Dean of Jersey:

The Minister may not be aware that last week I chaired the St. Helier Welfare Board and just following on to his answer to Deputy Fox, I understand totally that it would entirely wrong to discuss individual employment contracts and issues on the floor of the Chamber but please would he undertake to go back and check because my understanding is that not one of the current welfare employees of St. Helier have taken up jobs that exactly use their current skills. It would be a great shame if those interpersonal skills and expertise and knowledge built-up over many years were to be lost to the welfare system.

Senator P.F. Routier:

I thank the Dean for those comments. One also has to take consideration of the desire and the wishes of the people who are transferring. There have been some people who have decided they do not want to be involved with Income Support. They would prefer to work someone else within the department. We want to use their skills and we will do to the best of our ability but it has to be recognised that some people do not wish to continue in that line of work and we have to respect that.

The Bailiff:

We come now to the second question period of the Minister for Housing and I invite questions.

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

4.1 Deputy A. Breckon:

I wonder if the Minister could explain to the House his definition of what "sheltered housing" is.

Senator T.J. Le Main (The Minister for Housing):

Yes, Sir. Sheltered housing is for retired people or people coming up to middle age who are in severe difficulty medically or physically and it is providing homes that will meet their needs for the remainder of their days. It is homes that can accommodate their medical and physical needs and to effectively try to place them back into the community where they have lived all their lives and to have some help and assistance from families and children who may wish to look after their parents. A sheltered home is that kind of home.

4.2 Deputy I.J. Gorst:

In light of Sir David King's lecture yesterday, can the Minister confirm when solar panels, rainwater capture units and other energy efficient devices will be fitted to all States' new-builds and refurbishments as standard?

Senator T.J. Le Main:

The current situation is that in the last few days the architects have been appointed for the redevelopment of Le Squez. There have been several master plans over the years on Le Squez. Currently, the scheme is being overseen by my Assistant Minister, Deputy Hilton, working very closely, as she will be, with the Parish Deputies and the Constable of St. Clement and other interested parties and it will be an eco-friendly scheme which, hopefully, will incorporate all those kinds of issues. Might I say that all the future planning applications with regard to sheltered housing hopefully will be a joint initiative between both sides, that is the Housing Department who do know the needs of the people and the Connétables and anybody else.

4.3 Deputy S. Power:

Could the Minister give the Assembly an update of the latest assessment of sheltered housing needs for the Island and would he give an indication of his knowledge of the waiting lists in St. Peter and St. Brelade for demand for the type of retirement cottages that are currently about 15 years old at Don Farm?

Senator T.J. Le Main:

The current need right now is around 400 units of sheltered accommodation and in fact in the last month, 28 have been added on to our list and the list is being added to on a weekly and a monthly basis. It just seems that people are living so much longer now and the medical needs are proving to some people that the current kind of accommodation is of real concern to them. In fact, one-bedroom unit sheltered housing is our biggest need at the current time. As regards to the St. Brelade and St. Peter area, it is our biggest issue at the present time and in fact the Planning Minister and I are coming forward with proposals to the first phase of sheltered housing in the Parishes which will be those recommended by the Connétables. I have to say, Sir, that the current recommendations for St. Brelade on the first phase and St. Peter only produces 12 units of accommodation and perhaps 18 on Les Quennevais. I can say to you, Sir, that it is the biggest demand we have and currently the Don Farm bungalows - which is sheltered accommodation for people in St. Brelade who want to enable to live close to families to have assistance - we could fill 100 times over at the present time. There is a real desperate need and I shall be seeking with the Planning Minister to come to this Assembly with Field 139 which is an H4 site for sheltered housing and downsizing. It really is very serious at the moment.

The Bailiff:

Minister, may I, again, ask you please to be concise? There are a number of Members who wish to ask you questions.

4.4 Deputy G.P. Southern:

Has the Minister noted, and what action will he take, on the comments contained in the *EDAW Report* that a shortfall may occur within category B housing if the qualifications are reduced to 10

years and demand for immigrant housing exceeds 200 households per annum which looks likely? What measures is he going to take to avoid this increase in immigrants?

Senator T.J. Le Main:

Quite honestly, Sir, at the present time, there is an overall shortage of properties between £400,000 and £800,000; a huge shortage. There is a huge shortage all across the market at the present time but, currently, over the period of years that qualifications have been reduced year by year, the situation of giving housing qualifications to people who have built-up the years in residence has not exacerbated the overall housing situation. These people are Jersey people now that have contributed and are contributing in paying taxes. There is a real difficulty in category B homes and I am not sure that it is I that should be pursuing category B homes but certainly with the discussions and the weekly...

The Bailiff:

Minister, thank you. You are time expired please.

4.5 Deputy R.G. Le Hérissier:

Notwithstanding the Minister's excellent initiative regarding sheltered housing, which I do praise, could the Minister please tell us to what extent the private sector will be sharing the burden with the public sector and could he tell us, Sir, what will happen to people who, for example, cannot show a Parish affiliation and cannot get access to a Parish estate? Thirdly, Sir, could he tell us how will the criteria be... **[Laughter]** for the big estate planned in St. Saviour?

The Bailiff:

One at a time, please.

Senator T.J. Le Main:

I can assure the Deputy and Members that we met the Scrutiny Officers yesterday in regard to housing and the issue is quite clear that in our Property Plan, Sir, we anticipate to sell over a 10-year period 60 units a year which is around 600 but over 200 have been approved by this Assembly now which has taken place. So we intend to sell-off stock of around 600 units over a 10-year period but it is intended that the Housing Department must, over the 10-year period, replace a lot of that with sheltered housing. It is anticipated that the Housing Department, through sales or otherwise, will purchase approximately 400 units for sheltered housing to place people in that have not got any Parish affiliation and what have you. But I have to say...

The Bailiff:

Thank you, Minister. You are time expired.

4.6 The Deputy of Grouville:

If a person is given a 5-year (j) category, given the Minister's previous answer to me, does this mean that they will be in effect deemed locally qualified on day one and be able to purchase a house on day one?

Senator T.J. Le Main:

Anyone given a (j) contract can immediately purchase through share transfer a property for the duration of that contract. At the finish of the contract, whether 3 years or 5 years, that person has to remove themselves from that property and that property has to be sold back into the open market to a Jersey locally qualified person.

4.7 Deputy J.B. Fox:

The question was asked, which the Minister answered involving environmental improvements. Can I remind him that that should also include “youth facility and amenities” and especially those for teenagers so that the quality of life will be enhanced for all once the developments are built. Thank you.

Senator T.J. Le Main:

The Deputy knows very well that I have worked fully with the Deputy in the past to have his experience in assisting us and I will say this to all Members. The Deputy will know with what you have seen at Le Coie over the last weekend or so, with Headway and other users, that I am very, very conscious of community issues. Having the ability to manage our stock in a better way with some sales and all that will give us a huge opportunity to hugely improve community facilities in all our estates.

4.8 Deputy J.A. Martin:

The very first question the Minister answered explained his idea of sheltered housing which I think is assisted living for the elderly. At a recent Parish Assembly, the Assistant Minister of Housing said that sheltered housing was needed for people who had 4 or 5 bedroom houses who wanted or needed to downsize to 2 bedroom bungalows. Is this in addition to the 400 or 500 assisted living or is this included? We really need this clarified. Thank you, Sir.

Senator T.J. Le Main:

It is in addition and we believe, Sir, through the information coming forward to us all the time either to Planning or to ourselves and certainly through Parish Deputies... I know Deputy Power had several people in St. Brelade of large family homes with large gardens who, through medical difficulties, would like to purchase a smaller property to release those family homes into the marketplace. This is what they are doing in places like Ireland and parts of the U.K. now; releasing family homes in the market. In addition.

4.9 Deputy A. Breckon:

I wonder if I could ask the Minister again in reference to sheltered housing if there are any joint policies with Health and Social Services and Social Security, for resources and servicing, for what could be sheltered housing projects.

Senator T.J. Le Main:

We work very closely with the Health and Social Services and, in fact, the officers in the Housing Department and the Health and Social Services are as one, in other words, and I would say they have got an excellent working relationship. In fact, we are being pushed at the moment by the health authorities and the Health and Social Services to really push for sheltered housing. It is in their mandate to keep people in their homes for a longer period of time so they can be cared for close to their children and otherwise and we are being very, very hard pressed by the Health Authority at the moment to press the Planning Minister to re-zone suitable land.

4.10 Senator L. Norman:

On the same subject, could the Minister tell us what are the criteria for people to get on to the sheltered housing waiting list and then to be allocated such a property?

Senator T.J. Le Main:

I cannot answer for the Parishes. The Parishes have got their own criteria: certainly, Trinity, St. Ouen and other sheltered homes in the Parish of Grouville and I cannot answer for them. But the criteria would have to be the similar criteria with medical needs, age-related issues and financial needs and it would be for people over retirement and particularly for those with real medical problems.

4.11 Connétable G.W. Fisher of St. Lawrence:

With regard to St. Lawrence, the Minister knows that we are hopeful that we might be able to add 4 sheltered housing units in the fairly near future in St. Lawrence and we are currently in negotiations for a further 8. There is also the hope that the Goose Green Marsh development, which we will be talking about later in this session, will also deliver some sheltered housing units. I have no idea at the moment how many people with St. Lawrence connections need sheltered housing other than my own waiting list in St. Lawrence and I would be grateful if the Minister could tell me how many sheltered housing units he has on his list that are needed in St. Lawrence and if he cannot tell me now, could he give me that information, Sir? Thank you.

Senator T.J. Le Main:

No, Sir, we cannot give you that information. It is all data protected, for a start. **[Laughter]** Sir we have got a waiting list of around 368 or 370. A waiting list waiting to be housed now and remember there has not been a sod of turf turned over. The 2002 Island Plan has not produced one sheltered home anywhere on the Island. That is how desperate we are but what the Connétables have got to realise, Sir, although we are going to be working with the Connétables, the Housing Department are housing people from all over the Island and all over the place and I would rather hope that the Connétables, when they have some vacancies, would work with us so we can try to allocate some of those homes to people that are real need - Jersey people. The Constables might not always have a full waiting list but we certainly can assist by placing people in those places who want to be perhaps close to their children or their families.

The Connétable of St. Lawrence:

Could I just follow-up on that, Sir, very quickly?

The Bailiff:

Connétable, I am sorry.

Deputy D.W. Mezbourian of St. Lawrence:

I am happy to give way, Sir.

The Bailiff:

Very well.

The Connétable of St. Lawrence:

It is simply this that we, as Connétables, have to justify an investment in sheltered housing with our parishioners and they have to agree to it and in order to do so, we have to make a case. At the moment, I have not got any statistics to put to my parishioners. Thank you, Sir.

Senator T.J. Le Main:

No, Sir, but I have to also make the case that if the Connétables are going to be providing sheltered housing and, after 25 years, realise a huge capital asset to their Parish, I have got to also answer to the Treasury as to why I am sending letters of comfort to assist the Parishes. It is a joint initiative and I would rather hope that if there is any difficulty with any of the Connétables, I know for a fact - I am pretty certain, Sir - that we could fill all the units in St. Lawrence with people with really close connections from St. Lawrence. I could give an assurance to the Connétable on that.

The Bailiff:

Thank you, Minister. Well, that concludes questions to Ministers without notice. There are no matters under "J".

Deputy C.J. Scott Warren:

I have the answer to the question asked by Deputy Le Hérisssier regarding mobile phone use in the General Hospital which is that people can use mobile phones in the General Hospital except in areas where there are signs to the contrary.

The Bailiff:

Thank you, Assistant Minister. Well, we come next, there being no personal statements, to statements on a matter of official responsibility. The first statement is in the name of the Chief Minister.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5 Senator F.H. Walker (The Chief Minister):

Today is a significant date for Jersey. In accordance with the objective set out in the States approved Strategic Plan for 2006 to 2011, the Secretary of State for Constitutional Affairs, Lord Falconer, and I have signed a document which sets out a framework for developing Jersey's international identity. It recognises quite clearly that Jersey has a unique identity separate from and different to the U.K. It also recognises that there will be times when our interests may differ and that while we will work together to resolve them, it is entirely justified for these differences to remain and to be recognised. The framework does not seek to change our constitutional relationship with the U.K. We agree that it works well and we are both committed to evolving methods to achieve our mutual interests. I think that the commitment to continue evolution is very healthy and very important. I am also pleased that we have agreed that Jersey and the U.K. will work together to promote a wider understanding and development of Jersey's international status and identity. I know this will provide a very strong foundation on which to enhance our standing in the international community which will benefit all Islanders. We have all been working hard for many years to counter the negative images that some would like to paint of Jersey. A clear statement by the U.K. endorsing Jersey as a responsible, stable and mature democracy sends a message to the international community that our detractors will find hard to repose. I envisage that this will not only be good for Jersey's business interests but it should be something that every Islander can be proud of. Therefore, in conclusion, let me say that I believe this is an historic and important agreement for Jersey. Both Lord Falconer and I are fully committed to maintaining the open and valued relationship between Jersey and the U.K. and to work together in partnership. It will help Jersey to move forward confidently in the international arena and to engage positively with other countries as a responsible, stable and mature democracy which meets accepted international standards and obligations. The full content of the framework document which has been circulated to all Members is as follows: "Following the Statement of Intent agreed on 11th January 2006, the Chief Minister of Jersey and the U.K. Secretary of State for Constitutional Affairs have agreed the following principles. They establish a framework for the development of the international identity of Jersey. The framework is intended to clarify the constitutional relationship between the U.K. and Jersey which works well and within which methods are evolving to help achieve the mutual interests of both the U.K. and Jersey. (1) The U.K. has no democratic accountability in and for Jersey which is governed by its own democratically elected Assembly. In the context of the U.K.'s responsibility for Jersey's international relations, it is understood that the U.K. will not act internationally on behalf of Jersey without prior consultation. The U.K. recognises that the interests of Jersey may differ from those of the U.K. and the U.K. will seek to represent any differing interests when acting in an international capacity. This is particularly evident in respect of the relationship with the European Union (E.U.) where the U.K. interests can be expected to be those of an E.U. Member State and the interests of Jersey can be expected to reflect the fact that the U.K.'s membership of the E.U. only extends to Jersey in certain circumstances as set out in protocol 3 of the U.K.'s Treaty of Accession; (2) Jersey has an intentional identity which is different from that of the U.K.; (3) The U.K. recognises that Jersey is a

longstanding small democracy and supports the principle of Jersey further developing its international identity; (4) The U.K. has a role to play in assisting the development of Jersey's international identity. The role is one of support, not interference; (5) Jersey and the U.K. commit themselves to open, effective and meaningful dialogue with each other on any issue that may come to affect the constitutional relationship; (6) International identity is developed effectively through meeting international standards and obligations which are important components of Jersey's international identity; (7) The U.K. will clearly identify its priorities for delivery of its international obligations and agreements so that these are understood and can be taken into account by Jersey in developing its own position; (8) The activities of the U.K. in the international arena need to have regard to Jersey's international relations, policies and responsibilities; (9) The U.K. and Jersey will work together to resolve or clarify any differences which may arise between their respective interests; (10) Jersey and the U.K. will work jointly to promote the legitimate status of Jersey as a responsible, stable and mature democracy with its own broad policy interests and which is willing to engage positively with the international community across a wide range of issues.

Deputy P.V.F. Le Claire:

On a point of order, Sir, may I, before you open the floor for potential questions to the Chief Minister, just ask the Chief Minister if **[Laughter]** or ask through the Chair, in reading the...

The Bailiff:

If it is a point of order, you are seeking a ruling from the Chair.

Deputy P.V.F. Le Claire:

Sorry, a ruling.

The Bailiff:

It is nothing to do with the Chief Minister.

Deputy P.V.F. Le Claire:

Right, Sir. In reading the statement of the Chief Minister, I believe he omitted the penultimate paragraph, Sir.

The Bailiff:

I understand the Chief Minister has slightly modified the statement and it was the modified statement that he read out to the Assembly.

Deputy P.V.F. Le Claire:

Yes, Sir.

The Bailiff:

And no doubt will be circulated to the Members in due course. Certainly, it was different from the text which I have in front of me, Deputy. You are quite right.

Senator F.H. Walker:

Could I please just clarify that. I did understand that the modified version had been distributed to Members and I apologise if it has not.

The Bailiff:

Chief Minister, the Greffier and I understand that the text has been modified perhaps on more than one occasion; the text of the statement, not the Statement of Intent but Members should have on their desks the final copy. If not, any Member who does not have the copy which the Chief Minister read out, I am sure they can obtain one from the Greffier.

5.1 The Connétable of St. Lawrence:

Well, Sir, I did not read the statement word for word as the Chief Minister was making it, so I could not say whether I had got the old version or the new one. But, anyway, I would like to congratulate the Chief Minister on this initiative and I think reading it through, I am very happy with the terms of it. I would, however, like his confirmation that you, Sir, and the Attorney General were both involved in discussions on this document before it was completed. Thank you, Sir.

Senator F.H. Walker:

Yes, Sir, I can give the Connétable and the House confirmation that that was the case.

5.2 Deputy P.V.F. Le Claire:

Obviously I have already spoken about this in my questions previously to the Chief Minister but what I wanted to put across and put aside was any veiled criticism. I used the words “stitched-up” and I should have said “stitched-in”. My concern - and it is a concern - relates to the framework itself that has been presented at the back of this statement.

The Bailiff:

Deputy, please be concise because a number of Members wish to ask questions and there will not be time.

Deputy P.V.F. Le Claire:

Right, Sir. Is this the actual written framework and does item 6 bind us or will the Chief Minister return to the Assembly for any formal binding agreement in the future?

Senator F.H. Walker:

Paragraph 6 does not bind us to any new specific international agreements or obligations and any such proposals would have to come to this House for approval.

5.3 Deputy J.B. Fox:

I think it is a very good document but I just wanted to know whether this has any financial commitments on the Island in addition to that which we already have. Thank you.

Senator F.H. Walker:

No, Sir.

5.4 Deputy P.J.D. Ryan:

First of all, I would like to absolutely heartily congratulate the Chief Minister and his team. I think they have done an absolutely superb job, Sir. We have been looking at it from afar as the Scrutiny Panel responsible. I would like to congratulate his team particularly on the highly skilled way and the subtlety that they have shown in negotiating this. I think it is absolutely excellent. That is the first point. The question, Sir, is twofold and I will be as concise as I can. This is probably a further small step on the road towards Jersey developing its own foreign policy. Slowly but inexorably that is the way we are going. Would the Chief Minister agree that in a non-party political system, it is going to be important for him to communicate perhaps a little bit more effectively than has been necessary in the past with other States Members? Would he be prepared to commit to that and perhaps through the Scrutiny Panel’s regular 6-monthly meeting, we could set a small period of time aside for general communication on this particular area of policy?

Senator F.H. Walker:

I thank the Deputy warmly for his congratulations and those too of the Constable of St. Lawrence. This is a very significant step forward in developing Jersey’s international identity and status and I

am pleased that the Deputy recognises that. There is a need to communicate freely matters of such importance effectively and I know some Members are concerned that this agreement did not come to the House before being signed but the fact is that had it in effect been the matter of a public negotiation, then the Lord Chancellor simply would not have signed it because that is not the way that governments traditionally enter into such agreements. So I am more than happy to meet with the Deputy's Corporate Affairs Scrutiny Panel to discuss international agreements, as I think he knows, and of course as we have done on a number of occasions already. So I would just, for the record, like to confirm that the Corporate Affairs Scrutiny Panel were aware and did receive a copy of the framework some time ago.

5.5 Deputy K.C. Lewis:

While I welcome this signing of the agreement between the Secretary of State for Constitutional Affairs, Lord Falconer, my question is regarding our relationship with Guernsey who appear to be treading a slightly different path. There have been discussions of the possibility of changing from Crown Protectorate to Dominion status even. How does the Chief Minister see the development of our relationship with Guernsey? Thank you, Sir.

Senator F.H. Walker:

Can I firstly make it clear there was some reporting in both Jersey and Guernsey that almost smacks of me crowing that Guernsey were not in a position to sign a similar framework as we are. They are not but those reasons are for Guernsey and the U.K. to resolve and the comment certainly should not have been attributed to me but that is an issue for perhaps some other discussion. Sir, I am meeting for the first time, together with my Treasury and Resources Minister, with the Chief Minister and the Treasury and Resources Minister of Guernsey on Friday and I look forward very much to that meeting. I can say that all the preparation for that meeting has been conducted in a very amicable and positive way and I hope very much that the meeting will continue in that vein and our future relationship with Guernsey will continue in that vein because, as I have said on many previous occasions, it is of the greatest importance that it should.

5.6 The Deputy of Grouville:

First, other than signing an agreement, could the Chief Minister explain if the situation differs from what we have at present and, secondly, are we or the U.K. ever minded to develop a charter with the U.K. Government?

Senator F.H. Walker:

I think the differences from the previous position to where we are now following the signing of this framework are some very important indeed obligations and statements made by the U.K. Government. There is a formal commitment to consult Jersey on international matters which we did not have before and of course there is a statement that the U.K. has no U.K. democratic accountability for Jersey and we have not had that statement before but there are no specific new obligations for Jersey. As for a written constitution, I think I covered that point in my response to Deputy Le Claire's earlier question. There are pros and cons for any written protocol. There are pros and cons and if we were to try to negotiate such a formal statement, then some of it might work in our favour; some of it might work against. The general view at the moment - and I put this to the Assembly on a number of occasions in the past - is that the unwritten constitution agreement that we have is more flexible and gives us more opportunity to develop our own position in the future. So we are not currently pursuing any form of written protocol at this stage.

5.7 Deputy S.C. Ferguson of St. Brelade:

I would, firstly, congratulate the Chief Minister that perhaps Westminster will understand a little better the position of Jersey as a Crown peculiar. In paragraph one, it states that the U.K. has no democratic accountability in and for Jersey which is governed by its own democratically elected

Assembly. Given the necessity for precise language in international agreements, does the Chief Minister agree that this reflects the true constitutional position?

Senator F.H. Walker:

First of all, I thank the Deputy for her congratulations as well and I do agree with her that this framework will - certainly I am very confident - result in a better understanding in Westminster of Jersey's true position. Yes, Sir, this would not have been included in the framework if it did not reflect the true agreement between us and the U.K. and the true democratic accountability position.

5.8 Deputy P.V.F. Le Claire:

I did ask before and I rise again to ask again, is this the actual framework? That is the first part of the question because it has not got any signatures on it and, secondly, what process will now follow in respect of Lord Falconer circulating that framework to the U.K. Government? How will it be put to them?

Senator F.H. Walker:

It is the true framework and it has, I can confirm, been duly signed. I do not know what Lord Falconer's plans are to circulate or communicate the framework to Members of the U.K. Government or Members of the Houses of Parliament. That is very much a matter for Lord Falconer and the U.K. Government.

5.9 Deputy J.A. Martin:

Yes, that follows on nicely, Sir. I should offer my congratulations that we have got this in writing. The U.K. commit to do very many different things in this understanding of agreement. Would the Minister undertake to keep us informed as to what they carry out to promote the Island and to commit themselves and what they are doing in, say, the next 12 months? Thank you, Sir.

Senator F.H. Walker:

Yes, Sir. I do not think the U.K. has committed to doing anything at a certain date or anything of that nature. This is more of a general position as and when the necessity arises but I will happily keep the Deputy and the House informed. In fact, I would suggest it probably is a very good idea if I report back to the House certainly within a year, and maybe at the end of 6 months, on how the relationship has developed and evolved on the back of the signing of this framework and I am more than happy to do so.

The Bailiff:

That concludes the period within which Members can question the Chief Minister. We come next to a statement by the Chairman of the Economic Affairs Scrutiny Panel.

6. Deputy G.P. Southern (Chairman of the Economic Affairs Scrutiny Panel):

The Assembly will be aware that the Economic Affairs Scrutiny Panel has recently presented S.R.9 of 2007 - Retail Strategy Interim Review. The key findings of this report on the Economic Development Minister's retail framework point to its reliance on data in the *Experian Report* which we find to be so fundamentally flawed as to be unfit for purpose. It recommends that given the cumulative defects in the analysis, the Economic Development Minister should suspend any action based on his framework until he has fully re-examined the guidelines in the light of accurate data and reported his findings to the States. I am surprised by the Minister's refusal to take on this constructive criticism in such a vital and sensitive area of the economy. I bring to the attention of Members the words of the Chairman of the Retail Committee of the Jersey Chamber of Commerce who says: "The Minister does not seem to be taking a constructive view." Put simply, the Minister is just plain wrong because he is basing his policy on data which has been shown to be flawed. Furthermore, this fundamental misunderstanding of the retail market has found its way into the

recently completed *EDAW Report* which on page 6 repeats the discredited recommendations of the retail framework and the *Experian Report* for additional retail space. In rejecting out of hand our key findings, while accusing the Panel of having misunderstood or misrepresented the aims of his strategy, the Minister has not only dismissed the function of Scrutiny but also risks putting the retail sector in danger for the sake of pursuing theoretical ends. His pursuit of increased competition in this sector of the economy, without due regard for the potential consequences already witnessed in every U.K. town and village which has been host to one of the large multiples, is mistaken. He puts at risk the future of the town centre. The justification he offers, namely, the pursuit of lower prices, has not been proven and the reference to the situation in the Isle of Man is relevant. Since Tesco entered there in 2001, the local multiple has been forced to the point of collapse along, no doubt, with its suppliers and numerous local shops. The real irony there is that the price of food in the Isle of Man has increased a total of 20 per cent more than in Jersey over the same period. My Panel will of course continue to progress this review concentrating in particular on a thorough examination of the cost base for retailing in the Island and the implications of retail expansion in the form of a U.K. multiple contained in the *EDAW Report* on the development of St. Helier and the Waterfront. In the Minister's own words: "I agree the need to ensure Island businesses are not unfairly threatened and that any change must be managed with the utmost sensitivity based on sound information." Our report clearly demonstrated that his policy is not based on sound information and I take this opportunity to ask the Minister to undertake a thorough review of his retail framework."

6.1 Deputy P.F.C. Ozouf:

In my initial remarks to the interim report, I said that the Panel appeared to have only focused on the views of a number of limited retailers in the Island. The Chairman's statement also in the third paragraph quotes from the Chairman of the Retail Committee of the Chamber of Commerce. Will he accept that the Economic Development Minister and his Panel have not only a responsibility for retailers but consumers and in the pursuance of the second part of his review, will he look into the interests of consumers, not only retailers?

Deputy G.P. Southern:

The Minister has, in his remit, the economic development of the Island and to safeguard that development and its future. The facts are that the people who know about retail were not consulted by Experian, it was a deskbound job. They have shown that the figures produced by Experian are extremely unreliable and no basis on which to base a retail framework. That framework, however moderated, still makes the fundamental mistake of going for expansion because of the figures Experian produced. I accept that the Minister is responsible to consumers, as indeed am I, and in the second half of our report, we will address those issues.

6.2 Deputy S.C. Ferguson:

Given the uncertainty that arises from this report and its findings, would the Chairman of the Economic Affairs Scrutiny Panel not consider that it would be prudent of the Minister to agree to reassess the policy in the light of the new information?

Deputy G.P. Southern:

I believe that that action is essential. I think the evidence we have produced would indicate that this is the very least the Minister can do.

6.3 Senator M.E. Vibert:

I was a bit concerned when I read the report and also the statement and even more concerned when I heard the Chairman refer to considering the consumer's point of view. I think there may be a danger in issuing an interim report which appears to be written by the shopkeeper's friend. I would like to ask though, particularly as reliance on data is referred to, that in the statement made the

Chairman said: "Since Tesco entered in 2001 [it is to do with the Isle of Man in the seventh paragraph] the local multiple has been forced to the point of collapse along, no doubt, with its suppliers and numerous local shops." The insertion of the words "no doubt" makes me worried that this is not evidence-based or data-reliant that it is. simply conjecture or scare mongering. Could the Chairman provide the evidence for the suppliers in numerous local shops being pushed to the point of collapse which he claims?

Deputy G.P. Southern:

When the Minister reads the second half of the report he will no doubt see that there is already evidence coming to the fore that Tesco in fact do not use local suppliers for much of their business and have a very damaging effect all over the country on smaller local suppliers and service suppliers. I am particularly impressed that the Minister should consider that a person with my reputation should be in the pocket of the Chamber of Commerce. Such is not the case and to hint that I might be is absurd.

6.4 Deputy P.V.F. Le Claire:

The rhetoric in the interim report describing the *Experian Report* as "so fundamentally flawed as to be unfit for purpose" draws into the arena the question of value for money of States' reports and also the accountability where that value for money is demonstrably unachieved. Is the Chairman of the Panel able to produce evidence to back up the words "unfit for purpose" and if he is what are the procedures for reports of that nature, how much have they cost and where is the recourse?

Deputy G.P. Southern:

The evidence is in the report. A fundamental overestimation of the size of the market, underestimation of size of floor space which combined produce something like a 45 per cent error in the figures produced by Experian; £62,500 in our opinion thrown away.

6.5 Senator F.H. Walker:

I think we are all intrigued and interested in the Deputy's supported position of the Chamber of Commerce position. I would like to ask him how he feels his protectionist - which it is - and anti-competitive stance will benefit consumers in Jersey and secondly, where does the evidence he has put forward in the statement from the Isle of Man come from and can he furnish the House please with full proper statistical evidence produced from official sources?

Deputy G.P. Southern:

The data are available and will be made available to all Members in due course. The evidence that lies behind the graph that appears on page 28 which is there so people can understand what has happened to inflation in the 2 comparable places, I would argue, is available and will be made available to Members.

Senator F.H. Walker:

Can you confirm what source that information comes from?

Deputy G.P. Southern:

No, I cannot at the moment but I will do. That information will be made available.

Senator F.H. Walker:

Is it official government data?

Deputy G.P. Southern:

I do not know at this stage but I will inform Members exactly where the data has come from. It will be made available to Members. Could the Chief Minister please repeat the rest of his question?

Senator F.H. Walker:

I think we have dealt with the Isle of Man. The Deputy does not have a clue where his information comes from. My first question was how he thinks his protectionist anti-competitive stance will benefit the consumers of Jersey?

Deputy G.P. Southern:

There is no anti-competitive stance in this document. What there is is a promotion of competition *per se*, I believe, on the part of the Minister with no evidence that such a competitive input into this particular area will produce lower prices and indeed evidence to the contrary from elsewhere.

6.6 Deputy J.J. Huet of St. Helier:

Is the Chairman aware that there was an excellent television programme on exactly this thing about Tesco and if so, might it not be a good idea if maybe all the Members watched this and maybe they could learn from it?

Deputy G.P. Southern:

I understand one of the members of my Panel has a tape of it. It can be made available if the Member so wishes.

6.7 Senator P.F.C. Ozouf:

Am I to understand that the Economic Affairs Panel has not had any regard to consumers? The Chairman said that he is going to consider consumers in the second part of the report. Is he actually saying that he has not done anything on consumers? Secondly, will he accept that I do not accept the conclusion that the retail strategy is based on the *Experian Report*?

Deputy G.P. Southern:

In answer to the latter question, no, I do not accept that. The evidence is that the final retail strategy, despite being phased or what ever the term is, is still over-reliant, dependent on the basic premise that results from the figures which are completely inaccurate and not to be relied on. Secondly, no, it is not that we have not considered the consumer. We are looking at the evidence on the possibility of lowering prices, of course we are, but this interim report does not cover those particular aspects and is waiting for the second half.

6.8 Senator J.L. Perchard:

Can I congratulate the Chairman of the Economic Affairs Scrutiny Panel for recognising that it is a worthy subject for his Panel to scrutinise but can I suggest to him that he has shot his bolt a little early with making this statement? I particularly want to echo the point made by the Chief Minister about paragraph 7. Can I ask the Chairman of the Scrutiny Panel before he makes insinuations as he has done in paragraph 7 about large multiples using their muscle to squeeze out smaller suppliers and retailers then putting prices up, that he supplies evidence at the same time. This is a very powerful statement to make in government and without evidence I think it has to be a discredited statement.

Deputy G.P. Southern:

I stand by paragraph 7 completely. There is evidence that the prices in the Isle of Man following the arrival of Tesco have increased by 20 per cent more than they have here. There is also evidence that the main competitor is being squeezed, possibly out of the market.

The Bailiff:

I am afraid we have now exhausted the time available for questioning the Chairman of the Scrutiny Panel and the next item of public business is a statement to be made by the Minister for Economic Development.

7. Senator P.F.C. Ozouf (The Minister of Economic Development):

Members will recall that I published, following the Council of Ministers support, a revised air and sea transport policy in early 2006. Members will also recall that on 28th March 2006 the States adopted a proposition of Deputy Fox, P.24/2006. Deputy Fox's proposition set out requirements that should be included in service level agreements to be entered into with operators on routes serving Jersey. The revised policy stated that service level agreements would be put in place on the northern and southern routes for the period to the end of 2008 and, for the period beyond 1st January 2009, a joint approach to ferry services to the Channel Islands would be discussed with Guernsey. The overall policy aim was to secure year-round, long-term reliable, robust and reasonably priced services of sufficient quality and frequency. The policy explicitly recognised that all routes would be covered by long-term agreements from January 2009. A number of discussions have taken place with representatives of the States of Guernsey and officials from Guernsey's Commerce and Employment Department over the last 16 months. The Islands are currently discussing bringing forward a joint policy statement to capture the general principles which are important in managing passenger and car ferry services to the Island. The strong indication I have received from Guernsey is that a longer-term understanding with existing operators is something that they would like to achieve because it would benefit the Islands' consumers and operators. The current policy position in Jersey is that short-term service level agreements expiring in 2008 would be put in place. However, in order to promote market confidence I recognise the need to provide existing operators with some certainty. Accordingly, I wish to inform the Assembly that it is Economic Development's intention with operator agreement to enter into long-term service agreements as soon as practically possible. I am also considering advice from the J.C.R.A. (Jersey Competition Regulatory Authority) about how best Jersey's sea transport market should or could be regulated in the future. I will inform Members of my conclusions on this issue within the next few months. Discussions with Guernsey will be ongoing and I would seek to align great points in any agreements that the Islands have with operators so that the Islands can continue to jointly pursue, as far as possible, their interests in passenger and car ferry services.

7.1 Senator L. Norman:

Would the Minister confirm my understanding that there is not to be a tender process as there was when the J.T.A. (Jersey Transport Authority) first granted a service level agreement on this route but rather that he is going to offer the current operator long-term comfort but reduce the stringent terms of the current S.L.A. (Service Level Agreement) which involves Condor and high costs which have to be passed on to the passenger and also effectively bars the northern route to competition?

Senator P.F.C. Ozouf:

I think that I can confirm to the Assembly and to Senator Norman that a tender is not, in my view, the best way forward for securing sea routes to Jersey and certainly that is not the approach which is favoured by Guernsey and frankly we have to be in unison in relation to a single market effectively for ferry operators. Senator Norman makes an interesting and important point about the trade-off between high levels of service requirements and service agreements versus exclusivity. My own view is that there is a case and we are discussing with Condor specifically somewhat of a relaxation of the service requirements. At the same time, my own view and the view of my department is that a service level agreement on the northern route should in no way be exclusive.

7.2 Deputy K.C. Lewis:

As the Minister is no doubt aware, I was very disappointed with the last signing of agreement with the present operator, that Guernsey signed a contract with them well ahead of Jersey thereby

leaving Jersey with little choice but to go along. Has the Minister a cast iron agreement with Guernsey that who ever is signed-up in 2009 it will be a joint agreement?

Senator P.F.C. Ozouf:

We are working very hard with Guernsey and there are from time to time different approaches that both Islands would take. I have to say that I think that both the Minister and our departmental officials on both sides recognise the fact that a tender at this stage for ferry services from the beginning of 2009 is not in the Islands' interest. Indeed, securing a longer term agreement with Condor on the northern route is what is in the Islands' interest. As far as I am concerned there should also be competition that should be guided in open access on both the northern and southern routes and we are particularly seeing the fruits of competition on the southern routes at the moment.

7.3 Deputy A. Breckon:

I wonder if I may ask a question of the Minister in reference to service level agreements. In his statement in paragraph 2 he said: "The revised policy stated that the service level agreements would be put in place on the northern and southern routes for the period to the end of 2008." At the fourth paragraph he repeats that by saying: "The current policy position in Jersey is that the short-term service level agreement expiring in 2008 would be put in place." I wonder if he could tell the House when the existing service level agreements were put in place and when they were signed.

Senator P.F.C. Ozouf:

The situation in respect of the southern route with H.D. Ferries is that the service level agreement with a ramp permit has been signed. There is a carrying-over of the service level agreement on Condor and I am shortly, I hope certainly within the next few days, going to be able to be in a position - both the Assistant Minister with his responsibilities for harbours and the ramp permit and I with the former Transport Authority - to be able to sign that service level agreement. Can I also say that I recognise the important role that the Consumer Council has to play and thank them for their work over the last few months in developing a customer charter which is absolutely vital. Customers need to understand what they are getting when they are paying from their purse.

7.4 Deputy G.P. Southern:

Can the Minister inform Members whether the advice from the J.C.R.A. is already in the public domain or whether it will be put in the public domain and if not, will he release that advice to the Economic Affairs Scrutiny Panel so that we may view the service level agreements in the correct light?

Senator P.F.C. Ozouf:

In respect of the J.C.R.A. advice, I have not published that advice at this time. Of course, the Economic Affairs Scrutiny Panel can ask for any information and they will get it under confidentiality arrangements and I am happy to supply that to them. I would intend to publish at some point the J.C.R.A. advice. That J.C.R.A. advice is, of course, in respect of regulation and advice on the regulatory framework. I am considering and in fact I want to really monitor what is going on in the southern route in respect of whether or not the proxy for competition is regulation. If you have competition you do not need regulation and effectively I am keeping a watching brief on the southern route in order to make some conclusions about the level of regulation that is appropriate for this market.

7.5 Deputy J.B. Fox:

First of all one must congratulate the Minister, all the various officers of the department and indeed the travelling public for taking up the now competition on the southern route which has improved

the sustainability of sea travel which I was after in my proposition of P.24/2006. The one thing, however, that I am seeking reassurance from the Minister on is that now the current situation and the impending final short term S.L.A.s will be signed by Condor, will it now safeguard the routes for the winter period? It is very important to have a sustainable route that is credible. He was just discussing whether it would require regulation. Is this part of his consideration, the possibility of requiring the regulation of the winter service?

Senator P.F.C. Ozouf:

I thank Deputy Fox for his comments and indeed his continuing input into the development of the policy. In fact, he is absolutely right when he says the travelling public is travelling. Figures up to 21st April 2007 indicate that we are up something in the order of 18,000 passengers. That is a 10 per cent increase in travelling public both across the network of routes including those from France and that bodes well, I think, for the summer period. In respect of long-term arrangements basically what Condor are saying is that they need to have some degree of certainty in order to justify their long-term investment in the Island. I understand that and for that reason I am informing the Assembly that I intend to issue a letter to them giving them some certainty over a longer term of a 3 or 5-year period because that is what I think is required in order to get that certainty. In terms of regulation, that is the issue that I am discussing and I am happy to have some further discussions with my Assistant Minister and Deputy Fox to discuss the level of regulation that we require. But customer charters linked to a ramp permit is the way forward and I think he is in agreement with that.

7.6 Deputy G.C.L. Baudains:

I am concerned by parts of this statement because it does appear to me that Guernsey, supported by our Minister for Economic Development, are intending to extend current agreements with existing companies without contemplating competition or indeed without inviting tenders from other operators. I ask the Minister what has happened to his policy for competition in every aspect of Island life because quite frankly I cannot support the action the way I think it is intended to go.

Senator P.F.C. Ozouf:

I do not believe in competition for competition's sake. There is appropriate competition in appropriate markets. Where it is very clear that competition is working is on the southern route where we are seeing a new operator, where we are going to be seeing a passenger/owner service operator. That has happened because I think there is excitement in what is going on in Jersey and frankly, I am expecting to see numbers improve. In respect of the northern route I think this Assembly, and the States of Guernsey too, recognise Condor's long-term commitment to the Island in terms of investment. They have done an awful lot to invest and improve their quality of service and we do have, it is said, a Rolls Royce service in terms of back-up ferries and all the rest of it. I want to publicly recognise what they do because I do think they have served the Island. I think it would be wrong frankly, to engage at this stage in a tender process which would effectively put that business potentially in jeopardy. They have served the Island for a long time; they have been through a tender period. That does not mean to say that we are closed for competition as we are demonstrating on the southern route and my remarks about the southern route could equally be applied potentially, if the market was there, to the northern route. We are open for business and it is not an exclusive arrangement.

7.7 Deputy R.G. Le Hérissier:

I am very confused by the Minister's statement. Would he confirm to the House that he has enough information to say that economically the northern route is a free-standing, economically viable route or that it can only operate given the numbers - the very declining numbers that appear to be involved - because of the concession to do throughput services from England to France?

Senator P.F.C. Ozouf:

The route, year to date, is not declining. In fact, the route's numbers are up. Clearly there is a transition, as we dealt with in oral questions earlier. We are dealing a tourism economy which is in transition and certainly the ferry operators are being increasingly - and were being increasingly - competed against with low cost airlines. I am hoping that we are going to be seeing some plateauing-out of that decline in business and we are going to be doing everything possible to help Condor and the other operators bring people to the Island. That is why I am very pleased with the efforts of my Assistant Minister and the Harbours Department to put in place incentives to help bring people to Jersey and get the operators to do that. In respect of the economics of it and regulation, that is what I am discussing with the J.C.R.A.

The Bailiff:

That concludes the period of time allowed for the questioning of the Minister.

Deputy J.B. Fox:

A point of clarification. The Minister did not answer in relation to the safeguards of the southern route in the winter period.

Senator P.F.C. Ozouf:

Safeguards, absolutely in relation to the S.L.A. and the ramp permit to ensure year round services for both passengers and freight and fishing.

PUBLIC BUSINESS

8. Composition and Election of the States' Assembly: proposed reforms (P.145/2006)

The Bailiff:

We come now to public business and the first item of public business is P.145/2006 - Composition and Election of the States' Assembly: proposed reforms in the name of Senator Shenton. The proposition is a fairly long proposition. I wonder if the Senator and other Members would be prepared to allow that it be taken as read. Members agree? Very well. I call upon Senator Shenton to propose his proposition.

8.1 Senator B.E. Shenton:

I would like to start by thanking the Bailiff and the States Greffe for providing a crib sheet for Members in what is going to be quite a complicated debate. I am sure none of us leapt out of bed this morning thinking: "Oh good, we are going to debate Senator Shenton's proposition." I feel that it is a debate that we need to have and we need to have it now if we are to make changes in time for next year's elections. There is an old saying that says every journey starts with a step and hopefully at the end of this debate we will have taken the first step towards meaningful electoral reform. As I said on the radio this morning, I cannot guarantee that this debate will be life-enriching. In fact, it could turn out to be more of a flying banana skin. We will have to wait and see. I would like to start off with a little bit of a history lesson simply because the proposition is very much along the lines of evolution rather than revolution. It explains why I feel that we should be going down the evolutionary path rather than have great changes as recommended by Clothier and others. As we all know, the title of "States" represents the 3 estates of the court, the church and the people and it first appeared back in 1497. From the middle of the 17th century, the States were comprised of the Bailiff, the Governor, 12 Jurats, 12 Parish Rectors, the 12 Parish Constables, the Crown Officers, the Viscount and one of the 2 dénonciateurs - I am not sure what they are actually. The first mention of committees charged with specific responsibility occurs in the mid-17th century and the first minute book is the Piers and Harbours Committee dated 1669. This particular Chamber that we sit in today with its fine wood carving was inaugurated on Tuesday, 21st June

1887, 120 years ago, when the States met to vote a loyal address to Her Majesty, The Queen Victoria on the golden jubilee of her accession to the throne. I was at a dinner last week **[Laughter]** with some Guernsey politicians and among them was Deputy Peter Roffey of Guernsey and we were talking about the history of the Channel Islands. He made specific mention to the Royal Mace. He said that Jersey has a Royal Mace but Guernsey does not deserve one. The Royal Mace as carried before the Bailiff at the sittings of the Royal Court and meetings of the Assembly of the States of Jersey was presented by King Charles II on 28th November 1663 as gratitude for the hospitality he received from the Island on 2 occasions during his exile. What I am trying to get across is the fact that we have hundreds of years of tradition and history in this Chamber and this tradition and history lies on our shoulders and is something that we should not risk through gambles or untried and tested solutions. During the last 6 months - it is about six months since I lodged a proposition - many members of the public have come up to me with their ideas of how we should reform the States. "Everyone should be all-Island", they say. Yet you talk to them about the logistics and they do not have a clue as to how we would do it. "The Constables should be chucked out", many say, but when you actually dig down and ask them why, they do not know. Some of them say: "They should not do 2 jobs." There are number of us in the States that still do other jobs as well so it would be very difficult for me to use that argument. "Half of you do not do anything." **[Laughter]** I had a person on the telephone the other day who said: "If you want everyone to vote you need party politics" so I said: "Well, at the last election if you were given the choice between the Syvret Party and the Walker Party, which would you vote for?" and they said: "Neither." The other thing is it has been very difficult to get the public to debate this issue. There seems to be a lack of interest among the public. We have organised meetings with flyers and tried to instil a level of debate but it is just not there. I think one of the reasons it is not there is because we are a successful Island and we have a strong economy and we have political stability. I come from a finance background where hardly any of my colleagues ever vote because they are comfortable, because they do not have a clue when their Constable is going to be up for re-election and because they are just not particularly interested. I think when we are tweaking the system we need to make the whole system simpler and I think a general election and 4-year terms very much achieves that. To go on to the actual proposition, proposition (a) is to agree that there should be a general election i.e. an election for every Member on one single day. It is not a general election period where people can suffer from election fatigue - it is a general election on one day. In other countries you do have elections where people vote for numerous positions and posts. In the U.S. presidential elections the Americans do not just vote for the president - they also vote for state representatives and country representatives and so on. It is not particularly confusing. I live in Grouville. Do you think I am going to mix up the Constable of Grouville with the Deputy of Grouville? **[Laughter]** Do I think that Senator Kinnard will mix up the Constable of Grouville with the Deputy of Grouville? Do I think that Senator Syvret will ever mix up the Constable of Grouville with the Deputy of Grouville? **[Laughter]** I very much doubt it and I think the electorate faced with 3 sheets of paper, Constables, Senators and Deputies, will not be too confused by the issue. I am looking within the proposition to reduce the number of Members by 4 only, not a radical change and being a Senator on the Senatorial Benches, I looked at it coldly without any sort of bias and in my opinion it is the Senatorial Benches that could afford to lose a few Members. It is a pity I could not select them. **[Laughter]** There is no actual reason why you cannot reduce the Senatorial Benches. With the Constables it is all or nothing. You have 12 Parishes, 12 Constables - very much all or nothing. With the Deputies you get into the problems of electoral representation. We are not starting with a clean sheet of paper. We do have the Parish system which has various degrees of population. I am very wary of doing anything that might threaten the Parish system at all. Last year we passed the Income Support legislation which took welfare away from the Parishes and I think this was a big move in the Parish system and I wait to see what effect it has. I think if you move towards super constituencies only time will tell before we have a Property Plan in the States where we are selling-off a Parish Hall because it has been amalgamated. I think the Parish system is very much at the heart of what is Jersey and why we are all sitting here today. The term

of office to be moved to 4 years. I was elected about 18 months ago and the time has flown by. I am on a 6-year term as a Senator but if I was on a 3-year term, I would be thinking: "This has gone too quickly. I am only just settling-in and I have to start thinking about re-election next year." I think a 4-term and a Strategic Plan and a Business Plan and everything else geared up toward a 4-year term makes a lot of sense. I think a Council of Ministers with 4 years to achieve what they set out to achieve is much more realistic. I think if someone takes over a Ministry it gives them 4 years to get their feet under the table and get the policies right. One item is that from the 2008 general election the Chief Minister should only be appointed from Members holding an Island-wide mandate i.e. the Senators. I think this is quite important because I feel that the people do need to have a say in who the Chief Minister is but I would not go as far as to say that they should select the Chief Minister themselves. I think that should be left to the Assembly. I think if you put yourself forward for an Island-wide mandate you are, in effect, saying that you believe that you could do the job of a Minister. Whether you are deluding yourself or not is one thing but I think by putting your name forward for an Island-wide mandate you are saying: "I believe I could do the job of a Minister." It was interesting that on Senator Walker's original list of people for Ministers it was without exception all people from the Senatorial Benches and I believe Senator Perchard in front me was teed-up to be Assistant Minister. In effect, the whole of the Senatorial Benches with one exception, myself, were lined up to be Ministers. As Senator Le Main points out, I did read in the *Evening Post* that I was going to be the Treasury Minister so I assume the *Evening Post* was correct. The reason I believe that the House should select the Chief Minister is just simply because the most popular politician may not necessarily be the best politician to do the job and again that is my personal opinion and other people may have different opinions. Also, you are moving Senators to a 4-year term of office so they are losing the 6-year cushion they had before. In fact, when they started off, Senators had a 9-year period. It seems like a lifetime. I think it does make the all-Island mandate important and it does make the Senatorial position important as well. I do not think you should particularly push yourself forwards for a Senatorial position if you are not willing to take on a Ministry or willing to take on a high degree of responsibility. Election expenses should be limited. This is a very important piece of legislation. It is not only the fact that people may be able to buy their way into politics - although goodness knows why - but also people may be perceived to have bought their way into politics. Certainly, there have been some very good ideas coming out of the P.P.C. (Privileges and Procedures Committee) which I have seen with regard to the limitation of election expenses including things like all candidates would have one leaflet distributed so we have a completely level playing field. I sincerely hope that this part of the proposition is adopted. Item (b) on the proposition was to agree that the Constables should be paid by the Parish rather than centrally by the States. To say that this did not go down very well with the Constables would be an understatement, who perceived it to be almost going with a begging bowl to the Parish for a salary. It was not intended in that way and I am sorry it has been perceived in that way. The Constables are very much the heart of the Parish and what I wanted to do by moving the payment away from the States to the Parish was to take them right back to their roots and take them back to the Parish. I was not intending any slur or anything like that; it was just to make it quite clear that they are in there as representatives of the Parish, paid for by the Parish and they do represent the Parish. We have a number of amendments. I was not going to make my opening speech too long because we have a lot to get through and I hope that Members will bear in mind Standing Orders during the debate with regard to repeating things. I would also ask Members to stick to the propositions that we are debating and the amendments that we are debating and not come up with ideas that they had down at the pub with their mates after 5 pints or similar. **[Laughter]** I think the public of the Island are expecting change. Over 70 per cent of the M.O.R.I. (Market and Opinion Research International) poll asked for a general election. The Constables are in agreement for a single election day. This is not a radical step but it is the first step and if we take this first step, I think we are on the right road to getting democracy held in high esteem on the Island and getting this Chamber held in higher esteem and making the people feel that they do have a vote and they do have a voice. So I put my proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Now, as Senator Shenton has said, there are a number of amendments to the proposition. The first is in the name of Deputy Southern.

Deputy G.P. Southern:

May I suggest politely that it may well be that I will wish to go into lunch hour with my speech and that ends up with a truncated debate, an awkward debate? Could I suggest that we go to lunch early and come back early and get on to the meat of my debate at a run?

The Bailiff:

Would Members wish to adjourn now and reconvene at 2.00 p.m.?

Senator P.F. Routier:

2.15 p.m. if may, Sir, because I have meetings. Could we return at the usual time?

The Bailiff:

Deputy Southern, are you saying that you do not really wish to pause during your speech, that you would like to have one shot at it? I am in the hands of Members. If Members wish to move the adjournment now, I can put it to the vote.

LUNCHEON ADJOURNMENT PROPOSED

Senator P.F. Routier:

May I formally propose that we adjourn now and resume at our usual time of 2.15 p.m.?

The Bailiff:

Do Members agree to adjourn now and reconvene at 2.15 p.m.? Very well, we will adjourn and come back at 2.15 p.m.

LUNCHEON ADJOURNMENT

The Bailiff:

I ask the Greffier first of all to read the amendment of Deputy Southern.

The Deputy Greffier of the States:

Paragraph (1). In paragraph (a)(i)(1) for the words: “the date currently fixed for the Senatorial elections in that year” substitute the words: “a date to be determined in the month of June of that year.” (2) For paragraph (a)(i)(3) substitute the following paragraph: “(3) the right of the Connétables to be Members of the States by virtue of their office should cease in 2008 with any Connétable who wishes to be a Member of the States being required to stand for the office of Deputy or Senator in the 2008 general election.” (3) For paragraph (a)(ii) substitute the following paragraph: “(ii) that an additional 8 Deputies’ positions should be created and distributed proportionately to population across the Parishes to make a total membership of the Assembly of 49 from the date of the 2008 general election.”

8.2 Deputy G.P. Southern:

Before I start my speech may I draw Members’ attention to the document on the desk in front of them giving the full facts around the questions I was receiving early in the morning, in particular

that the figures contained in the graph have been taken from the official Jersey and Isle of Man Food Only Retail Price Index 2000 and 2006. I should have had more faith this morning in my own understanding of the figures. So, where do we start on this debate which is, I believe, an important debate? I think we start with a little bit of history, not that many in the Chamber will be unaware of this history because I do not intend to go back quite as far as Senator Shenton; in fact, only to the year 2000 which is history indeed. In the year 2000, in December, we saw this document - the *Clothier Report* - the report of the Review Panel on the Machinery of Government in Jersey. Perhaps that give us a starting point for this debate and indicates why it is, I believe, such an important debate and I want to just fillet this report because it sets the context of why we are debating today. I will start with Chapter 1, paragraph 1.1 just briefly if Members will bear with me: "The scope of the review." It says here: "'Machinery' is a useful metaphor for the processes of government. It calls to mind the smooth and reliable functioning of a mechanism for delivering a wanted product. One would wish this mechanism to be smooth and economical in operation [if only], obedient to its operators [yes, please] and seldom to require adjustment or maintenance. And it should be easily possible to repair or change some component which is not functioning well. The sole of purpose of the machine is to serve the people of Jersey both present and future." Senator Shenton this morning presented a case for, as he put it "evolution not revolution" and he described his own changes as modest and moderate evolution, minor changes, minor tinkering. However, I think if we look at those reforms and we look slightly longer-term than our fear of doing something drastic today, then we will see that what we are doing is committing ourselves to a machinery that will require adjustment and maintenance and tweaks as we roll through. Consider for a minute the equalisation of terms of office: 4 years for a Senator, 4 years for a Deputy - 4 years, for that matter, for a Constable. What motivation does that give to anybody to spend 3 times or 10 times the amount that you might spend on a Deputy's election on a Senatorial election? Consider a reduction of 12 Senators to 8. What does that sound like? That sounds like the first step to eliminating Senators. Consider some of the alternatives that have been proposed: the large multiple constituencies. What does that spell? I think that probably spells the end of the parochial system and indeed the end of Constables but by a different mechanism. So I think what we face here today is a serious and fundamental decision to change something quite substantial, major, or the prospect of years, I think, of having to fiddle with the machinery requiring adjustment and maintenance as we go through and find one little change here has created a problem somewhere else. I think if we do not grasp the nettle today we maybe condemn ourselves to several of these debates rolling through the years. So machinery of government should be functioning well, should be smooth and seldom require adjustment or maintenance. Perhaps this is one of the seldom moments. Now, I believe that in drawing-up the recommendations of the Clothier Panel, fundamental and at the core of their changes was the role of the Constable. I do not believe we can pretend that that role and the controversy around it is going to disappear. They say, and again I return to Clothier if Members will bear with me, in 3.8.4 and 3.8.5 on the Constables and the States and it is absolutely germane to the arguments before us today: "We were impressed by the evidence of many of the Connétables to the effect that they placed their work in the Parishes at the head of their priorities and we were left with the impression that some of them felt somewhat uncomfortable with their position in the States. Indeed, an analysis showed that in general the Connétables asked fewer questions, introduced fewer propositions and spoke on fewer occasions than the Deputies for their respective Parishes." That is not to take anything away from the Constables; indeed, it is my belief that the Constables are elected to be the head of their Parish, the father of their Parish and that, as I believe many would agree, is their main role. In 3.8.5 Clothier says: "In view of the new structure which we propose for the States the Connétables would, if they were to remain, have a heavier workload in the States than they do at present and might well have difficulty in discharging both offices satisfactorily." That has come to pass. We have the executive Ministerial government, which if you are involved in that is inevitably a heavier workload. We now have Scrutiny and, God knows, some of us know that is certainly a heavier workload, and that commitment and that duality commitment to Parish and to the States is increasingly an onerous one - some managing to rise to it;

others perhaps less so. Clothier continues: "Many witnesses told us how busy the Connétables are in their Parishes and how excellent and useful was their work there. We believe that this role could be developed and its dignity enhanced. If it were, and if the position no longer carried with it the [automatic] requirement to be part of the States Assembly, we believe that more candidates for the post of Connétable could well come forward." Here I want to make clear what my amendment does: it does not remove Constables from the Assembly. What it does is remove their *ex officio* right to sit in the Assembly and replace it with those for whom it is appropriate to stand and say: "I can do that second job. You know me in my role as Constable and I believe that I can do that second job which is representing you in the House so elect me as your Deputy." I do not believe there is any reason why any one of the Constables should not in all faith and honesty be able to vote for that prospect because many of them should be able to say: "Yes, I think I am doing the dual role and I could stand and I would be successful. My electorate, my parishioners do trust me and I am sure they would have me." So it is not as if this is Constables nil. This could well be, if it is the will of the electorate, Constables 12 in this House but sitting as Deputies and that is the only change. Finally, while I am referring to Clothier which has determined why we are debating today 7 years on from the original ideas, dug out of the dustbin almost. Nonetheless, I will turn to page 41: "Summary of Recommendations." Chapter 3 says: "The role of the Senator should be abolished." We may be going some way to doing that by reducing them: "Connétables should cease to be *ex officio* Members of the States." "An Electoral Commission should re-assign vacant seats amongst the Parishes." A redistribution: "All Members of the States to enjoy the same title 'Member of the States of Jersey' (MSI)." That is not what we are proposing here but we are proposing that the Constables should not sit *ex officio* and there should be an Assembly of between 42 and 44 Members, and almost universally we are probably in agreement that there should be some reduction. My amendment, as does Senator Shenton's, does not propose a reduction that far because I do not believe that the States as currently structured can be made to function on numbers that are that small. So, the clear issue is not the role of the Constables in the States and getting rid of them; it is about their position *ex officio*. When we look at what was circulated around the populace in order to try and determine what the opinion of the membership was - and it is in my proposition at chart 23, the Parish Constables - we see the largest difference between strongly agree and strongly disagree on the role of the Constables. But look at the question. The question said: "To what extent do you agree or disagree that Parish Constables should remain as Members of the States?" Not: "Should give up their *ex officio* seats and stand." Should remain. So no wonder opinion was so split but is that really evidence around the *ex officio* role. I do not believe it is. This said: "Do you want to kick the Constables out?" effectively. Nothing to do with my proposition despite the best attempts of P.P.C. to produce an honest and straightforward poll of opinion. So, what I will do at the moment is to invite Members to look at the Constables' Benches. What a magnificent body of men they are. What a magnificent body of men of a certain age they are **[Members: Oh!]** and we are all getting there. But note the words "body of men". Where are the women? Body of men of a certain age, as many within the Chamber are, but not all. Where are the young Constables? I say: "Well, let us - before we go any further - just take a snapshot elsewhere in the Chamber and, oh, a female; not very many particularly young. **[Members: Oh!]** But, despite his lack of hair, he could probably claim to be the right side of 50. Again, look over here, there is some youth, some female, indeed, oh, a whole array of females. The point is why that particular cross-section of what apparently is a much more limited cross-section of population is sitting there, than is sitting here in the rest of the Chamber? Because of the way in which the Constables rise to the top of the honorary system usually, so inevitably are somewhat older than a cross-section of representatives. Certainly, far more dominated by men, if they do not mind me saying so, and I am sure they will not, because I mean it in this integral sense, a peculiar body of men, unique in that sense. What that illustrates is that primarily, they are, whether they would deny it or not, elected to be fathers of their Parish and, secondary, States Members. Now, what I want to do to illustrate that, and some of them, I have got no objection whatsoever to the Constables being here. **[Laughter]** I want to change the mechanism by which they arrive, that is all. In fact, some

of them are highly trusted colleagues. One of them is a particularly useful Member on the cricket field, which is always going to stand anybody in good stead. But let me take a look at the Constable of St. Brelade and his situation. I just want to refer back briefly to the election of the Constable and the subsequent election of a Deputy in St. Brelade, and point out the difference in the type of person that the electorate says this is the person that can be - or could be - the father of the Parish, that can be Constable. Because, for once, he had a competitor for the position of Constable from completely outside the honorary system; much younger, a much different personality and profile, who stood as Constable, and, rightly or wrongly, the Constable wiped the floor with him in the election. He then stood as Deputy, still did not get in, but he made a completely different performance. He got quite close. It was certainly not a massacre, which it was in the Constables' election. I use that to illustrate the difference between a Constable, and, if you like, the rest of us. Finally, I come to the end of the debate, thank you. I know you are eternally grateful, but I do not necessarily have to hear it now.

The Bailiff:

Through the Chair, Deputy.

Deputy G.P. Southern:

Through the Chair, Sir. I know that Members are eternally grateful, but I do not really appreciate hearing it when I am in mid-flow. I come to the shorthand version of Clothier, which I think sums up the argument very nicely: "Connétables should cease to be *ex officio* Members of the States." That is the position I am proposing today. The Constables have no role in the States distinguishable from that of the Deputies. Constables are busy in their Parishes doing useful work. They are in general less active in the States than the Deputies for their respective Parishes. Finally, those Constables with the time and the inclination could stand for election to the States, there being no conflict in the roles of Parish Constable and States Member. Now, that in 4 lines sums up the argument. I believe, and I will repeat it again, there is absolutely no reason why Members of this House should feel in the least bit threatened to vote for this proposition. That includes the Constables, because I am sure we would see, if not all 12 of them, then certainly the vast majority of them, back here if we were to do that, and that is what I suggest we do. In terms of the makeup of the States...

Deputy I.J. Gorst:

Sorry, Sir, can I just interrupt and ask for a point of clarification? It seems a little bit odd to me. I wonder if the Deputy could clarify. Is he suggesting as the main thrust of his argument that the Connétable of St. Mary replaces the Deputy of St. Mary, therefore, a male replacing a female? I am not quite sure what his argument is, Sir.

Deputy G.P. Southern:

I suppose I can choose to reply. That is not the main thrust of my argument. That is an incidental factor, which might occur for this year, should this amendment get through. However, as I was turning to, in terms of how the reduction of the number of Members in the States might work, the numbers are in my proposition. As you can see, it is a relatively straightforward move to accommodate an extra 8 Members, reducing the number of Members to 49, which ties-in with the reduction of the number of Members which are contained in Senator Shenton's proposition, and which I believe are workable numbers. Unfortunately, in this process, as was pointed out by the Deputy to my rear, St. John and St. Mary appear to lose out in terms of representation because they do not get additional representation. Nonetheless, as you will see by the distribution of ratio of representatives to population, the numbers are remarkably consistent. Finally, my amendment contains the proposition to move to a June election, and I see absolutely no reason that we should

not be doing that in the long run; I do not see much of an argument for not doing that in the short run. Now, I believe that we could make this change for the 2008 elections; I think it is perfectly possible. As has been pointed out by the Council of Ministers, they see that as causing a problem with composing their business plan, *et cetera*. To my mind, that is something that has to be overcome, and if we have to run for a longer period without a fresh Business Plan, then so be it. It is not insurmountable, and given the haste with which we have seen a Strategic Plan, and then Business Plans, steamrolled through this House, perhaps no bad thing. So, I would maintain that it is perfectly possible. The other objection, of course, is that a Member, or Members, might object to having their term of office reduced. Well, that might well happen, and if they do, it will not arrive. But I would like to see them on the hustings in November, when the rain is lashing down and the wind is whipping around as they attempt to get re-elected, having said: "And I stopped a June election." So, it is not exactly the wisest thing that candidates might be doing if they really stop and think about it. I maintain my proposition, Sir, and look forward to hearing Members comment.

The Bailiff:

Is the amendment seconded? **[Seconded]**

8.2.1 Deputy P.V.F. Le Claire:

I have listened to a lot of debates about the composition and the election of the States' Assembly, probably as many as I cared to listen to, to be honest. I have heard a lot of different things around the Parishes and I have heard a lot of assertions made. The best proposition I think that has come before the Assembly in a long-time, which it does not appear that Deputy Southern has read, or he may not have noted... the fact that the Constables do not appear through the ranks of the honorary service any longer, or not predominantly. The best proposition I have read is one that was lodged on 19th April by the Comité des Connétables. I thought that it was extremely well written and extremely well thought out, and does endorse the view that we should have a reform, not a revolution. I have waited for 2 things to happen before pitching in any comment about this latest round of constitutional tinkering that is going on. The last time I stood up to make a similar speech of this nature was during the Special Committee into the Consideration of the Composition of the States' Assembly, in which I brought a vote of no confidence in the Committee on the grounds that it really was not well thought through, and it really was not going to bring about the changes that were predominantly considered to be well consulted upon and well thought through. I lost that debate that day by 3 votes, and we entered into what was a really long debate. Subsequently, in the following debate, at least 4 Members stood up and said they wished they had voted the other way and supported me in a vote of no confidence. What I am driving at is I believe the 2 issues that have failed to come before us today have been a meaningful proposition by the Privileges and Procedures Committee in its own form for us to amend as and where we would see fit. Also, for the consideration - unfortunately it is not quite ready - of whether or not we would empower the younger people in our Island to be part of the referendum process in relation to the Constitution and the composition of the Assembly, which will be theirs for the future and not ours. So, therefore, Sir, to cut to the chase, I am extremely dissatisfied with the sets of proposals before us today. I am not saying that they have been badly written; I am not saying that they lack academic rigour, although some I would question. I just think that the whole process has served up a rather unpalatable dish for us to debate over the next 2 or 3 days. So, my sole contribution in respect of this is going to be to request to move to the next item, Sir. It may not be supported, and we can debate and debate and debate, and that is fine, but I, for one, am exercising my right. I do not believe that I have had an opportunity to amend a stand-alone proposition that would enable and empower individual Members and the public at large to have a meaningful say in the composition of the States' Assembly. Therefore, therefore, Sir, I move that proposition, if it is acceptable. I do realise it is possibly not, because of the rights to infringe upon a minority of a Member, but as this

has been amended by so many Members, Sir, is it really going to infringe upon a minority, or is it going to infringe upon the majority?

The Bailiff:

Deputy, I am afraid that I am not prepared to accept the motion to move to the next item on the Order Paper at this stage, because I think it would amount to an infringement of the rights of a minority. That is to say, the right of Deputy Southern to bring this amendment.

8.2.2 Connétable K.P. Vibert of St. Ouen:

I think I might start by taking a leaf out of Deputy Southern's book and say what a really nice chap he is, and how attractive this proposition looks on the surface. But I would like to point out to Members that you have to read beneath the surface to appreciate what this is. Deputy Southern very nearly went that far because he did point out that by removing 4 of the Senatorial Benches, it was probably the end of the Senators. I think that this proposition which he has put before us, certainly, the second paragraph of it, is exactly intending to do just that. By asking that the Connétables be required to stand for election as a States' Member, as against the present, where everyone who votes for a Connétable knows quite well that yes, he will be the father of the Parish, but he is also going to sit in the States... If we go down the line which the Deputy is proposing, I would suggest that as Deputy Gorst pointed out, that it is the thin end of the wedge. Certainly, in 2 Parishes, the parishioners are going to have to make a decision on whether they have a Connétable who sits in the States, or whether they are not going to have a Deputy. I think that in the same way that Deputy Southern mentioned that by removing 4 Senators it would probably be the end of the Senatorial Benches, exactly the same thing would happen here. The proposition is aimed in the hope that on the first round, that one or 2 of the Connétables either do not seek to stand for the States, or do not get elected to the States. But it will have certainly driven the first nail into the coffin. It will have driven the first nail into the coffin not only of the Connétables sitting in the States, but of the parochial system, as we have known it for 500 years. The Deputy made quite a thing about the workload and read from the *Clothier Report* about the immense workload of the Connétable. I have to say that I was in the States during both *Clothier Reports*, and my opinion was that neither report really got to grips with exactly what a Connétable does and certainly, did not get to grips with the role of the Connétable. The Deputy made the point that the Connétable of today - of 2007 - is in all probability too busy in his Parish to be involved in States work. I would remind the Deputy of the old saying: "If you want someone to do a job well, you look for a busy man" and I think that is exactly what the parishioners do when they are looking for a new Connétable. Moving on from the Connétables, because I know that many of my colleagues are probably going to stand and defend their position as well, the Deputy then went on to suggest that rather than, as the proposition says, remove 4 Senators, that this is the opportunity to remove them all. Yet he failed, in his production of all the facts and figures that have gone with the various polls, to point out that at the time that the first lot of Parish meetings were held, not only did parishioners voice their support of the Connétables staying in the States, but they also voiced their support of those Members who had an Island mandate. If we go to the 49 Deputies as proposed in this amendment, the Island mandate falls completely, and I do not believe that the public of the Island want that. As far as the date of the election is concerned, I thank Deputy Le Claire for the words he has used about the proposition which the Connétables have put forward. I agree that it was very well written [Laughter] and I also point out that it did not make mention of a particular date. But I would maybe pre-empt a debate on that particular proposition and say that the Connétables do have a problem with a spring election, because one of the main tasks of being a Connétable is to produce the budget for the financial year, which is always produced in the first week of July each year. So, a May election, for instance... and I know from experience because I was first elected in May, you do really struggle to get your first budget out. Unlike a States budget, where you depend on officers to produce it for you, in the majority of Parishes - not all, but the majority of Parishes - the Connétable produces his own budget. So, Sir, I urge Members not to

support this amendment. I see it as a backdoor entry into not only removing the Connétables from the States but also probably removing the parochial system from the face of our Island.

Deputy G.P. Southern:

Sir, on a point of correction, my amendment does not contain 49 Deputies. It says nothing about the Senators, and that is as in the original motion.

8.2.3 The Connétable of St. Helier:

I was on my way to the dentist for some rather important dental work when I was listening to Deputy Southern's proposing speech, and I had to explain to the dentist that I really could not risk being in the dentist's chair when this matter went to the vote. Or, in fact, of listening to any other speeches such as that, when I would be in such a dangerous position. So, I have come back with all possible speed. I really feel that this extraordinary speech by the Deputy has got to be replied to uncompromisingly. As I was walking to the dentist, I heard him characterise the Constables as a bench of old men. I mean, perhaps it was because I was not here that he slipped into that [Laughter] I am still the right side of 50. I would remind the Deputy, only if he has a grasp of history, that in the 19th Century, the Constables' Benches were made up of among the youngest Members of the States, and the brightest of Jersey's lawyers, and the fact that we are probably almost all of us now the wrong side of 50 is, I would suggest, a temporary blip in history. I do not believe that is significant whatsoever. Nor, of course, is the fact that there are, at the moment, no women on the Constables' Benches. There have been in the past and I am sure there will be in the future, and one surely bemoans the fact that there is not an equal proportion of woman in the Assembly as a whole, not simply on the Constables' Benches. So, I think those comments really needed to be held up for what they were worth, as lacking in any historical grounding at all. Equally, he said that Constables normally go up the honorary police ladder. This argument has been knocked down countless times. I certainly have not trodden that ladder. I would like to one day, but I should do it in the other order, and I think that it is again a characterising of the Constables to suggest that they all come up through the honorary service. Equally, remarks about having 2 jobs to do and so on, these arguments have been made many a time. I think one of the more serious concerns in Deputy Southern's amendment - and his amendment is about kicking out the Constables, let us not be in any doubt about that - is what led the Constables themselves to submit their own report and proposition to enter into this particular debate. It is a pity that Standing Orders require that that proposition cannot be considered at the same time as this one. It would have been better if the Constables own proposition could have been. Constables felt that this whole *ex officio* business really had to be dealt with. Certainly, as far as my own election goes, I knew that when I went to the electorate, I needed a seat in the States if I was to fulfil most of my election pledges. The only one I probably would not be able to fulfil was the one about agreeing with Clothier, and I will come back to that in a minute. But most of the pledges I made to the electorate require a seat in the States and it seems to me inconceivable that you can, to quote the words in Clothier: 'develop and enhance' the role of the Constable if you would not allow the Constable the ultimate ability to come to this Assembly to achieve the objectives that they have been set by the electorate. I do not know how many times I have come to this Assembly with those objectives, but I have certainly lost count, and it is something that the Constable has to feel able to do. There are currently 2 propositions in the name of individual Constables on the table, which are due to be debated, and if you take away power you are going to have a committee of Constables, some of whom have the power of going to the States, and some of whom do not. You will have empowered Constables and disempowered Constables, and the system simply will not work. I would also raise the issue of local taxation, or the setting of the rate. The Constables uniquely go to their parishioners every year and ask for a budget to be approved. This is not something that the States have yet decided to do and perhaps it is not something that, if you like, a national government can risk doing. But, certainly, I wonder what would happen to the rates around the Parishes if some of the Constables were in the States and some were not; if Constables did not have the ability, as this

particular body has done in the last few years, of coming to the States to address the inequity in how rates are distributed around the Island. Much work, as Members will know, has gone on in removing the welfare burden from ratepayers unequally spread across the urban Parishes. That ability would not have been able to happen if we had not had the representation of the Constables and the States. So, ratepayers would be paying different amounts towards welfare today, as they were 5 years ago, and the system would be very difficult to fix. I also wonder whether the delivery of local services that the Constables currently carry out - and one can name but a few - driving licences that the States wish to centralise but which has remained at a parochial level; firearms licences, the States wish to centralise but has remained at local level - and various other important characteristics of the Parish life remain at Parish level. Parish elections are still essentially a Parish affair. I am sure, if the Island is ready to move away from a Parochial system, if they want to move to an Island system, as perhaps has happened much more in our sister Island, then Deputy Southern's amendment is a sure way to achieve that. Remove 3, remove 6, remove 8 Constables from the system, and you will effectively bring about the end of the Parish system, and I think Senator Shenton was right in his opening speech. He said it is an all or nothing thing. You either have all 12 in the States, as you have had from the Middle Ages and probably earlier, or you have none of them, and I think that is the decision that Members have to make today. It is really not fair either on Members who support Clothier, as indeed I did when I stood as Constable, to say that we are turning our backs on Clothier. I think in the report, a very brief report, which Deputy Southern has put before us, he talks about the failure of the States to do justice, the failure to address fully the reforms suggested by Clothier. We have in recent years changed our system of government to a Ministerial system, an enormous and fundamental change from the Committee system, which was proposed by Clothier. I think Clothier can sleep easily at night at the moment. The fact that the Constables are still here, the fact that they are not all old men, the fact that they do ask questions, the fact that they do bring forward Private Members Bills, the fact that they do take part in Scrutiny, they do take part in the Executive. These arguments, I feel sure, should be taken on board by the Clothier Committee and should make them reconsider, as I did after I was elected, my pledge that I would support the removal of the Constables as Deputy Southern would have it. Yes, that was certainly one of my manifesto pledges which I have been unable to fulfil, that I would support this motion. Certainly, with 5 years in office, I have learnt a lot about the job and I do not believe that the Island's interest would be well served by effectively removing the 12 Constables from the States Assembly, which is, I think, what would be the result of supporting this amendment.

8.2.4 Deputy J.B. Fox:

I can understand why Deputy Southern has brought this proposition in its parts to the States, and I tell you the reasons why. Number one is the proposal for June being a better date for the elections, the reason being - and I can only talk about the urban area of St. Helier as opposed to the country Parishes, but certainly in the urban district - the older elector, who does trouble to come to the election, as opposed to other groups of electors, generally speaking, comes out in the early morning after getting the paper, or whatever grocery items are required that day. Therefore, that was when the argument came in that we should open at 8.00 a.m. in the morning as opposed to 10.00 a.m. It also allows others that are going to work who might later in the day get held up and not come to the election. But the one thing that usually happens at election time in October and November is it is very cold, or it is very wet, or both, and the general conversation, as with British society, is usually about the weather. But, generally speaking, the argument is for having one in the spring or the summer, when it is warmer. Where, the arguments going forward that it is not surprising that people do not come out to the polls because it is wet and it is cold, *et cetera*, it does not encourage people to come out, especially people of our ages, *et cetera*. That permeates, obviously, in a comment of general terms, not necessarily specifically in all terms. I think that is a fair comment, but in fairness, no one, when they are standing at the polls, considers the time when the Constable is wanting to make up his rates, financial year, or that the States are wanting to do their strategies or

business plans, or everything else like that. But I would ask the question that if we are looking at transparency and democracy and openness, could we not change some of those other dates to allow the electorate the opportunity of voting in the spring, or voting in the early summer, if that would bring people out to the polls and allow them to do their democratic right in much more comfort? I know everybody can ask for transport, and that does greatly assist. But it is the alternative argument that I am going to put up for this section of the amendment. Section 2 talks about the Connétables in the States by virtue of their office. Well, certainly in the flat part of St. Helier - the generally high-density, built-up parts in St. Helier - that is an argument that has been put forward, that they believe that the Constable should stand for an election. The argument is that, generally speaking, the Constable will fight an election at the first time he has office. Certainly, in St. Helier, if you look at the Connétables' notice board, they are generally in office for 9 years, so the argument is that they get 2 years with no election. I think that one of our Deputies in St. Helier, if that happens again, should stand for an election so that the public do have the opportunity to challenge their Constable or to support him, or otherwise. I think this is where the arguments come forward, certainly in the urban areas, as to that a Connétable should have the opportunity, and indeed, by right, should stand up and be there, and not enter the States by default. Certainly, at the time of the discussion with Clothier - the last time - I asked individual Connétables that were in the States at the time, whether they would stand automatically if the proposals by Clothier were brought in, and 5 of them indicated that they would be quite happy not standing in the States, which is probably where this argument originally turned. But, certainly, if I was to listen to people that lived in the more rural aspects of St. Helier - up on the hill especially and elsewhere - there is this determination that Connétables at this moment in time should remain in the States. I use this wording "moment in time" because there is this belief at the moment that so much discussion has been going on that there is some confusion as where we are going to end up, and yes, there is the 'turkeys for Christmas' argument, which is a fair comment. But there is also a lack of understanding in many people of the process, and we have been very bad at educating our public as to the whole process of local Island politics. They have probably got more knowledge of U.K. politics than they have on local Island politics, and I think this is something that has been remiss by us, and certainly, from Education, Sport and Culture, we are now embarking on a programme with our new citizenship to reverse that previous trend. So, that is a reason why I can see the argument that the amendment has been put in, in number 2. In number 3, adding an additional 8 Deputies, again, I can see the argument that if you are going to allow the election for Constables in their right of being to the States, that some might not want to go to the States; others might not be successful. But the thing I do not agree with is that the system should deprive a Parish, as has already been indicated in St. Mary and St. Peter, from only having one representative. I think it is important that there should be that choice, that it should not be a knockout, because if you do have that, there is no hope in anything getting through this Assembly. Therefore, on balance, I can understand their being brought forward, but that on this occasion, I think that the Deputy is before his time and these amendments will not be forthcoming. Thank you, Sir.

8.2.5 Deputy C.J. Scott Warren:

I will not repeat all the arguments of Deputy Fox regarding the need to move to June elections as a Deputy, but I do appreciate that would be very difficult to do next year, with the financial year and the structure of States' business. But certainly, from 2012, I would very much hope that it would before then be possible to reschedule our business, and I do not believe that is beyond the possibility of our administration and Council of Ministers to do that. Sir, I could only support part one from 2012. I cannot support the other amendments. I believe that parishioners do know that the 12 people who are elected as Connétable of their respective Parishes will not only head the Parish, be the father - or maybe mother, even though not at the moment - of a Parish, but will also represent Parish concerns in this Assembly, together with the Island-wide, the national, and international issues that we all have to discuss. However, obviously, I think an improvement regarding the Connétable elections would be to have same-day elections of the Connétable to the

States' Assembly. One of the roles of the Connétables is to gauge parishioners' views on important issues and to then consider those and vote accordingly in the States' Assembly. We do have a unique system in our Parish system within Jersey; I think unique in the world. To take the Connétable out of the States by ending their *ex officio* role and calling those that get elected Deputies, will, I agree with those that have already said, effectively be the end of the Parish system in Jersey. There is no doubt this amendment does remove the Constables from the States. I noticed that in part 3 of these amendments, Deputy Southern adds a Deputy in St. Helier and takes one from St. Saviour, a large urban and rural Parish, and I would ask why. To end, I gave evidence; I supported the original Clothier reforms to move to Ministerial government. However, I did not like the term that we should all perhaps be renamed and re-elected as M.S.J.s (Members of the States of Jersey), or otherwise that we should all be Deputies, and I do believe that the Clothier Panel did not maybe adequately consider the special role in Jersey of the Parish system. Thank you, Sir.

8.2.6 Deputy K.C. Lewis:

As usual, I will be brief, Sir. Reform has been called for and it has been said that there are too many States Members. I have said this before, Sir, but I will say it again, in the U.K., they have Parish councillors, they have county councillors, they have local government, they have their M.P.s at Westminster, they have the House of Lords. We have the States of Jersey, 500 years in the making, so let us not undo all this work in the next 3 days. I would urge my fellow Members, Sir, through the Chair, to proceed with extreme caution. Thank you, Sir.

8.2.7 Senator T.A. Le Sueur:

When I read the first of the amendments of Deputy Southern, I turned to the report to see what justification he had for moving to June, and I found the report sadly lacking in that respect. So, I awaited his speech, and I felt that that was rather lacking as well, and it was really left, perhaps, to Deputy Fox, who suggested that June was better because there was more chance of the sun shining than there was in the autumn. Now, that may be a valid reason for encouraging voter turnout, but it strikes me that rather than tinker with a date like that to encourage voter turnout, we ought to see if there are not better ways of establishing voting, maybe through electronic or modern means of doing so, rather than fiddling about with a date, because what is the effect of moving that date? The difficulty is that all these things tend to be linked to one another and suddenly, having what seemed a reasonable idea, you look at the consequences and further down the line the consequences can be difficult. You have heard from the Parishes how it might cause difficulties. I will speak from the point of view of the States and its planning procedures because, at the present time, we agree a Business Plan in September and we agree a Budget in December. That means that if we have elections in October and November, the population, when they come to vote, can understand what their present Members are proposing for the future Business Plan. If we move to a June election, they do not have that opportunity unless we move the date of the Business Plan back to February-March some time. But there is a link between the Business Plan and the Budget, so you would then need to move the Budget to maybe June of that year. But then we have a situation of a financial year, in terms of fiscal year, our fiscal year runs on a calendar-year basis, and with very good reasons for doing so, and that would probably mean changing the fiscal year as well. So, we have all these changes to accommodate the possibility of increased voter turnout, and it strikes me that that is addressing the issue from the wrong end of a telescope. I say that because I think one of the reasons why we have this timetable is for us to be accountable to the voters, and for the voters to understand what we are doing. Unless we have that accountability, there is a danger in these proposals that the electorate would have to spend a year and a half with a new House committed to old policies and that, I think, is bad for the electorate and is bad for us. But to change our timetable creates difficulties far disproportionate to the benefit that would arise. So, although amendment one may appear seductive, I suggest to Members, just like the rest of this proposition, which I think has been adequately dealt with by other speakers, that part also needs to be rejected.

8.2.8 Senator L. Norman:

There is much merit in Deputy Southern's amendment but, in all conscience, I cannot support it. I will support, as I always have supported, the concept of a general election day with each Member being elected on the same day, for the same term, and on the same basis. In other words, either all on an Island-wide mandate, or all on a constituency basis, but that is not what we are being offered, not in this amendment, nor, indeed, in any of the others, so I will not be supporting most of those either. But I am not in favour, and never have been in favour, of debarring the Constables from the States. But I do believe, I have said this many times before, that they as individuals should make the decision themselves whether they stand for election to the States or not, and it is up to their constituents whether they elect them or not. There are many people who could make excellent Constables that have declined to stand while, if successful, they have to be in the States. I absolutely believe that it is their choice and their voters' choice whether that should happen. That is democracy, and certainly, a better democracy than we have now. The Deputy might have had a chance of my support if his amendment had included the proposal that each Parish would have a minimum of 2 elected Members. He has not done that. He has also kept the hybrid system of having 2 tiers of Members, the Senators and the Deputies. It has always amused me, and I will say it again, we must be the only Assembly in the world to have Senators and yet have no Senate. I think this is a good try by the Deputy, but really, all of us know we can do better, and must do better, than all of the proposals that we have got in front of us today. Thank you, Sir.

8.2.9 Deputy G.P. Southern:

For many, I am sure, that was mercifully brief. Deputy Le Claire, I do not think added much to the content of the debate, but merely criticised the whole process and then tried to take away my rights, so we will not dwell on that. The Constable of St. Ouen, for whom I have the greatest admiration it must be said, is one of the hard workers who pulls his weight and sticks his shoulder to the wheel and does all the rest. But he came up for the first time, and I think we heard hints of it in 2 or 3 other speeches, with what I call the best of both worlds argument. We can say: "Our parishioners know we are going to be in the States and they vote for us, and our parishioners want us to be their representative." Well, if that is the case, you have nothing to fear because they will vote for you under this system, and you will be put back in, time and time and time again, to be their representative and called Deputy. You will also be Constable, Constable of your Parish. So, you carry it both ways, by saying: "Yes, we are tremendously popular, look at the figures; and they vote for us knowing that we are in the States." What do you lose? So, I do not think the argument holds water. Then the Constable of St. Helier, and I am so glad he came back from the dentist, with or without his teeth **[Laughter]** but he started by doing the history lesson and he had to go back to the 19th Century. Were it the case that all our top lawyers are busily fighting each other today to become the youngest, the brightest, and the best Constable in the States, then I would welcome the 19th Century back and look forward to seeing who was on those Benches. However, as the Constable of St. Ouen, correctly rubbing his fingers together, made a certain motion, that is not very likely. A day when the average age on those Benches is, let us say, 29, and the average I.Q. is 157, will be a day I would love to see, and that is not...

The Connétable of St. Ouen:

On a point of order, Sir, how come the Deputy knows the I.Q. of the Connétables?

Deputy G.P. Southern:

But also, he then mentioned this ability of Constables to do 2 jobs and, in his particular case, I know he has a tremendously hard workload in running the Parish, the biggest Parish on the Island, *et cetera*, and I know he does his best to pull his weight in the States. However, I cannot help thinking about the 2 years' experience I had in Shadow Scrutiny, when the Constable tried his best to add to the Shadow Scrutiny process, but in 2 years only managed to attend twice. That illustrates

one of the problems, try your best and some people do not manage to do it. So, there is a problem. Then again, he said remove 3 Constables, remove 6 Constables, it is all the same. Again, I remind him, the only people who remove Constables from the States is the electorate, should they choose to. Have faith in your electorate and you will be there, according to many of your fellow colleagues. Deputy Fox supported a move to June and I think it is important that we do give serious consideration, even if not this time but in the future, to May-June elections, because there are any number of reasons. But, in particular, for example, I did not mention it in my opening speech but it is highly relevant, dark winter nights is no time for anybody to be out knocking on strangers' doors canvassing, particularly for female candidates. Perhaps one of the contributing factors that make women reluctant to come forward and put themselves up for office. He also - and I love this - described me as before my time, and as far as I know, the last person described as that it was Martin Peters when he was winning the Club Freeman in 1966. So, I thank him for that. Deputy Scott Warren again reminded Members that Constables represent their parishioners. I have to ask, does she not, as a Deputy, represent her parishioners' interests? I would have thought she does. Then, in terms of the question of - as the figures turn out - apparently giving one extra representative to St. Helier, while taking one away from St. Saviour, it is merely a question of averages. The average is one to around 24, 000; St. Helier, 23,600, St. Saviour, 25,000. So, if you play with those figures you get that variation, so a percentage in trying to get a balance in uniform representation. Senator Le Sueur reminded me that it is like a conversation with a civil servant, when you ask them to do something, they can come up with 300 reasons why you cannot do it, when the question you should be asking is: "Come up with 3 ways we can deliver this," and rank them in order of priority and how feasible they are. That was Senator Le Sueur's words. We can find any number of ways of not doing this and, of course, we will never do it. All you can say is: "Hang on, it is the right idea; it is a good idea. Let us see what it means and let us see if we can work out a mechanism for delivering it." Senator Norman gave, to my mind, the most confusing of speeches, in that he seemed to hint that instead of it being compulsory you have to stand as a Deputy, it should be a voluntary process, and I wondered how that would work at all. Nonetheless, that is his opinion and he is welcome to it, and then suggested if there were any rearrangement of seats there should be at least 2 seats in every Parish. But that, I think, would end up leading to an increase of numbers in the House. So, it is certainly the one thing the public want is to see some sort of reduction in the numbers in the House, and that would not achieve it unless you were, of course, to have completely unrepresentative proportions in various Parishes. So, I maintain my proposition and I call for the appel.

The Bailiff:

I ask all Members who wish to vote on the amendment to return to their seats.

Deputy G.W.J. de Faye:

Point of order, Sir. I am extremely unclear as to how this voting is proceeding. Are we voting out all the amendments in one go, or doing them one by one? **[Laughter]**

Deputy G.P. Southern:

Sir, in the spirit... do you want to do them in one go or...? No, I think there are 3 different elements, which can be held separately.

The Bailiff:

I do not think so, Deputy. If you want to have a separate vote taken on paragraph one, you may do so, but I think 2 and 3 hang together.

Deputy G.P. Southern:

Yes, Sir, I think you are absolutely correct, Sir. May I suggest that?

The Bailiff:

You would like to have a vote on paragraph one?

Deputy G.P. Southern:

Yes, Sir.

The Bailiff:

Very well, the vote is on paragraph one and I asked the Greffier to open the voting.

POUR: 9	CONTRE: 40	ABSTAIN: 0
Deputy A. Breckon (S)	Senator L. Norman	
Deputy C.J. Scott Warren (S)	Senator F.H. Walker	
Deputy R.G. Le Hérissier (S)	Senator T.A. Le Sueur	
Deputy J.B. Fox (H)	Senator P.F. Routier	
Deputy J.A. Martin (H)	Senator M.E. Vibert	
Deputy G.P. Southern (H)	Senator T.J. Le Main	
Deputy of Trinity	Senator B.E. Shenton	
Deputy S. Pitman (H)	Senator F.E. Cohen	
Deputy K.C. Lewis (S)	Senator J.L. Perchard	
	Connétable of St. Ouen	
	Connétable of St. Mary	
	Connétable of St. Peter	
	Connétable of St. Clement	
	Connétable of St. Helier	
	Connétable of Trinity	
	Connétable of St. Lawrence	
	Connétable of Grouville	
	Connétable of St. Brelade	
	Connétable of St. Martin	
	Connétable of St. John	

	Deputy R.C. Duhamel (S)		
	Deputy J.J. Huet (H)		
	Deputy of St. Martin		
	Deputy G.C.L. Baudains (C)		
	Deputy P.N. Troy (B)		
	Deputy S.C. Ferguson (B)		
	Deputy of St. Ouen		
	Deputy P.J.D. Ryan (H)		
	Deputy of Grouville		
	Deputy of St. Peter		
	Deputy J.A. Hilton (H)		
	Deputy G.W.J. de Faye (H)		
	Deputy P.V.F. Le Claire (H)		
	Deputy J.A.N. Le Fondré (L)		
	Deputy D.W. Mezbourian (L)		
	Deputy S.S.P.A. Power (B)		
	Deputy A.J.D. Maclean (H)		
	Deputy of St. John		
	Deputy I.J. Gorst (C)		
	Deputy of St. Mary		

The Bailiff:

I ask the Greffier to open the voting again on paragraphs 2 and 3.

POUR: 4		CONTRE: 45		ABSTAIN: 0
Deputy J.J. Huet (H)		Senator L. Norman		
Deputy P.N. Troy (B)		Senator F.H. Walker		
Deputy G.P. Southern (H)		Senator T.A. Le Sueur		

Deputy S. Pitman (H)		Senator P.F. Routier		
		Senator M.E. Vibert		
		Senator T.J. Le Main		
		Senator B.E. Shenton		
		Senator F.E. Cohen		
		Senator J.L. Perchard		
		Connétable of St. Ouen		
		Connétable of St. Mary		
		Connétable of St. Peter		
		Connétable of St. Clement		
		Connétable of St. Helier		
		Connétable of Trinity		
		Connétable of St. Lawrence		
		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. John		
		Deputy R.C. Duhamel (S)		
		Deputy A. Breckon (S)		
		Deputy of St. Martin		
		Deputy G.C.L. Baudains (C)		
		Deputy C.J. Scott Warren (S)		
		Deputy R.G. Le Hérissier (S)		
		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy S.C. Ferguson (B)		
		Deputy of St. Ouen		

		Deputy P.J.D. Ryan (H)		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy G.W.J. de Faye (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy D.W. Mezbourian (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy A.J.D. Maclean (H)		
		Deputy K.C. Lewis (S)		
		Deputy of St. John		
		Deputy I.J. Gorst (C)		
		Deputy of St. Mary		

The Bailiff:

Now, we come to the amendments of the Privileges and Procedures Committee. Mr. Chairman, the amendments of the Privileges and Procedures Committee are fairly lengthy. Would you be content that they should be taken as read, and the Members content also?

Connétable D.F. Gray of St. Clement (President of the Privileges and Procedures Committee):

Yes.

The Bailiff:

Very well, we will take the amendments of the Privileges and Procedures Committee as read, and I invite the Chairman to propose paragraphs 1 to 4.

Connétable D.F. Gray:

I am fully aware that some Members will be disappointed that P.P.C. has not brought forward quite revolutionary changes in the composition in the election of this Assembly. But after 2 M.O.R.I. polls, consultation with the electorate, and the in committee debate that took place at the end of March, we do not believe there was a general consensus of how we should proceed. Some positive ideas have come forward from this consultation but we have to be realistic and accept the fact that it is essential to get the support of Members in whatever reforms are proposed. In bringing forward

this proposition, P.P.C. feels that Senator Shenton has endeavoured to include those reforms that the Members have indicated they might support. What the Committee have endeavoured to do is to make them workable. We believe that it is not practical to hold elections for the whole Assembly on one day. This is nothing to do with the ability of electors to cope with 3 different elections on the same day, but the difficulty with holding nomination meetings and hustings for 3 different offices. What our amendments propose is that the election for Senators and the Parish Constables are held on one day and shortly after that, the election for Parish Deputies are held. As the M.O.R.I. poll indicated, there is a desire by the electorate to have the ability to make a substantial change in the composition of the Assembly, which it is unable to do at the moment. At present, 18 Members remain in office at election time, 6 Senators who were re-elected 3 years previously, and the 12 Constables. We are proposing that those Members elected in the autumn of next year will hold office until the spring of 2012, which is approximately 3 and a half years, but thereafter, the period would be 4 years. This would give the Assembly the opportunity to take the first step in extending the term of office to 4 years and to move the election to the spring of each year. There has been some disquiet among Members and the public that successful candidates for the office of Senator were shortly afterwards elected as Deputies. This was one of the reasons given for holding all the elections on one day. Can I say that although a candidate does not get sufficient votes Island-wide, he or she still has to achieve enough votes in the Parish to be elected as Deputy? The Island as a whole might not want the candidate as a Senator, but the Parish might wish to have that person in the States representing them as their Deputy. I am aware that the Constables are not happy about the amalgamation of their election day with that of the Senators because they feel they have an official role to play in the running of the election. Elections are in the hands of the Jurat appointed by the Royal Court as returning officer and he or she relies quite heavily on the Parish secretary and his or her staff. As the Constables are proposing, elections are held in a single day. This problem will also arise on that day. If that presents no problem, why should a dual election do so? The real problem that has arisen, to which I do not believe we have received a satisfactory answer is the ability of a candidate to offer themselves for the 2 offices that share a single election day. We are proposing that this should not be possible. One can imagine what chaos can ensue if the 8 successful candidates for the position of Senator have also put their names forward as Connétable and are successful in that election as well. Having had the intention of concentrating elections over a short period, the electorate would be faced with a series of bi-elections. The question must be asked whether the Island's government could effectively continue with 8 fewer Members at a time when Ministerial Scrutiny positions are being filled. The Committee then wishes to address the issue of the 6 Senators who would still have 3 years to serve in November 2008. It has been indicated to P.P.C. that if we forced out those 6 Senators by passing an amendment to the Law, just one of them could petition the Privy Council which could result in the Law not being approved and/or being sent back for reconsideration which would throw the whole process of reform out, resulting in no change at least for the next election, thus postponing the process of reform for another 3 years. It must be remembered that the Privy Council has the power and has exercised it in respect of an island not so very far away. What we are proposing is that any of the 6 Senators who wish to do so could resign but their resignation would not take effect until the swearing-in day of the new Assembly. Senators in this position must be aware that they would cease to hold office in December 2011, some months before the election in the spring of the following year. They must also be aware that there would be 8 Senators already in office who would have the advantage of the publicity that being a States Member can generate. It might be to their advantage to take the opportunity to resign and gain one of those 8 seats. They would face the electorate in 2012 defending a seat in the States, rather than coming in as an outsider. However, if the 6 Senators decide to hold on to their seats, the Assembly would be slightly bigger than that at present. The 53 Members would increase to 55. This, of course, goes against the intention of a slightly leaner House and will not go down well with the electorate. This problem would be avoided if at least 2 Senators stepped down which would restrict the Assembly to its present number. A greater number than 2 would make a reduction in the overall numbers. As far as

Amendments (1) to (4) are concerned, all the Connétables at present in office have indicated that they will be willing to stand down and face the electorate of their Parish on a single day in 2008. As for the Senators, they would hold office until their successor is sworn into office in December 2008 or the day in which the new States are sworn-in, if earlier. I feel in adopting these amendments and, in turn, the amended projet it will be a step forward in the reform of the composition of the States. We have successfully introduced a Ministerial system of government. Let us resolve to be bold and agree to take the next step. I do not believe it will be the last one that we will take but it will be one that should eventually lead to a total reform. I, therefore, have pleasure in moving the Amendments (1) to (4) and I urge Members to vote in favour of the proposals. Thank you.

The Bailiff:

Are paragraphs (1) to (4) of the P.P.C.'s amendments seconded? **[Seconded]** Now, there are amendments to the amendments of the Privileges and Procedures Committee and we move now to take the amendments of Deputy Le Fondré and I again ask the Deputy whether we can take these amendments as read?

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

Yes, sir.

The Bailiff:

Are Members content to take them as read? Very well. I call upon Deputy Le Fondré to propose his amendments.

Deputy J.A.N. Le Fondré:

I am going to try and keep this fairly brief. I have previously said in the in committee debate that if there was still a demand for change I rather felt it was for incremental change, not wholesale restructuring. We should focus on what was practicable for 2008, to do 2 or 3 things well and get them done in time for 2008 and to me, that was to get everyone on to the same term, preferably 4 years and let us all get elections, in any one year, on to the same day. I certainly do not want to see super constituencies and I want to keep the community link and the grass roots democracy, which we do have, and which is quite strong due to the Parish system. As I said in my report, I was a little disappointed with the amendment by P.P.C. which identified, in their report, certain practical difficulties with Senator Shenton's proposals to hold elections on the date of the Senatorial elections. Within their report, it made the comment that if Members were minded to support the concept of a general election, then it would be better to hold it on the date of the Deputy elections. But having made that comment, their amendment then proposed a general election period. So, accordingly, the purpose of my amendment is really to allow Members to debate and vote on what appears to be a date that is more practicable than the date of the Senatorial elections but achieves the same basic purpose. Now, the M.O.R.I. polls indicated that the public would prefer a general election. As I have previously said, I still lean towards some form of rolling election on a similar basis to the Senators with all elections, in any one year, being on the same day but I accept it may not be practical. However, I think we do need to listen to the public in this regard and the poll does indicate that 71 per cent of people would prefer a general election. How much credence should be placed on such polls is for Members to decide, but they certainly deserve a certain weight. One does have to remember, however, previous comments - I think during the in committee debate - that the response to the survey and the question will have depended upon the exposure and experience of the respondents to whichever political systems they are used to whether it is Jersey, U.K. or elsewhere. I did not really consider the P.P.C. proposals entirely satisfactory in suggesting a general election period. I really do not think that will meet the perceived public demand. I think P.P.C. are correct to say that it would not be workable to allow one candidate to stand for several

offices and I will be interested to listen to the legal advice when it is eventually forthcoming. I do not think there is much more to say. If Members feel that a general election is what is needed, that the dates of the Deputy elections is a practical date, then please support the amendment. This is part of an important process and these decisions must not be taken lightly. As I noted in the in committee debate, my election leaflet stated that I believe that the Deputies and Connétables are essential for a continuation of a strong Parish system which still has a place in our Island life. I believe that elections for Deputy, Senator and Connétable should take place on the same day within any given year. I am, therefore, sticking to my election commitments on this matter by bringing this amendment to allow an election on the same day for all positions and, Sir, I move the amendment. Thank you.

The Bailiff:

Are the amendments of Deputy Le Fondré seconded? **[Seconded]** Deputy Le Claire?

8.3.1 Deputy P.V.F. Le Claire:

Here I rise to add confusion to confusion I am afraid, again, and I really need your advice, Sir. We are currently discussing or debating rather the amendments of Deputy Le Fondré to the amendments of Privileges and Procedures Committee to the proposition of Senator Shenton. Theoretically, if the States Members were to agree to everything that they possibly could agree to, we would be in a position whereby we would be going forward to a referendum. It just does not seem to make sense to me as to how it is possibly going to be achievable, given the wording in the Privileges and Procedures Committee if we have adopted Deputy Le Fondré's amendments, Sir, that we follow through the proposals of Privileges and Procedures because what we would be asking, as the words say: "To agree that the above proposed reform package should be submitted..."

The Bailiff:

Deputy, I am sorry to interrupt you but we have not got there yet. We are debating at the moment Deputy Le Fondré's amendments to paragraphs 1 to 4 of the P.P.C. amendment. So, the question of a referendum may come up later but it is certainly not before the Assembly at the moment.

Deputy P.V.F. Le Claire:

Quite. Thankfully, Sir, I have been cut short. Thank you very much. That really has removed the confusion from my mind so, therefore, I am just brought to the proposition itself and the amendments. I look at Senator Le Main and remember when he was not successful as a Senator and entered the States as a Deputy and then returned to his Senatorial position. I think that although he does receive a lot of flak, he does probably more for Jersey in his position - a difficult position - than anybody else could have done at the time if they were given that position and I think if we had thrown him out, we would have thrown out a lot of the reforms and successes that have occurred. Some have not, in my view, been supported. They are definitely not liked by some Members of the Assembly, but I think overall the majority of Islanders feel that he has done a very good job. He is not popular. He is not in a popular office. **[Laughter]**. You cannot be popular...

The Bailiff:

Deputy, can you come back to the amendments? **[Laughter]**

Deputy P.V.F. Le Claire:

I can move on to Deputy Southern, Sir, if you like. **[Laughter]** Or myself or indeed, Deputy de Faye or other Members that have given something of value to the Assembly and have been chosen

overwhelmingly by their supporters in their districts to return to the Assembly to continue where they were not successful perhaps in achieving an election in the office that they sought. I think that it would negate the abilities of those individuals and deny their constituents - in some situations many thousands of people who believe that they should be in political office - from attaining and keeping in that political office. With a proposed 4-year gap from them being able to put themselves forward, you will have a lot of situations where Deputies will not bother going for Senatorial offices and the vast majority of Senators that I can remember have come through the ranks of the Deputies' offices and entering the higher echelons of the Chamber and have changed their views along the way. Well, we were entitled to. I did. So, I cannot support Deputy Le Fondré's amendments. I would like to say, by way of explanation, I have a great admiration for the work that the P.P.C. Committee has done but, in this regard, I get back to the same point. I think, unfortunately, I have got to say they have let us down and we are now debating what is an amendment to an amendment to an amendment to an amendment of something that was never a whole option in the first place.

8.3.2 Senator M.E. Vibert:

Before I say some words on the amendment, I wonder if I could ask for the advice from the Attorney General which I am sure he has been expecting. It particularly relates to 1.2 of the amendment that any person standing for election would only be permitted to stand for one position, out of Senator, Connétable or Deputy on the single election day. I would like to ask the Attorney General what his view on the legality of restricting candidates to standing only for one position particularly under Human Rights Legislation.

Mr. W.J. Bailhache Q.C., H.M. Attorney General:

The advice I would give the Assembly is that I, first of all, draw a distinction between a restriction which prevents somebody from holding office in more than one category and a restriction which prevents somebody from standing for office in more than one category. In relation to holding an office, I have absolutely no difficulty in advising the Assembly that this would be quite compatible with Human Rights Convention. I do not see any difficulty with that at all. In relation to standing for office, I think it may be a matter which needs to be looked at in the round as to whether there are any particular circumstances which might lead one to the view that it affected the Article 3 Protocol 1 obligation to have full and free elections. I think that is a more difficult question. I think, on balance, a restriction against standing for more than one office at a time is acceptable but I would just enter the caveat that I think it rather depends the overall shape of what the legislation looks like. For example, there are other propositions in the pipeline for consideration by the Assembly as to whether the Chief Minister must be a Senator. That is the sort of consideration which might bear upon whether it was legitimate to enter a restriction against standing for more than one office, because the argument might run that there are potential candidates for office who would like to be Chief Minister, but would be inhibited from standing for that office because they wish to represent their particular constituency, or for whatever reason that happened to arise. So, that is why and it is a rather long-winded way of saying, I think, the answer is it is a bit of elephant. I think it rather depends on what the system looks like in the round. No problem at all about a restriction of preventing people from holding more than one office. Probably no problem in the restriction against standing for more than one office but I just reserve that right to come back on that piece of advice depending on the overall framework.

8.3.3 Senator M.E. Vibert:

Could I thank the Attorney General for that advice? So, when P.P.C. were considering this, one of the issues that came is that if it was found that the restriction was that you could stand, but you could not hold more than one office, then you could be faced with by-elections and a difficulty of reforming the States and electing Executive and Scrutiny Members when there may be a number of by-elections outstanding. Because it would seem that if people stood for one office, 2 offices or in

Deputy Le Fondré's proposals 3 offices on one day and got elected to all 3, then they would have to choose one and what would happen with the other 2 offices? It seemed to us the only way that the other 2 offices could be dealt with would be by having by-elections for those offices and it would get very confusing. But we have heard from the Attorney General now that though he is sure of one, the jury is out on the other and it will depend on how things look in the round. Perhaps if you will allow me to just say something in general before I revert to the proposition? It will be very short. My own view is that I helped draft the P.P.C.'s amendments to Senator Shenton's proposition because I thought if the States were going to debate such a proposition - which I regretted, because I had hoped P.P.C. would be allowed to get and do their work without such a proposition being brought - it had to make sense and the amendments are there to try to make into a workable, sensible proposition. That said, I will support some amendments and not others but I will need a lot of convincing to vote for the proposition as a whole as amended at the end. I could well vote against the proposition, particularly if States Members decide not to put it to a referendum. So, that is just to make my own position clear. On this particular amendment, Sir, they say a week is a long time in politics but I found 4 and a half years is not that long, because I went back to the Machinery of Government Composition and Election of the States' Assembly proposition that the Special Committee on the Composition and Election of the States' Assembly, which I chaired, lodged au Greffe on 8th October 2002 and which, despite my pleadings, the States of the day refused to debate after agreeing to debate it. Interestingly, the arguments have not changed. There is still no consensus and I would repeat some of the arguments that I believe - unless you have a single type of Member, and I will exclude the Constables from this, but unless you have a single type of other Member and not Deputies and Senators - that it would not be in the electorate's interest or the Island's interest to have those elections for Deputy and Senator on the same day. I think there has been a lot of, and perhaps unfair, criticism that the reason why you should have all the elections on the same day or particularly Deputy and Senator on the same day is this idea that "failed" Senatorial candidates must not have a second chance. I would like to point out, as gently as possible, that the so-called failed electoral candidates often have 10 times the number of votes, 20 times the number of votes, 30 times the number of votes in their so-called failure than many Deputies do in getting elected. I think we should have much more faith in the electorate. These candidates who do not get in at Senatorial then have to stand in the same elections as all the Deputies have to stand in and it is up to the electorate to decide whether they want to elect someone who stood for Senator as Deputy or not. It is not up to us to tell the electorate, to dictate to the electorate, that because someone they may very well wish to have as a Deputy did not come in the first 6 in the Senatorial election, that they cannot then elect them as Deputy. You might detect some little passion there and I will admit to personal interest in the sense that I first stood when I had no experience of the States in the Senatorial election. I did not come... and I thought I was being nice to Senator Le Main, Sir. I know it was Deputy Le Main then. Senator Le Main now and Senator Le Main again. I thought I was being nice to him. But I was saying, Sir, that I - when I was not a Member of the States at all and no States' experience - stood in the election for Senator and I did not get in, Sir. I got nearly 10,000 votes but I did not get in and I was prevailed upon by parishioners in my Parish, St. Brelade, to stand for Deputy. In fact, I was asked by a number of parishioners in St. Helier to stand for Deputy of St. Helier but I decided to stand in my own Parish. I am not ashamed in any way as a so-called failed Senatorial candidate to have stood and been elected Deputy. In fact, I topped the poll in standing in my district in St. Brelade and I was returned again 3 years later. I do not see that as a failure. I did not see not getting elected first time round as a Senatorial candidate as a failure. There was something like 17 candidates. Only 6 could get in. I thought that getting around 10,000 votes was not a bad result first time round and I do not think it meant that the public did not want me. It meant, at that time, that the public did not want me as one of the top 6 Senators. I am pleased to say, Sir, the public did decide they wanted me as a Senator 6 years later after I had served 2 terms as a Deputy and perhaps they knew me a bit better. So, I think that is very important and why I think that is very important is that for many Senators, and I look around at the Senatorial benches now and there are some

Senators who have come straight in as Senator but the majority of Senators have served an apprenticeship, for want of a better word, as Deputy first and the public have got to know them as a Deputy and got to know them in their States' work, and they have then elected them as Senator. But what incentive would there be for any Deputy to put their name forward as Senator knowing that if they did not get in the top 6, not failed, or the top 8 in this case - I will go on to why the 8 should not be later on but that is something different - then they would be out of the States. Now, not just for them, not just for the Deputy to be out of the States, their parishioners might very much want them to continue as Deputy if they do not get in as Senator and it is denying the electorate that choice. So, the only way, Sir, I could support having the election on one day for everyone is if there was a one category of Member between Senators and Deputies. I think if we go to elect everyone on the same day while there are still Senators and Deputies, I am afraid - we talked before and I was supportive of keeping the Constables in - it would be the end of the Constables if they had to stand in vigil. I believe it will be end of the Senators and the Island-wide mandate, as they should be recognised, if we went down the position of having an election on one day because I believe very few, if any Deputies, would step forward and put their name forward as Senator and eventually you would have a very inexperienced Senatorial bench without the States' experience that generally is associated with the office and I think that to serve the people of the Island and to give the electorate the choice they should have there should remain 2 separate elections as at present and I would urge Members to reject this amendment. Thank you, Sir.

Senator J.L. Perchard:

Can I just ask, Deputy Le Fondré's amendment, Sir, comes in 3 parts and could I just ask you to confirm my view that we will voting on all 3 parts *en bloc*?

The Bailiff:

That was certainly my expectation, Senator. Deputy Baudains.

8.3.4 Deputy G.C.L. Baudains:

The idea of one election day, of course, is not new and the general public have suggested that, I think, there is a majority in favour of that but, of course, without a party political system it is a seductive idea but unworkable. Whilst we still have 3 different types of States Member, the Senator, the Connétable and the Deputy that means that on a single election day we would have 3 separate ballot papers to fill in simultaneously. Probably not a great problem, but I am trying to imagine what the hustings would be like. Over a relatively short period of time, you would have people addressing the general public: "I am standing for Council" "I am standing for Senator" "I want to be your Deputy." What about canvassing? What I can see is not only confusion among the public but a possible harassment. They are going to get people knocking at their door. In the end, they are not going to know who is standing for what or why. I see total confusion. Sir, I also endorse what the previous speaker was saying because if you cannot stand for more than one office at a time then Deputies will be dissuaded from offering their services to an Island-wide mandate which means again, as Senator Vibert said, that most Deputies, instead of looking upon that term of office as an apprenticeship for the Senatorial benches, will stay where they are. Meaning that the new batch of replacement Senators, or even replacing Senators who have either retired or have been unfavourable looked upon by the electorate, will be replaced by newcomers to the States. Now, that is not such a bad thing except that we must realise that, of course, the Senators with their Island-wide mandate are presumed to take up Ministerial positions. Is it good government that we could have 3, 4 or more people completely new to the States who are immediately going into a position of Minister? I do not think so, Sir. Sir, I am concerned that we seem to be making change for the sake of change. I will only support that which I consider to be an improvement over what we have now. Here I do not see an improvement, Sir. This is patently not an improvement. I believe the idea of one election day will only work if and when we have a party system. I personally do not like the idea of a party system in Jersey but the single election day certainly

cannot work until we either have parties or one type of States Member and, of course, the one type of States Member creates its own problems. Are they all Senators? Are they all Deputies? If they are all Senators, then the public will complain that they do not have a local representative to turn to when their drains are blocked and they have got a noisy neighbour and all these sorts of things. If we have all Deputies then the public will complain that their Minister only has the endorsement of a small section of the population, not the entire Island. You simply cannot win and unfortunately, without being rude to the proposer of this, simply not enough thought has been put into it. It is not an improvement and I shall vote against it.

8.3.5 Deputy G.P. Southern:

Yes, following on from the last 2 speakers basically, this system will not work. Who is going to stand as a Senator not given an opportunity to get in by another way? To spend more money on your campaign for the sake, for the possibility, of becoming Chief Minister or going nowhere. That is not going to work. Who is going to challenge a sitting Constable for the right to be Constable of the Parish and represent the Parish in the States? Not many there, I think. We see a lot of candidates for Deputy because that is the route in. This is part of the rolling grumbling appendicitis that we are going to have over this issue. If we start to tinker now, we are going to find the consequences. As Deputy Baudains said, single Member, yes, you can make it work. Party political system, yes, it can be made to work. Without those 2 essential changes, this is a non starter. This will not work. The wheels are falling off this particular mechanism. Let us vote it out.

8.3.6 Deputy P.N. Troy of St. Brelade:

Well, Sir, once again the States of Jersey have made a right pig's ear of this. When I was on the Special Committee, we brought forward our proposals for larger electoral districts and changes which the States, quite frankly, rejected outright. We have now got all of this mish mash starting with Senator Shenton, who is bringing forward some proposals which P.P.C. were probably going to bring forward anyway regarding the 4 years and I think here we are heading to another mess. Senator Vibert has just made a good case for rejecting No. 2 of Deputy Le Fondré's proposals which then means that we might reject all of those. Then you would come back to the P.P.C. items and No. 1 states that there would be elections in the spring of 2012. But we have just, moments ago, rejected something from Deputy Southern which called for moving the election dates to June and we have the Treasury Minister stating that he did not want to move the process out from our existing election periods because it would mess up the whole structure of the budget and budgeting forecasts and so on. So, I can see that we will probably have to reject Deputy Le Fondré's, and then reject P.P.C.'s because of that date that is in the P.P.C. proposals. Quite frankly, we are back to square one. We are back to just Senator Shenton's changes. It really has, for me, again been an awful position to be in that it is quite frankly a mess. We had the meeting recently where P.P.C. had an in committee debate and I think from that nothing has come out of that at all. Nothing positive that I can see. I am just absolutely disheartened by the whole process. God knows what will happen today. We are probably going to reject everything here and we will be back to square one.

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

The word "amazed" came to mind when I listened to Senator Vibert's speech and a number of others but especially Senator Vibert as I do believe he is on the Privileges and Procedures Committee, the same Committee that has consulted so recently the members of the public on the Reform of the States: *The Next Steps*, included and instigated new and additional M.O.R.I. polls and have obviously again encouraged us to discuss the reforms in an in committee debate. I am equally amazed, and I wonder whether I was at the same meeting as certain of the other speakers so far, when they said they did not believe a consensus had been reached. I believe it is quite clear that a consensus has been reached time and time and time again and the M.O.R.I. poll and the

contributions to the *Reform of the States: The Next Steps* all point to a general election. In fact the summary that I have here “Survey on electoral reform in Jersey 2007” - which, by the way, is from the Privileges and Procedures Committee, which Senator Vibert is a member of - says that in general, in the executive summary: “Option 1 emerges as the favoured way forward for electoral reform on the Island with two-thirds of residents saying that they think it is better than the current system - 67” and I thought well I will just have a look at what option 1 is and what does it say: “One general election day, fewer States Members.” I look at the M.O.R.I. poll and it is quite clear that was the only issue that had such a large majority, 71 per cent. So, to say that we should dismiss these amendments, forget about it and start again, is not good enough. I do believe that we need to take a first step. I equally believe that reforms should come by evolution not revolution as Senator Shenton, Sir, spoke about earlier. With that in mind, I would encourage Members to seriously consider that the option as provided in the amendment by Deputy Le Fondré allows that for this Assembly to be able to take that first step. Thank you.

8.3.8 Deputy C.J. Scott Warren:

I would have liked to have been able to support Deputy Le Fondré’s amendment, the holding of a general election every 4 years with the possibility of a clean sweep for voters if they so wish to do this. If they are so disenchanted that they would like everybody out and all new Members in, I believe voters should have that choice. It would also enable a higher voter turnout, but having said that, as other Members of this House have stated, there remains the problem of the role of a Senator under the 4-year term of office. I can see the argument for an Island-wide mandate for prospective Chief Ministers but this does not sort out how the Deputies’ and Senators’ situation, on a one single day of voting in the general election, would be addressed. I was a member of P.P.C., Privileges and Procedures, for 2 Committees and I believe this fundamental issue of the Senators and Deputies has held us back throughout and is continuing to do so. I believe that the public do want a general election and ideally I would but I do not feel, under this situation, it is practical to vote for one. Thank you.

8.3.9 Deputy G.W.J. de Faye:

I cannot say that I have been particularly looking forward to today’s debate and certainly, as it has continued, I felt the life force slowing draining from my body. Fortunately, I am one of fairly substantial form so I am still hanging on in here. The phrase: “If the clock is not broken, why are we fixing it?” springs to mind but, more importantly, I think that any parliamentary body should tread extremely carefully when playing around, tinkering, fiddling at the margins, with long held traditions and heritages and, regrettably, what we are doing here is playing at the margins, because I find nowhere in all the various reports put before Members anything of serious intellectual rigour, anything of any substantial philosophical argument and any serious statistics. In fact, worse, I find misunderstanding of statistics or misuse of statistics. I think that one feature of what Senator Vibert touched on is important, not in just this particular amendment, but in all the amendments and the provisional proposition we are considering today. Some have managed to spot some of the expected practical problems, but it is the danger of the unexpected outcomes which is the real danger that we would face in the course of this debate. I think Senator Vibert went a long way to underlining one of those potentials, which is the operation of a general election with multiple offices in contention and how that might affect the type of person and the calibre of the people who are running for the various offices. In effect, this particular approach to a general election where there are restrictions on allowing people to stand for one office or another has serious dangers within it. Now, I listened with interest to the emotive speech of the Deputy of St. Ouen and he really provided a good example of how easy it is to misinterpret opinion polling. Now, I worked with opinion polls professionally over many years and they really tell you very little at all. But what they can tell you is what you want to read from them and, in that respect, they are extremely useful. M.O.R.I. is a demographic poll. It reflects the demography, the make up of, in this case, the people of Jersey and we know that, in broad terms, now a relatively small proportion of the

Island, and what we call long-term Jersey people, and a vast majority of people who live in the Island, come from a variety of other cultures, primarily from the United Kingdom, but also from Portugal, Poland and other nations. All of which have a familiar culture of party political systems and general elections. A figure of 71 per cent was quoted, that is not far off two-thirds and it is not far off three-quarters but basically it is a proportion of a demographic breakdown that rather reflects the proportional split between long-term Islanders and people who have come to migrate to the Island recently. So, it should come to no surprise to anybody at all that if you pose the question of: "Do you think general elections are a good idea?" you are going to get a result that is going to come in at around 70 per cent because it will reflect the cultural demographic breakdown of who lives in the Island. So, I do not agree that there is this clamour for general elections. We have seen the clamour, have we not, in the consultative process that has taken place? Clamouring they were to get into the doors but sadly the meeting rooms were packed. Mm, not something you read in the newspaper because the meetings were, by no means, packed out. Now, does this reflect the demand for general election, the demand for electoral reform? I could probably name the handful of extremists from one side to the other who are continually demanding through the various organs of the media for electoral reform. It is that the clamour that we, as the people's representative, constantly bump into on the streets or we have in our emails. I certainly have noticed. Maybe I am a bit of loner and a maverick on that front but I just do not see this demand for electoral reform. What I do see before us today is a real recipe for potential disaster. I think that we could make some very serious mistakes in this debate, of which this amendment is representative, and get things badly wrong undermining the offices that we, in the States, and the Islanders have cherished for so many decades not to say, hundreds of years. For me, the voting pattern is depressingly constant, contre, contre, contre, contre, contre until my button will probably wear out by the end of the afternoon. There is nothing inspirational in this amendment or any of the others. It is only a recipe, I believe, for unhappiness in the future. I urge Members to follow my voting pattern.

8.3.10 Senator P.F.C. Ozouf:

I have heard this desire for a general election from a number of quarters and I understand and sympathise, in some degree, in some small part, with the calls for it but the reality is that not many jurisdictions do have a pure single general election. France, at the moment, is having a presidential election. They will follow in a number of months with elections to their Assemblée Nationale. They will have regional elections on a number of different levels. The reality is that we will not have a general election unless we have a single member House. I do not agree with that and also as many as the public say they want a general election, I also do not think the public want a single member House. Elections for Deputies and Senators on one day, as Deputy Baudains said, will not work. Rarely, I agree with Deputy Southern. He is right by saying that the only way that that would work is in the party political system where you do have in places like France... where you simply have a list and you just tick your socialist, socialist, conservative or U.D.P. (United Democratic Party) or whatever box and it does work. It simplifies the choice and you can have elections but on a party political system and I do not think that is right for Jersey. I will probably be voting against the whole lot of this and pressing my contre button just like Deputy de Faye but if anybody is thinking that there is merit in Deputy Le Fondré's proposition, then let me just urge them to consider the situation for voters in St. Helier No. 3 or No. 4 because I think there is a case potentially for reviewing some of the Deputorial Benches. But let us imagine a general election in St. Helier No. 3. 8 Senators to choose from. Members need to be reminded that even with 6 choices in a Senatorial election, most electors do not use their 6 votes. The last time I calculated it was just short of 5 that they were choosing and the corollary of that means that the person that you will get in 7th and 8th position will have a mandate which is not really, in my view, legitimate if you do the maths. But worse than that, they are going to have to choose 4 Deputies and Deputy Baudains is absolutely correct. It will be a complete car crash of an election. It just will not work. Members of the public will not know who is standing for which office. They may well be a slate of probably something like 20 people standing with an individual elector having to choose from 12

people. Now, this is, I am afraid, just simply not legitimate and it will devalue very considerably the value of our elections. I think the Senatorial elections are a good fight. I think some Deputorial elections have shown themselves in the last election to be jolly good debates about policy issues. With a watered-down version of 8 Senators and 4 Deputies for the people of St. Helier No. 3 I am afraid we will not have an election and that will not be legitimate, not good for democracy and I am afraid, Deputy Le Fondré, completely unworkable and this has to be thrown out.

8.3.11 Senator L. Norman :

I am going to support this amendment because it is marginally less inept than the amendment of the Privileges and Procedures Committee. **[Laughter]** It was a close run thing. The President of the Privileges and Procedures Committee spoke about the lack of consensus in the in committee debate and the M.O.R.I. polls and, of course, he is absolutely right, but one thing that I did find and I think most of us did find that there was virtual consensus about the general election day and this amendment comes the closest to that. It is not really a general election, as I have explained before, but it comes the closest to it and that is why I am staggered that, having searched for consensus, having found a little bit of it, the Privileges and Procedures oppose it. I was also absolutely curious that Deputy de Faye opposes it on the basis that it reflects the cultural and demographic breakdown of the population. Surely, that is a reason for having it rather than for not having it. Deputy Le Fondré's, if it is achieved, will give us one election day. On the other hand, the Privileges and Procedures' amendment says those unsuccessful candidates in the Senatorial election should have the opportunity to stand again in the Deputies election. Now, that is a fair view. Not one that I agree with but, nevertheless, it is a legitimate view to hold. But they, the Committee, also say that the Deputies' election should be 2 to 3 weeks after the Senatorials. So, nominations for Deputies will have to be made before the Senatorial election takes place and the results are known, so people will be nominated for both in advance. Then the candidates themselves - those unsuccessful in the Senatorial elections - will only have 2 to 3 weeks to organise their campaign, their printing, their posters and everything else. That is absolutely impossible and absolutely unfair. So, I am going to support this amendment but I will vote against the final proposition **[Laughter]** because I think, as I said before, this is marginally less inept than what is on offer elsewhere. What I really would like to say... Senator Ozouf, he did say, he does not feel that there is a demand for a single member House out with the public. Well, for him to say that does not make it true and what I would like to see and it is amazing in 7 or 8 years - whatever it is - we have never debated that issue. We have never debated the Clothier proposals as they proposed them. We have had various hybrids but never their clean proposals which I believe is the only one that will work effectively. I would like us to debate that. I would like us to put that to a referendum when we can find out if Senator Ozouf is right, whether there really is an appetite for change or not because certainly the way we are going, the way we have been going for the last 8 years, we really are not going to get anywhere.

8.3.12 Deputy J.B. Fox:

I hope that ex Senator Lakeman is listening very hard to this debate and I hope there are a couple of weeks in the middle of the summer season at the Opera House vacant because we are listening to what potentially could be a good farce and a good romp because we are going around in circles again and we are going to be discussing every option under the sun and voting for none of them. Oh, just an occasional one. I cannot vote for this one because of what the Attorney General is saying that you can only have one seat but you can put yourself up 3 times. Now, that is daft. Or potentially 3 times, which is daft. There is a lot of other things that are coming through that, you know, I should have the choice of 2...

The Bailiff:

It may not matter, Deputy, but I do not think that is what the Attorney General did say. I think the Attorney General said that the proposition or the amendment of Deputy Le Fondré was probably

compliant with the Convention on Human Rights. He reserved his position but he thought it was probably all right.

Deputy J.B. Fox:

You are correct, Sir. I agree with that. **[Laughter]** The trouble is, Sir, that for years I have been reading technical jargon that never says a yes or a no. It always has something in between and I always interpret it my way **[Laughter]** and today I made a mistake. This is what I was on about, the summer farce. So, I shall carry on listening to this, after the presentation yesterday in the Opera House, I prefer the seats here than I do at the Opera House. They are far more comfortable. I did not realise that before but maybe the ante room is about the best place to be. Thank you, Sir. I shall not be voting for these amendments.

8.3.13 Deputy I.J. Gorst:

I am not sure if you, in taking your current office, experienced the same thing that I have experienced in taking this office and that is the members of the public and some members of my Parish have seemed eternally infatuated with what the job is like and they have asked me continually 2 questions, the first of which is: "Am I enjoying it?" **[Laughter]** and, secondly: "Do you not get frustrated?" Sir, of course I am enjoying it. **[Laughter]** Do I not get frustrated? Well, from time to time possibly I do. One of those moments of frustration, Sir, however, is today. If we look at the P.P.C. document with the 4 options for proposed reform - sorry 5 including Deputy Southern's - we see that the 4 options put forward by P.P.C., all 4 included a general election day. What did the public answer when those options were put before them? Well, yes, rather than choosing option 5 without a general election day, they chose one of the options with a general election day. If we cast our mind back to the in committee debate that we had moments - it feels like moments, but it was weeks ago now - where did we see possible consensus? We saw it around 2 areas. They were a consistent term of office for all Members of 4 years and around a single general election day. I would also ask Members to cast their mind back to what it was they said or possibly said to their electorate only a few short months ago about the requirements for electoral reform. What it was that they heard on the doorsteps from their electorate about the need for electoral reform. Sir, I feel that today I am in a minority. However, I feel that if we are not carefully we are about to do absolutely nothing and that is something that we, it seems, are very good at in this Chamber. I urge Members to support my colleagues and consider doing something rather than nothing. Thank you.

8.3.14 Deputy J. Gallichan of St. Mary:

I do not believe that, at the present time, we can hold a same day general election while we still have both Senators and Deputies. This is not because I believe the electoral system could not cope. It might be cumbersome but it would be possible and it is certainly not because I believe the electorate would be too confused. I believe that all problems could be ironed-out. However, I do believe that, under Deputy Le Fondré's amendment, the office of Senator would wither on the vine and, therefore, the public would lose the Island-wide mandate ultimately that they have shown such strong support for. Yes, it is true our consultations have shown that there is support for a single election day but I believe there is more, far reaching fundamental change required before this can be achieved and this is the important bit. Before it can be achieved in a way that will give the electorate the result they are expecting from it, what they hope that they will gain by a single election day... In the meantime, while certainly not entirely satisfactory, the amendment of P.P.C. would go part of the way to addressing one of the public's concerns. A general election period will allow for a complete change in the Assembly, a creation of an entirely fresh House during the course of a short general election period. For this reason, I cannot support Deputy Le Fondré's amendments.

The Bailiff:

I call upon Deputy Le Fondré to reply.

8.3.15 Deputy J.A.N. Le Fondré:

I will not respond to every Member's comments. I think you have got the general drift of how the result is likely to go. I do emphasise the reason I brought the amendment was to enable the debate to be had because I was rather concerned, with the comments and amendments brought by Privileges and Procedures Committee, that all that would be said is: "Well, Senator Shenton's call for a general election is impractical because it is on the wrong date. Oh, why did somebody bring a change to that and put it on a different date which we think is more practical?" That was one of the aims and I note the responses. I think obviously my memory on this is completely wrong in the same way as obviously the Deputies and one or 2 other Members are completely wrong in their memory as well in recalling the in committee debate. It did appear to suggest to me a general presumption in favour of a general election. I do go back to the point of this leaflet by Privileges and Procedures that out of the 5 options they have got, at the very least, 3 in their headings specifically state a general election day. To be honest, I think having heard the responses from predominantly the Privileges and Procedures Committee, to go out to the public with that and then to come back and say we do not support a general election day, it does not strike me as particularly clever, I mean in a very objective sense.

Senator M.E. Vibert:

I wonder if, on the point of information, the Deputy would allow me to explain and say that if you look at the leaflet that went out and the responses, the position that you are proposing, a general election day for Constables, Senators and Deputies on the same day got the support of 24 per cent, i.e. 76 per cent did not support it.

Deputy J.A.N. Le Fondré:

I will carry on, Sir; on the M.O.R.I. poll 71 per cent said they wanted a general election day. So, I will just put it down as I am confused. But we have at least had the discussion. The whole point to me is about voter turnout. I have previously expressed reservations about the ability to change the House in one day but I accepted the points from the public that that is what they want to see. Certainly, in my experience of watching elections, when you have 3 elections spread over a period of 3 or 4 months, you are getting election fatigue. Seriously, you get a moderate turnout for the Senatorials: it is not 50 per cent yet. We get a lesser turnout for Deputies and by the time you get to Constables you are struggling to get a decent turnout and I think that is the problem. It is not a reflection on the Constables' position at all but it is a fact that people get fed up with 3 elections over a long period of time. I think that was the whole point and one of the drivers of what some of the amendments that Senator Shenton brought in his proposition. I do not think there is much more to say. As I said, I think if you read the reports from P.P.C. themselves and the surveys and the discussions in the in committee debate, it seemed to me there was a presumption in favour, I would have said, for elections on one day. I note the comments. We have had the debate which was one of the aims of the amendment and I think we had better call for the appel, Sir. Thank you.

The Bailiff:

I ask any Member who wishes to vote to return to his or her seat and I ask the Greffier to open the voting, which is for or against the amendments of Deputy Le Fondré.

POUR: 8	CONTRE: 42	ABSTAIN: 0
Senator L. Norman	Senator F.H. Walker	
Senator B.E. Shenton	Senator W. Kinnard	

Deputy P.N. Troy (B)	Senator T.A. Le Sueur		
Deputy of St. Ouen	Senator P.F. Routier		
Deputy of Grouville	Senator M.E. Vibert		
Deputy J.A.N. Le Fondré (L)	Senator P.F.C. Ozouf		
Deputy D.W. Mezbourian (L)	Senator T.J. Le Main		
Deputy I.J. Gorst (C)	Senator F.E. Cohen		
	Senator J.L. Perchard		
	Connétable of St. Ouen		
	Connétable of St. Mary		
	Connétable of St. Peter		
	Connétable of St. Clement		
	Connétable of Trinity		
	Connétable of St. Lawrence		
	Connétable of Grouville		
	Connétable of St. Brelade		
	Connétable of St. Martin		
	Connétable of St. John		
	Deputy R.C. Duhamel (S)		
	Deputy A. Breckon (S)		
	Deputy J.J. Huet (H)		
	Deputy of St. Martin		
	Deputy G.C.L. Baudains (C)		
	Deputy C.J. Scott Warren (S)		
	Deputy R.G. Le Hérissier (S)		
	Deputy J.B. Fox (H)		
	Deputy J.A. Martin (H)		
	Deputy G.P. Southern (H)		

	Deputy S.C. Ferguson (B)		
	Deputy P.J.D. Ryan (H)		
	Deputy of St. Peter		
	Deputy J.A. Hilton (H)		
	Deputy G.W.J. de Faye (H)		
	Deputy P.V.F. Le Claire (H)		
	Deputy of Trinity		
	Deputy S.S.P.A. Power (B)		
	Deputy S. Pitman (H)		
	Deputy A.J.D. Maclean (H)		
	Deputy K.C. Lewis (S)		
	Deputy of St. John		
	Deputy of St. Mary		

The Bailiff:

So we come now to the amendments of Deputy Breckon and I ask the Greffier to read those amendments.

The Greffier of the States:

(1) In Amendment 1 in the substituted sub-paragraph 1, for the word “Constables” substitute the words “29 Deputies” and for the words “29 Deputies” substitute the word “Connétables”. (2) In Amendment 1 in the substituted subparagraph 2, for the word “Connétable” substitute the word “Deputy”.

8.4 Deputy A. Breckon:

I have been very interested in the earlier debate because to the greatest extent this proposed amendment pre-dates that. It pre-dates the conclusions of the machinery of government report. I first lodged this in November 1999 because I believed then and I believe now that Senatorials and Deputies should be debated on the same day. Against my better judgment, Sir, I was persuaded to withdraw my amendment because it stood in the way of the radical reforms that were to come from the proposals for the machinery of government. I say against my better judgment because in effect very little came from that. I say that, Sir, because I had always believed that this would come in bite-sized chunks rather than one great big lump and I still believe that to be the case as well. Something that Senator Shenton mentioned this morning and Deputy Le Fondré also mentioned was election fatigue. That, I believe, is a reality for the candidates in the Deputy elections that follow the Senatorials and also, I believe, for the public. There is the follow-on from the Senators where there has been an element of saturation; there has been paper coverage, T.V., radio, interviews, invitations to things, publicity attached to that and when the public receive the Deputies the general thing, Sir, and I speak from direct experience: “Not you lot again.” I say I have not been anywhere. This is what I have done: I have stood for Deputy, I have not stood for Senator, so

it is not “me again” at all. My amendment seeks to have the Deputies and Senators elections on the same day. I believe it is practical and I am also aware of how some existing Members and former Members got here and that is by a variety of methods: eeny, meeny miny, mo. There have been a number of connotations on that and I think it is part of the electoral process. But is it a good part of the process and should we not give people a choice and then when they have made that choice the successful candidates march onwards and upwards, hopefully, and the others walk away? I believe that is the way it should be. I have in this amendment, Sir, steered clear of the bogeyman about the day, the date, the time of the year, whatever else, because again those are red herrings. I think we need to take it part by part and I can see possibly where we might end up later today or tomorrow. I think it is also why I have not included the Connétables, why I am suggesting the switches because I think the role that the Connétables and the Parishes play in the actual public election process, and I should say again I say that from experience. The Parish machine in general terms, works. This is an opportunity, I think, to pay tribute to those people who offer their services, to volunteer to make this all happen, and people have experience in counts and in manning polls and the rest of it and that is something I think we should value. But because of that I have deliberately left the Connétables out because I think you then get into an argument about who manages the poll. I am aware of the role of the Court, Sir, and that of the Jurats as returning officers, as it were. That is why my amendment steers clear of the Connétables on the same day. It is a practical thing but also if it was on the same day later then I believe it would generate some interest. Essentially, I have always believed that change would be gradual rather than radical and I believe this amendment is a sensible part of this process. I thought so in 1999 and even before that, Sir, and I still think so now. I think Senators and Deputies on the same day makes sense and I think it will attract a general election feel which I think with the coverage hopefully will stimulate some public engagement. This will not be rocket science. There will be 2 ballot papers if this amendment is accepted. One would be Island-wide for a number of candidates and the other would be by Parish or District. I heard Senator Ozouf mention St. Helier No. 3 or 4, which has the largest number of Deputy’s seats. I think if we are going to treat the electorate with some respect then we must trust them to make sense out of this because many people are perhaps more politically aware than you give them credit for and they know months before they went to the poll who they were voting for and who they were not. They might even know before candidates declared. With 2 ballot papers Senatorials could be a different colour and again the Deputies. That is it; 2 ballot boxes and we have the Parish machine that would manage that. This is not rocket science and I do not believe it, Sir, is too challenging to the electorate and if anybody suggests otherwise I think is insulting the electorate. I believe that it could enthuse the voters. It could, I believe, make them feel that they were making a difference. As I said, I believe that this process needs to be in manageable chunks and I think this is one step, it is not a leap of faith. It is the same process but it would be on one day. I have been listening to Members’ comments, Sir, on other parts of these proposals and it is interesting how they have presented their own interests: “What about this?” “What about that?” What about the electorate? It is difficult to make that connection. P.P.C. have tried. They have tried in a number of ways. But when people are angry enough they will vote so you need not worry about that, this will come in one way or another. Maybe a question that Members should ask themselves is how do the electors see us as we are now and as candidates? I do not think that can be the prime reason for us doing or not doing something, we must respect how the electors see us and I think we need to test that. I heard the previous debate and this may well go the same way but I think it needs to be heard. I should tell Members I was not aware when I made this amendment, of Deputy Le Fondré’s amendment and the similarity to it and I can understand the order of this debate and it is a logical way to proceed. Having said that I believe this system of Senators and Deputies on the same day is worth the test. It is worth approving today and then the electorate will decide and this House will find its own order following electoral process rather than leaving it. I make the amendment, Sir; I so propose.

The Bailiff:

The amendment of Deputy Breckon seconded. **[Seconded]**

8.4.1 Senator P.F.C. Ozouf:

I hope this may be a short debate on this amendment because it is very similar to the last amendment. I just want to say briefly that just in case Members are suffering from amendment fatigue that this is just as bad as the previous amendment that was wholeheartedly rejected. It has the same effect and it should be unanimously thrown out.

8.4.2 Deputy C.J. Scott Warren:

Well, I see this amendment as preferable and better than the previous amendment. I believe it has merit for all Senators and Deputies to be elected together with the Constables in Connétables elections shortly after. However, having said that we still need to enhance or redefine the role of Senator. This to me has merit but the question of the Senators' and Deputies' positions, especially linking this with a 4-year term, which obviously the 2 amendments do not mention, is the problem. But I do believe that the amendment does have merit.

8.4.3 Deputy G.P Southern:

One for; one against. Let us go to the vote.

The Bailiff:

I call upon Deputy Breckon's reply.

8.4.4 Deputy A. Breckon:

Short and sweet. Deputy Scott Warren said I do not mention the term. The reason is that the term is in the proposals and other parts of the proposition so, therefore, there is no need to. The only thing I will say is that originally this was a stand-alone amendment; it was not part of this process. I do not know how it would have done as a stand-alone, I will wait and see. You may now take the amendment, Sir.

The Bailiff:

Appel, Deputy?

Deputy A. Breckon:

Yes.

The Bailiff:

All Members who wish to vote on this amendment please return to their seats. I ask the Greffier to open the poll, which is voting for or against the amendment of Deputy Breckon.

POUR: 13	CONTRE: 36	ABSTAIN: 0
Senator B.E. Shenton	Senator L. Norman	
Connétable of St. Ouen	Senator F.H. Walker	
Connétable of Trinity	Senator W. Kinnard	
Connétable of St. Brelade	Senator T.A. Le Sueur	
Connétable of St. John	Senator P.F. Routier	

Deputy R.C. Duhamel (S)	Senator M.E. Vibert		
Deputy A. Breckon (S)	Senator P.F.C. Ozouf		
Deputy J.J. Huet (H)	Senator T.J. Le Main		
Deputy C.J. Scott Warren (S)	Senator F.E. Cohen		
Deputy of St. Ouen	Senator J.L. Perchard		
Deputy J.A.N. Le Fondré (L)	Connétable of St. Mary		
Deputy D.W. Mezbourian (L)	Connétable of St. Peter		
Deputy I.J. Gorst (C)	Connétable of St. Clement		
	Connétable of St. Lawrence		
	Connétable of Grouville		
	Connétable of St. Martin		
	Deputy of St. Martin		
	Deputy G.C.L. Baudains (C)		
	Deputy P.N. Troy (B)		
	Deputy R.G. Le Hérisier (S)		
	Deputy J.B. Fox (H)		
	Deputy J.A. Martin (H)		
	Deputy G.P. Southern (H)		
	Deputy S.C. Ferguson (B)		
	Deputy P.J.D. Ryan (H)		
	Deputy of St. Peter		
	Deputy J.A. Hilton (H)		
	Deputy G.W.J. de Faye (H)		
	Deputy P.V.F. Le Claire (H)		
	Deputy of Trinity		
	Deputy S.S.P.A. Power (B)		
	Deputy S. Pitman (H)		

	Deputy A.J.D. Maclean (H)		
	Deputy K.C. Lewis (S)		
	Deputy of St. John		
	Deputy of St. Mary		

8.5 The Bailiff:

Now the debate returns to the amendments of the Privileges and Procedures Committee, paragraphs 1-4. Does any Member wish to speak on those amendments?

Deputy P.V.F. Le Claire:

Just getting back to that referendum issue, Sir

The Bailiff:

You are still a little bit previous.

Deputy P.V.F. Le Claire:

Am I, Sir? Could you just give me a nod and I will stand up.

8.5.1 Senator M.E. Vibert:

Just briefly, Sir, as we have had a lot of discussion which relates to this. Some people may be concerned about P.P.C.'s 1, 3 and 4 about allowing Senators to stay on and Constables to stay on if they so wish. I just wanted to emphasize this is so to pre-empt any delay that could come about, certainly from the Constables' point of view, and I believe that for some of the Senators this would not be thought of as an option and they would stand down if the proposition as amended is eventually approved. It is just to say again on this part, that P.P.C.'s primary mover in proposing these amendments was to make Senator Shenton's proposition workable. As I say, I will not support any proposition then that does not have a referendum attached. I believe that in this area where we are changing such a fundamental part, what is almost beyond this constitution, the composition of its States' Assembly... It is an area, as in 1948, which is subject to a referendum and that we should not take it upon ourselves to make such changes without having first sought the views of the public in a referendum. So, though I will support the amendments because I believe they make the proposition more workable, unless there is a referendum on the whole issue I will not be supporting the proposition as I hope it will be amended.

8.5.2 Senator P.F.C. Ozouf:

I think I am not alone in the Assembly, I have been in a bit of a dilemma about what to do with this set of P.P.C. amendments because some Members, and I think Senator Vibert earlier in the debate said that he might be in favour of the P.P.C. amendments but then might vote against the whole proposition in itself. I think that that is a bit disingenuous. I do not mean any disrespect for him but I think that we should send a clear message. I am going to be voting against this because I do not agree with 8 Senators being elected on one day. I said earlier about the mathematics. The mathematics are that, on average, in a 6-seat Senatorial only, I think it is slightly less than 5 votes, are used by individual voters. If the maths are extrapolated and if there are 8 seats available then I doubt that it is going to change. If you talk to people they say: "Well I could only really find 5 people I wanted to vote for." That is sometimes the answer; other people have other particular answers. I think in an 8-seat Senatorial you will still get that just slightly short of 5 average votes cast. That will mean that the people that come in in positions 7 and 8 in the Senatorials... now

there are some complaints from some Senatorial benches that some Senators do not like Deputies' mandates, well I can tell you what, the mandate that positions 7 and 8 in that situation will do will not be particularly credible and that is the truth of the matter of an 8-seat Senatorial election. I am afraid that is the reality of it. You can have party politics and we can move to assist them with party politics and we can choose Senators in a party political system and then we can get a decent democratic result. But I do not think an 8-seat Senatorial election can work or will work. There are other arguments I have got with this but on that single argument I am going to be voting against this and I am going to be voting against the whole lot.

8.5.3 Deputy J.B. Fox:

I must admit I have some confusion as well as the previous speaker. Going back to the time of the Clothier debate, the reasons that we were given that we could not implement things then seem to have changed now. The sort of things that I am thinking of is that the Senator is voted in for a 6-year term of office. You could not ask them to give up that term because if they were at that time a President of a Committee they would have had to have given up that Committee before the election and, therefore, there would be this void. Now we are saying that we will change the rules to say that it will not happen until the swearing-in or at some other appropriate time. I cannot see what the difference is between then and now. Perhaps someone could say that publicly because that is a quirk there. The other thing that came out previously is that you could not extend, even after a States' debate, a person's period of office, whether Senator, Constable or Deputy, because that would not be democratic and would be depriving some future States Members of becoming States Members. But now we are talking about allowing the system to move forward so that we can change the rules and make it an extra 2 years or so or an extra 2 positions. So, I think, personally, that with all these anomalies I shall vote against it. But I do not agree that I should have to vote against it.

8.5.4 Deputy A. Breckon:

I just have some points arising from what Senator Ozouf said. I can understand what he is saying about fifth and sixth candidates and the suggestion is if you have got a plumping in voting, some people might just vote for one so it skews what you have got in other papers, but that is the first-past-the-post system that we have. I might ask him to reflect who the sixth candidate was in the last Senatorial election. If he cannot remember he might ask Senator Walker.

8.5.5. Deputy C.J. Scott Warren:

I would question the comments regarding Senatorial elections made by Senator Ozouf. As we have been talking about 12 sitting Senators, I think it is totally different when you are not having 12. I do not see that the voting pattern would be the same; because you would have less candidates you would have more votes. I do support a 4-year term, 6 years is too long and 3 are too short. I do not believe you can disenfranchise some Members of the Assembly and say: "Well, what does it matter to lose a few years." There would be at least one or more Members who would contest and go to the Privy Council over that. Therefore, I do support these amendments. I think Privileges and Procedures have brought these amendments in good faith and believe that they can be workable in amending Senator Shenton's proposition, so I will be supporting them.

8.5.6 Deputy J.J. Huet:

I have to say I do find some of this quite bewildering. Looking at it, and I have read it more than once and even asked the Attorney General, but if I have got it right we are going to go down - or this attempts to go down - to 8 Senators and 29 Deputies, all to be elected on the same date. Then it would revert back to Senator Shenton's for the 4 and a half year term eventually. Have I got this right?

The Bailiff:

The Assembly has just rejected the amendment of Deputy Breckon which would have involved a vote for Senators and Deputies on the same day. We are now debating the amendments of the P.P.C.

Deputy J.J. Huet:

Sorry, Sir, I am getting myself bewildered. Yes, it is the Senators and the Constables. But then after that is done, am I right then that the whole term for everybody would be the 4 and a half years, which is what Senator Shenton wanted? No? Because what I am trying to say is if you cut the Senators from 12 Senators to 8 Senators... **[Laughter]**

The Bailiff:

I think Members should hear the Deputy out.

Deputy J.J. Huet:

If you cut them from 12 Senators to 8 Senators and they all serve the same length of term, what would be the point of anybody wanting to ever go for a Senator? That is what I am trying to get to. Why go for an Island-wide mandate, the expense of an Island-wide mandate, have to go to 12 Parish Halls if you are going to serve the same length of time? What is the point? We always say that we think people should cut their teeth as Deputies first and then go on to Senators and I have to say, Sir, I do not think I am the only one that is completely bewildered of what we are getting to. A Senator is supposedly the top. If nobody stands for the Senators from the Deputies because it is the same length of time, you could end up with 8 brand new Senators in this House. What have we achieved? That is what I am trying to get at. I have got nothing further to say, Sir. I do not think I am any the wiser but I have got no more to say.

8.5.7 Deputy G.P. Southern:

I suppose it is a question I want to ask. I am reading here in Part 3: "Any of the 6 Senators elected in 2005 who wish to do so should be permitted to resign from office and stand in the 2008 election for the 8 Senators." In the meantime, let us suppose that none of those choose to do that, we have got 6 Senators going on and we have 8 Senators elected and we have got 14 Senators in the House, it is a possible outcome. Right, people are nodding, that is clear. Right, what we are designing here started off as a sow's ear and it may well end up with an entry at one end and it may well be stitched all the way round but it is not going to be silk.

The Bailiff:

I call upon the President of the P.P.C. to reply.

8.5.8 The Connétable of St. Clement:

I thank all Members that have contributed. Just one or 2 comments because I will not hold things up. I did say in my speech that we could have 2 more Members that we have got at present. I did say that in my speech. I also said that I think there is the purpose of being in the States when you come up for election because there is an advantage that some of the Senators will decide to retire or resign now so that they could be elected. You never know. As far as Senator Ozouf is concerned, well, of course, that is a danger that he has highlighted and the fact that they do not cast their votes for all 6 candidates and they probably will not cast it for 8 candidates. The simple solution is to change the voting system to proportional representation. So, there is no problem as far as that is concerned. People then make certain that the people that are elected all have a majority of electors. I would advise Senator Ozouf probably to get hold of the proportional...

Senator P.F.C. Ozouf:

I wonder if the President would give way while I ask a point of information. You just mentioned the use of proportional representation. I am slightly confused, how does that work where there are no political parties?

The Connétable of St. Clement:

It does not need political parties because you number the candidates 1 to 6 or whatever you have. It does not rely on having political parties.

Senator P.F.C. Ozouf:

I think that is single transferable vote.

Connétable D.F. Gray:

That is still proportional representation. That is what I said, proportional representation.

Deputy C.J. Scott Warren:

Excuse me, could I just ask, I am finding it very hard to hear the Constable here.

The Bailiff:

I think many of us are. Connétable, if you would not mind speaking up, please, and perhaps addressing the Chair rather Senator Ozouf that would be easier to hear. **[Laughter]**

The Connétable of St. Clement:

I do apologise, Sir. The other concerns I think were in lengthening the period of the Senatorial candidate who will resign. That does not occur because the Senatorial candidates will continue in office until their normal date when they would cease to be in office for this term. I do not want to say very much more because I think we need to get to vote on this. I would just like to say that I think this is a chance for the House - the Assembly - to make its move and at least to start on the way of reform. I will just repeat what I said at the end of my speech. I do not believe it will be the last one we take but it will be one that should eventually lead to a total reform. So I therefore have pleasure in moving 1 to 4 and urge Members to vote in favour.

The Bailiff:

Appel? Very well, I ask any Member who is in the precinct who wishes to vote to return to his or her seat and the voting is for or against paragraphs 1 to 4 of the P.P.C. amendment.

POUR: 14	CONTRE: 37	ABSTAIN: 0
Senator L. Norman	Senator F.H. Walker	
Senator M.E. Vibert	Senator W. Kinnard	
Connétable of St. Mary	Senator T.A. Le Sueur	
Connétable of St. Clement	Senator P.F. Routier	
Deputy A. Breckon (S)	Senator P.F.C. Ozouf	
Deputy C.J. Scott Warren (S)	Senator T.J. Le Main	
Deputy R.G. Le Hérissier (S)	Senator B.E. Shenton	
Deputy J.B. Fox (H)	Senator F.E. Cohen	

Deputy J.A. Martin (H)	Senator J.L. Perchard		
Deputy G.P. Southern (H)	Connétable of St. Ouen		
Deputy of St. Peter	Connétable of St. Peter		
Deputy of Trinity	Connétable of St. Helier		
Deputy S. Pitman (H)	Connétable of Trinity		
Deputy of St. Mary	Connétable of St. Lawrence		
	Connétable of Grouville		
	Connétable of St. Brelade		
	Connétable of St. Martin		
	Connétable of St. John		
	Deputy R.C. Duhamel (S)		
	Deputy J.J. Huet (H)		
	Deputy of St. Martin		
	Deputy G.C.L. Baudains (C)		
	Deputy P.N. Troy (B)		
	Deputy S.C. Ferguson (B)		
	Deputy of St. Ouen		
	Deputy P.J.D. Ryan (H)		
	Deputy of Grouville		
	Deputy J.A. Hilton (H)		
	Deputy G.W.J. de Faye (H)		
	Deputy P.V.F. Le Claire (H)		
	Deputy J.A.N. Le Fondré (L)		
	Deputy D.W. Mezbourian (L)		
	Deputy S.S.P.A. Power (B)		
	Deputy A.J.D. Maclean (H)		
	Deputy K.C. Lewis (S)		

	Deputy of St. John	
	Deputy I.J. Gorst (C)	

The Bailiff:

We come next to paragraph 5 of the Privileges and Procedures Committee’s amendment. I ask the Greffier to read the amendment.

The Greffier of the States:

(5) After paragraph (b) insert a new paragraph (c) as follows: (c) to agree that the above proposed reform package should be submitted to the electorate in a referendum to be held as soon as practicable and read paragraph (c) as (d) accordingly.

8.6 The Connétable of St. Clement:

In all the consultations that we have had - certainly with the public - we have said to them that any proposals that come forward from this Assembly should be put to them to make certain they are in total agreement and this is the reason that we are putting forward this amendment and I propose the amendment, Sir.

The Bailiff:

The amendment is seconded. **[Seconded]**

8.6.1 Deputy P.V.F. Le Claire:

I am nearly giving up, to be honest. Things have become a little clearer over the last 20 minutes and **[Laughter]** I think I am beginning to understand. I certainly do wish you would have allowed me to have had that reference to the next item. Nevertheless, what I would like to ask is that I am very much in favour of referenda in the right set of circumstances and in the constitution I particularly think that it is appropriate. But I am just a bit concerned that what we are saying in those words is that we have put the entire package that is agreed in a referendum. Unless we were to break that up into the particulars of the proposition that is before us, we would have to ask them in a job lot to accept the proposals, yes or no. If we were to put these measures before the public, we would see a greater degree of confusion than we have seen here today. I find it staggeringly amazing, Sir, that such a complex set of issues could have been debated in the time that we have gone through, less time than we spent on questions this morning, because I think it is evident of the fact that they are just unworkable. We are trying to tack them on to a 3-legged horse when really the best thing to do is go back and get the shotgun. I am sorry, Sir, I really do support referenda but I think in the wording that is before us today, and I was going to ask you for a steer before when it was very confusing. I do not know if I need to have that steer any longer but it does seem to me that it has become clear that what we are proposing is that the entire set of proposals would have to be put to the people in a referendum and I just think that would be thoroughly confusing, thoroughly contentious and thoroughly bad.

8.6.2 Deputy A. Breckon:

I do not agree with that. I think that what the amendment clearly says in substitute paragraph (c) is that instead of Privileges and Procedures being charged with it they are going to put it to the public. I think what is set out in Senator Shenton’s proposition is very clear and again, we should trust the electorate to express their opinion, although we cannot go on consulting for ever. I hope what would flow from that, because what the Privileges and Procedures Committee are suggesting is that

paragraph (c) substitutes the one in there, is that if there was a steer from the public they would then do what Senator Shenton was saying, which is to bring forward for approval the necessary legislation. I would suggest, Sir, that one flows from the other and I think it is a fair thing to put before the public and let them express an opinion.

8.6.3 Senator P.F.C. Ozouf:

Referendums have a place when they are referendums on important questions that have been thoroughly thought through, thoroughly researched and are capable of implementation. I believe that reform of the States is something that is still possible but this amendment put forward by P.P.C. asks that a referendum of this package of reforms is put to the electorate. I think that this package is a chainsaw to our system of democratic government and the way that we are elected. It wrecks Senators; it creates an unworkable electoral system of 8 people which will not be democratic. It is not the right package to take to the electorate. I am going to remain to my principles. I know that there are some Members who think that there may be some chance that this might get through and, therefore, they should be voting in terms of a referendum. I understand and accept that point. But this is not the right package and it is not something that we should take to the people of Jersey because it simply is unworkable and not good and I will be voting against this and then voting against the whole lot later.

8.6.4 Senator M.E. Vibert:

It is a matter of tactics I suppose because I will be voting against the whole lot later, but I will be voting for this because I believe that any substantial reform of the States should be put towards a referendum of the people to give their views on. The last time there was major reform, in 1948, that is exactly what happened and now we should be doing the same if we have got a sensible package of reform to put to the States. Unfortunately, today I do not believe we have. But it is a safeguard and it puts down a marker for the future that the States believe that reform of this Assembly is something the electorate should have an advisory say on. So, I believe it is important that we stick to the principle which we have been throughout in our discussions with the public that they would have a say on any proposed package of reforms. Unfortunately I do not think the above proposed reform package will be approved, so it cannot be submitted to referendum, so this will fall away. But on the off chance, and I sincerely hope it is an off chance... I particularly think it must be an off chance because I notice Senator Shenton voted for all our amendments and not for his original proposition, so I do not know where that leaves him. On the slight off chance that it would be approved I think it is important to put the safeguard of the referendum in, but also for the future to show that the States believe that States' reform and Assembly reform should be a matter for a referendum. I believe it is a safeguard we should vote for.

The Attorney General:

I wonder if I might draw your attention and the attention of the Members to the Referendum (Jersey) Law 2002 which says this: "(1) The States may by Act resolve that a referendum be held on any matter and this Law shall apply in case where the States have so resolved. (2) The Act shall (a) fix the date for the holding of the referendum and (b) set out the form of the ballot paper to be used in the referendum, including the text of the question or questions to be asked in the referendum." I thought it might be useful for Members to know, therefore, that there will have to be another debate as to whether there should be a referendum which sets out the date of the holding of the referendum and the form of the ballot paper.

8.6.5 Senator F.H. Walker:

I think that is helpful, Sir. Have I understood this correctly, what Senator Vibert is proposing is to vote against the proposition in the main - that is the reform - but then vote in favour of that package because that is the wording of the P.P.C. amendment 5 which he is going to vote against, and I suspect the States might well vote against, being put in a referendum. Surely, even if we agree with

a referendum in principle, it is not that package that Senator Vibert, certainly, and other Members of the States, I suspect, would want to put before the electorate. Can we have clarification that that is what it says?

The Bailiff:

If Members adopt this proposition of the Privileges and Procedures Committee it will implant into Senator Shenton's proposition an additional paragraph which requires that Senator Shenton's package should be put to the electorate by referendum. Now, what Senator Vibert is saying, as I understand it, is that he does not like the package but, nonetheless, he feels that as a matter of principle he should vote for a referendum. But whether Members wish to prolong this debate in the light of the advice from the Attorney General, I venture to doubt.

The Connétable of Grouville:

Would this referendum be binding on the House in any way?

Senator L. Norman:

Just for clarity's sake, if Senator Shenton's proposition is defeated then clearly the referendum would not take place.

The Bailiff:

The proposal for a referendum will form part of Senator Shenton's proposition. If the States reject it it falls.

Senator P.F.C. Ozouf:

Can I just seek further clarification, Sir? If we vote against this part and Senator Shenton's proposition without the referendum would go through, it still would be an option to bring forward a proposal to bring the matter for a referendum, irrespective of whether or not it goes through?

The Bailiff:

It would, yes.

Senator P.F.C. Ozouf:

So, there is no benefit in voting for it?

Deputy J.B. Fox:

I think that is the whole issue. We are presuming that something is going to fall but we have not got to that stage yet and, therefore, I would be supporting this amendment and we will wait to see what happens to the main proposition later.

8.6.6 Deputy G.C.L. Baudains:

I am beginning to realise Deputy de Faye's position is increasingly attractive. Not, I hasten to add, because I do not trust the public but because, frankly, the package is unworthy of being put to them. I am reminded of a judge who when he did not understand a tactical matter, asked a lawyer if he would explain the matter to him and when the lawyer had finished the judge said: "But I am none the wiser." The lawyer replied: "Yes, but you are better informed!" **[Laughter]**

The Bailiff:

Nobody has ever said that to me.

Deputy G.C.L. Baudains:

Frankly, Sir, I am beginning to feel over-informed at the present time.

8.6.7 Deputy G.P. Southern:

Yes, I rise to my feet slowly, Sir, just to repeat my oft-repeated statement that there is little point in having a referendum when we have no idea who is on the electoral roll in certain districts and it is a very, very inaccurate list of who is on the Island. We should be waiting until we have got a proper population register and we know who is here and where they live and then you can have a referendum. Nonetheless, a badly formed referendum, in principle, is better than no referendum at all, so I will be voting for this.

8.6.8 Deputy C.J. Scott Warren:

I would support a referendum for a coherent package of proposals. My impression is that no proposals will be agreed by this Assembly today and neither will it ever be, in my opinion, until the role of Senator has been clarified and defined if it is a 4-year term or a longer term for a Senator. But to me, that is one of the stumbling blocks. So, I will support having a referendum, *per se*, but obviously I cannot see it being linked to anything today.

8.6.9 The Deputy of St. Mary:

Very briefly, I consider that the package as we have it in the table now is totally unworkable and therefore I will not be able to support that. Notwithstanding, though, I think it is important that in an issue such as this the States make sure that the voice of the quiet majority will be heard not just the vocal minority. So, even though the Attorney General has said it is not strictly necessary at this time, I will support the referendum.

8.6.10 The Connétable of St. Ouen:

I just rise on a matter of clarification for Deputy Southern just to inform him that today every occupier of property in the Island will have received a form inviting him or her to fill in the names of any person who is eligible to vote.

8.6.11 Senator T.A. Le Sueur:

I think it may be seductive for some Members to think that they can score a point by voting for a referendum on the grounds that it makes them feel good with the public. I do urge Members to be a bit more realistic because I think there are 2 dangers in voting for a referendum. I know very little about how referenda are conducted but it strikes me that they require 2 fundamental objectives. First, that the question should be simple and secondly, that the information presented to those having to make the choice should be clear. In this case I see the information as being neither simple or clear and on that ground I cannot see how we could possibly support such a referendum.

The Bailiff:

I call upon the President to reply.

8.6.12 The Connétable of St. Clement:

I thank all the Members who have contributed but just point out that really it is the principle that we are putting forward here not a referendum. I ask for the appel.

The Bailiff:

I ask any Member in the precinct who wishes to vote to return to his or her seat and I ask the Greffier to open the voting which is for or against paragraph 5 of the P.P.C. amendment.

POUR: 15		CONTRE: 35		ABSTAIN: 0
Senator M.E. Vibert		Senator L. Norman		
Senator B.E. Shenton		Senator F.H. Walker		
Connétable of St. Mary		Senator W. Kinnard		
Connétable of St. Clement		Senator T.A. Le Sueur		
Connétable of St. Helier		Senator P.F. Routier		
Connétable of St. Martin		Senator P.F.C. Ozouf		
Deputy G.C.L. Baudains (C)		Senator T.J. Le Main		
Deputy P.N. Troy (B)		Senator F.E. Cohen		
Deputy C.J. Scott Warren (S)		Senator J.L. Perchard		
Deputy J.B. Fox (H)		Connétable of St. Ouen		
Deputy of St. Peter		Connétable of Trinity		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Lawrence		
Deputy D.W. Mezbourian (L)		Connétable of Grouville		
Deputy I.J. Gorst (C)		Connétable of St. Brelade		
Deputy of St. Mary		Connétable of St. John		
		Deputy R.C. Duhamel (S)		
		Deputy A. Breckon (S)		
		Deputy J.J. Huet (H)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisier (S)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy S.C. Ferguson (B)		
		Deputy of St. Ouen		

		Deputy P.J.D. Ryan (H)		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy G.W.J. de Faye (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy A.J.D. Maclean (H)		
		Deputy K.C. Lewis (S)		
		Deputy of St. John		

8.7 The Bailiff:

The debate returns to the proposition of Senator Shenton unamended. Does any Member wish to speak?

8.7.1 Senator M.E. Vibert:

I will speak very briefly. I mentioned before that I was surprised to hear the Senator vote for our amendments which then were defeated, so I do not see how he can then continue with his own proposition unamended, but I am sure he may manage. I think that it raises a number of issues that because there is not the safeguards we tried to put in that any attempt to change in this way could be challenged by any one of the Senators who would be deprived of their full term of office. I think the States through the previous debates stated quite clearly that they believe this is a totally unworkable system and a totally unwanted system. I hope we can get to the summing-up very quickly and vote this to the dustbin where it should have stayed in the first place.

Senator P.F.C. Ozouf:

Can I just ask a point of clarification? It seems to me part 5 of the first part (a) would still stand on its own, would it, Sir?

The Bailiff:

Very well. I was expecting Senator Shenton to ask if there might be separate votes on some of these paragraphs. But the entire proposition is before the Assembly at the moment.

8.7.2 Deputy P.V.F. Le Claire:

Just before I begin, Sir, we will be voting on each independent item within each independent (a) and (b), yes?

The Bailiff:

I do not know about each one but certainly some of them will be voted on.

Deputy P.V.F. Le Claire:

From the top, a general election with all Members elected on the same day; I cannot agree with that. Expiry of term of office of all Deputies should be brought forward to coincide with a general election; I have heard arguments against that and do not agree with that. The expiry of the term of office of all Constables should be brought forward to... I think Constables have got a very good proposition before us that we can consider in time that should be considered properly. The expiry of the term of office of 6... I do not believe in that, Sir. The numbers to be reduced from 12 to 8; I do not believe that is the right way forward. I believe in increasing the Island-wide mandate, personally. The term of office of all elected Members should be increased to 4 years. I can just imagine the public now having listened to us all day about what we are not going to do and then agree to another 4 more years for doing nothing. Let us elect ourselves for 4 years to come up with absolutely nothing because why would they be supportive of us giving ourselves another year to do what we have just been doing? I think if we are going to have 4 more years then we had better be doing something to show that we deserve 4 more years. It certainly has not been demonstrated to me today, that is for certain. The general election from the Chief Minister's perspective in relation to the Senators has some merit if we retain or increase the Island-wide mandate. I think if you continue to decrease the pool of Senators you restrict the opportunities and the abilities of the Members to choose between their own ranks. I have asked before that that could be endorsed perhaps by the electorate in a system and I was told that that would be reducing the States to a republic so I guess I am a little bit foggy on that one. But I do not believe that the Chief Minister should come from a diminished pool of Senators. There is merit I think in some sets of circumstances from looking at that in a greater pool of Senators but definitely not within 8. I do believe in election expenses being regulated by the States and monitored and fixed accordingly, so I will be supporting that because I think that is just something that should be being done now together with, as I put questions in for the next round of the Assembly, the considerations of the unelected Members in due course. The other part, Sir, in relation to (b) to agree that from the aforesaid general election date, the remuneration expenses in respect of each Constable should no longer be paid directly to the Constable concerned but should be paid by the States to the relevant Parish to enable the Parishes to distribute the sum. It came to me as a bit of a surprise because I did not understand that. It seems to me that what is being said is that the money goes to the Constable. So, maybe I could have some clarification. I do not know how to vote on that one at the moment. That is me, Sir, I am done.

8.7.3 Deputy G.C.L. Baudains:

I find myself able to agree probably only with Part (a)(5): the election expenses issue. The rest of the proposition is largely unworkable, Sir. As we have discovered, there are elements in it, the mechanics of which are simply unimaginable. However, I think it is important that the message goes out today to the general public that I presume this proposition will be rejected. The message we need to make sure that the public receives... because doubtless there are those who will make mischief from this saying: "We do not want to change anything. It is in our interests not to change anything." This is most definitely not the case. The point is we have a responsibility to ensure good government and by making changes which are either unworkable or will create absolute confusion or could lead to perhaps even a lesser quality of membership of this House, is not in the best interests of the Island. We have a duty to act in the best interests of the Island, Sir; this is nothing to do with turkeys voting for Christmas.

8.7.4 Deputy G.W.J. de Faye:

This has been a very interesting debate. But we have lost the sight, I think, of the primary motivating factor of electoral reform, which I recall in the dim past was called Encouraging Voter Turnout. Members will remember that in the in committee debate I put forward 2 suggestions. In fact, as was subsequently reported in the *Jersey Evening Post*, I was the only Member in the in

committee debate to address specifically the question of voter turnout and how to encourage it: (1) either by fining people who fail to vote, under the Australian system, or (2) by trying to engineer some form of inducement or encouragement to vote, which I felt was a more positive approach. So, here we are and what has anything that we have before us got to do with increasing voter turnout? I see no linkage whatsoever. I also discussed at some length an alternative to general elections and also explained that I believe that general elections do not necessarily provide the sort of results that people anticipate necessarily, particularly in a non-parliamentary political party system. We also see a proposition that says that the numbers of Senators should be reduced from 12 to 8. But I see no clear indication in the report as to why? Why 8? Why not 9? Why not 7? Why not 6 or 4? In fact, why Senators? That is, in fact, the primary debate we should have been having; the value of the Island-wide franchise as opposed to the parochial system because you have got to take constitutional reform in step-by-step logical stages and understand what you are doing and why. We have not had that debate. So, why reduce Senators from 12 to 8? Well, it is probably because that is the easiest thing to do. If you start fiddling around with the number of Deputies you create absolute chaos in terms of Boundary Commissions' analysis on appropriate representation per capita of voters in the Parish. So, you cannot just simply take 4 Deputies out of the running and you cannot take 4 Constables out of the running because which are going to be the non-represented Parishes? The only reason that we have this particular amendment in front of us is because it is the easy one to do. It is populist; that is fairly predictable. There are people out there who say there are too many of us. Well, there may or may not be. Where is the report that has put the analysis into who is doing what and how many Members are required to properly run our entire government and all the various sub-panels and areas of responsibility? We do not know and have no serious evidence before us whatsoever as to what the ideal number of States Members is. Terms of office; now that is a real ding-donger of M.O.R.I. poll misinterpretation; 37 per cent wanted 3 years, which is what we are all familiar with; 30 per cent wanted 4 years and I believe it was in the order of 22 per cent wanted 5 years. Now, if you run the first-by-the-post system on your poll results you get 3 years out as a clear winner. But no, let us fudge it, let us take a nice populist view, you can cram a whole lot of people in if you go for 4 because you will win over some of the 5s and you will get some of the 3s on board as well. Is that a way to seriously address the terms of office of a States' Member? I do not believe it is. I believe we should have approached this with far more intellectual rigour and philosophical debate from start to finish and because we have not we have got in the mess we are in this afternoon where it is quite clear that nobody is interested in any of this. That is the real shame, I think, the unfortunate feature of how we have got to this particular position, note I avoided the familiar phrase. We go on and approach the Chief Minister who should only be appointed from the Senators. Why? Are we saying that there is no Constable competent to be a Chief Minister, who does not have the leadership, the capacity for teamwork, playing the different cliques? No, we are not saying that. Are we saying that there are no Deputies without that competence either? I do not believe we are. So what lies behind this? Election expenses; well I have seen some of the proposals put forward so far and I have no idea how I am going to run my next election. I cannot even afford the stamps on what I am being asked to run on. As for this idea we all get a generous sheet of paper, one side each and we can all pop it in a leaflet, great, yes, that is a level playing field all right. That is why we have ended up with £2 white-sliced loaves in all our supermarkets and you cannot buy a decent loaf of bread any more. I have got a bread knife at home; I wonder what it is for. A level playing field. A level playing field. What happens, it becomes virtually impossible to tell the difference between any of the candidates because you have only got one page of A4 and 20 leaflets to choose from and they all support old people, they all support education, they all think that youth should be encouraged, they all think that taxes are too high and they all think we should look after everyone in their retirement and look after pensions. So who on earth are you going to vote for? The 4-year term of office, let us remind ourselves, what is that going to do for the value of being a Senator? Not much. Why run the risk of running around the entire Island having triple election expenses to run exactly the same period of office as a Deputy. We have before us a package, I regret to say, that has very little appeal to anybody and I

do not say this from a personal point of view with concern one way or the other for electoral advantage or disadvantage. I just do not think that any of it hangs together properly and it does not because we have failed to tackle the big questions that needed to be asked first. I posed it in the in committee debate and I said: "I want someone to tell me why it is democratically acceptable in a small island that we split it into constituencies and if you happen to live somewhere you cannot vote for Deputies in 11 other Parishes whether you like them or not?" No one has yet given me a sensible response or reply to that question. How is that democratically acceptable? Against that stands the advantages of the Island-wide mandate where you do not have to worry about how many Deputies in any particular district because districts and the numbers of people living in them become irrelevant. There is no requirement for Boundary Commissions and constant replacing of numbers and shifting of numbers of Deputies around. But we have failed to have that argument, one of many. We have also, I believe, misinterpreted the statistics. I hesitate even to say we should go back and start again because I honestly believe we should leave this matter alone for a sensible period of time. Let Ministerial government settle-in; let, for goodness sake, Scrutiny come up to speed and start to work and then let us start worrying about how we are arranging the deck chairs on the bridge of the Titanic because that is all really this is doing. Now, as for constitutional reform, is it not odd that if we were a club or society, to do any sort of reform would probably require a two-thirds majority or 75 per cent of the voters in the club or society, but here we can just knock this around 2 a penny. Perhaps that is the first step we should take and say if you are not going to get two-thirds of the States' vote it is not going to run. That would make people think much more seriously about what they could afford for a start. But, I regret to say, I stand by what I said earlier on, it is contre, contre, contre and it is still, I regret, Senator Shenton, contre.

ADJOURNMENT PROPOSED

Senator L. Norman:

We are past the appointed hour and this debate obviously still has some time to run, we have other items; could I propose an adjournment until 9.30 a.m. tomorrow morning, Sir?

The Bailiff:

Very well. If Members agree we will adjourn until 9.30 a.m. tomorrow morning.

ADJOURNMENT