

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 18th JULY 2013

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[9:30]

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Chairman, Privileges and Procedures Committee:

The Greffier of the States (in the Chair):

As agreed yesterday the Assembly will take firstly the appointment of the Chairman of P.P.C. (Privileges and Procedures Committee) and if there is a convenient time during a ballot we will perhaps turn to the outstanding item or items of Public Business. Therefore I invite nominations for the chairmanship of the Privileges and Procedures Committee. Are there any nominations?

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

Can I nominate Deputy Jeremy Maçon? **[Seconded]**

The Greffier of the States (in the Chair):

Deputy Maçon; that is seconded by the Connétable of St. Saviour. Are there any further nominations?

Connétable S.W. Pallett of St. Brelade:

I would like to nominate the Constable of St. Mary.

The Greffier of the States (in the Chair):

The Constable of St. Mary is nominated. Is that nomination seconded? **[Seconded]** Seconded by the Deputy of St. Martin. Are there any further nominations?

Senator A.J.H. Maclean:

I would like to nominate Senator Farnham please.

The Greffier of the States (in the Chair):

Senator Farnham is nominated, is that nomination seconded? **[Seconded]** Seconded by Senator Le Marquand. Are there any further nominations? Very well, there are 3 candidates. There are no further nominations. The 3 candidates are Deputy Maçon of St. Saviour, the Connétable of St. Mary and Senator Farnham. Now Standing Orders provide that each candidate may address the Assembly for up to 10 minutes. I would point out the Standing Order does say “up to 10 minutes” **[Laughter]**, then Members may question the candidate also for up to 20 minutes, and I am sure Members will take account of that. Other candidates must withdraw from the Assembly and officers of the States Greffe are waiting to accompany the 2 candidates. The Standing Order provides that candidates speak and are questioned in the order in which they are nominated, so I would invite the Connétable of St. Mary and Senator Farnham to leave the Assembly for the Blampied Room where my officers are waiting.

The Greffier of the States (in the Chair):

[Aside] I should have perhaps informed the other 2 candidates before they left, to save repeating myself, but I will have to do it 3 times now. The Greffier will ring a bell after 9 minutes and a very loud bell at 10 minutes, and I will stop the candidates on the dot of 10 minutes. Similarly the Greffier will ring a bell for 19 minutes for the questions and 20. Deputy Maçon.

1.1 Deputy J.M. Maçon of St. Saviour:

The Privileges and Procedures Committee is an extremely important committee. Its terms of reference are laid out in Standing Order 128. They include reviewing the composition of the

Assembly, overseeing the rules of elections, reviewing the facilities and services for States Members, upholding the Code of Conduct for elected Members while also defending privileges of Members of this Assembly and to inform the public about the workings of the States and of its Members. No easy task and many Members would run a mile. However, I have put my head above the parapet and I am providing choice to this Assembly today. I have been approached by many Members of the Assembly who have asked me to stand for this position today as they perceive me to have certain qualities that they feel the Chairman of P.P.C. should have. For example, the Chairman of P.P.C. should be approachable to all Members of the Assembly, given the responsibilities that they have. The person should be able to listen fairly and impartially to Members while at the same time being firm in upholding the rules and holding Members accountable for their actions, thus being strong enough not to be afraid of upsetting Members if it is the right thing to do or if Members have transgressed the rules. Can I do this? I have sat as a member of the Planning Applications Panel now for around 4 years. The decisions that I take have to be balanced based on evidence and policies before me, as if they are not they can appeal to the Royal Court. It is something I am always very conscious of. If I was unable to make balanced decisions then I would have been removed from this panel some time ago. I would also make the point that the overturn rate for the panel on decisions is incredibly low. Another question is: can I hold Members to account? I have also been a member of Scrutiny for as long as I have been a States Member, even rising to become a Chairman of a Scrutiny Panel, and had Members felt that I was not holding the Ministers in my remit to account then again I would not hold this position that I have performed on behalf of the States Assembly; therefore do I have these qualities? I believe that I do. I am told that I would also be seen as a breath of fresh air to the committee, not jaded by being an existing or past member of P.P.C., not having been a member of the Electoral Commission, and nor being a Member who had petitioned the Privy Council, should I not agree with the democratic decisions of this Assembly. Indeed, I have been approached by other Members as I have been more detached from the issues surrounding P.P.C. and it is felt that that provides me with the ability to look at issues within P.P.C.'s remit in an open and considered way rather than perhaps other Members who may have already clearly made their positions known. In order for the Chairman of P.P.C. to deliver I feel that they have to be able to work in a team, work in a way that seeks to bring people together and find consensus, though be able to appreciate where there may, in fact, be none and therefore when decisions have to be made and put to the Assembly. That, I believe, is about style and personality. Again, this is why I refer to the choice that Members will have before them today. As I was discussing this matter with another Member yesterday they commented and then asked: "While you could do it, being approached is all very well, do you want it?" I considered the workload of P.P.C. and what is needed to be delivered in what is realistically only a year left in what is going to be also an election year. Outside of electoral reform, which I will return to, P.P.C. still has to deliver on many other items. The Machinery of Government review, which is crucial to have this information and the subsequent decision before we can decide on how many Members are needed in this Assembly, rather than plucking numbers out of thin air and telling Members that they just have to do more work. The States Assembly have requested P.P.C. to come forward with reforms to the Standing Orders and the internal proceedings of the States so that we have the flexibility to conduct ourselves as we deem appropriate from time to time, while also refining processes in order that the Assembly may become more efficient in the way that we use our time. This was requested such a long time ago and it is now time that it needs to come forward for debate. Some of that will be controversial but I do not shy away from that, however it should not be put on the backburner in favour of other projects that go nowhere and simply waste more time navel-gazing. Also the Election Law review with its recommendations - and that one I did sit on - has to come forward for debate, so there are changes in place for the 2014 elections. Again, some of these proposals will be controversial but cannot wait as time will be needed so that those in principle decisions, and therefore there is time for it to be drafted by the law

draftsman and come back to the Assembly so they are put in place in time. As Chairman, therefore, I will be determined to have something productive to come out of P.P.C. rather than endless navel-gazing and I believe that Members' expectations should be realistic and practical. I also feel that we need a co-ordinated policy with the Education Department within the schools to tackle issues surrounding how to engage our students, get them registered and sort out how hustings and election material are presented in the schools rather than, yet again, leaving this as an afterthought. I could continue with many of the other things P.P.C. needs to tackle however I, myself, need to be realistic in what can be achieved in the time that we have left before the next election.

[9:45]

As to the matter of electoral reform, I believe that P.P.C. should firstly let the dust settle over the Electoral Commission's failed proposals and the process that I would propose would be at the earliest opportunity to engage with Members and get a better understanding of why Members rejected the proposals. If they could be better refined, as some objections were over-processed and some over the numbers left, then perhaps a more palatable product could be made and produced before the Assembly. Or, if the objections come to matters of principle which it may be the case may be too great to overcome, P.P.C. will have to return to the drawing board. So far, Members have been reluctant to give up power and of course I do not mean Deputy Power, I simply mean control. **[Laughter]** And I have sense of humour... **[Laughter]** however we must remember that regardless of this the 2014 elections do have some elements of change. The matter of electoral reform should however be the first item on the agenda at the first P.P.C. meeting. If I was part of that committee I think I would point out that it is a committee and even though this is the way that I would like to propose forward it is a committee and with the gathered wisdom of Members on that perhaps another route might be suggested. But that is the point of the chairmanship of P.P.C., that you listen to other Members and perhaps other routes are more appropriate. I am open to listening to what other Members may have to say. The time given in this process through Standing Orders is for a chairman who intends to develop a work programme over 3 years. We have only one left. I offer myself to the States Assembly so that P.P.C. can concentrate on what the States Assembly have already asked the committee to deliver, that need to be done, so we can all look back and be proud of what can be achieved and say that we have something that has been productive and delivered change on some fronts. I thank Members for their attention and indulgence and look forward to their questions. **[Approbation]**

The Greffier of the States (in the Chair):

Up to 20 minutes of questions. I saw first Deputy Le Hérissier.

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

Can the candidate outline why he thinks over 12 years reform has not worked and what unique abilities and competencies would he bring to overcome the problem?

Deputy J.M. Maçon:

It is the stumbling block, as I made quite clear in the Assembly over the past week... it is because electoral reform is to do with power. Sections of the community retaining power, other sections giving it up. I am not going to pretend that there is any magic solution in order to deliver that. The vested interests are so strong in this Assembly that may not be able to be achieved, and I do not shy away from that. I make it quite clear that we also have other work the P.P.C. need to do alongside that. But to address the Member's question specifically: I believe that perhaps if we cannot find an overall package forward perhaps we need to look at some of the smaller elements, get a clear decision on that, such as the role of the Senator, the role of the Constable, the role of the Deputy,

whatever that may be desired and therefore if we have these smaller decisions in place we at least have some building blocks which we can go forward from.

1.1.2 Deputy S. Power of St. Brelade:

The candidate Deputy Maçon referred to something productive needs to come out of P.P.C. The candidate also said that he would like to see the dust settle and the candidate said that he would like to review and to study the thing again. Could the good Deputy give the Assembly an indication as to what, were he to be successful, would be his timescale in terms of bringing electoral reform to the States before the next election?

Deputy J.M. Maçon:

The honest answer to that one is it depends what Members produce in the way of feedback. If Members are clear in minor changes to those proposals then something perhaps could come back quite quickly. If they are more fundamental to the principles of the particular project there then the honest answer is it may take longer or we may not have anything. But I do not want to have nothing because there are proposals out there which may not have been debated by this Assembly but previous Assemblies that may find favour within this Assembly, and perhaps I think they should be considered. But we need more communication with various States Members to talk about how perhaps that is another way forward. I believe we have got to try some other solutions and different approaches, and I try to offer that to the States today.

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

Obviously one of the other candidates, the Constable of St. Mary, was happy to put forward proposals for reform that would have completely hamstrung St. Helier's residents' ability to be represented. The vote would have been worth only 50 per cent. If the candidate is successful will he make a commitment to ensure that fairness is always the guiding light for his P.P.C. and that any proposals coming out of P.P.C. for electoral reform will not be at the expense of a third of the Island's population, but will be driven by fairness, as I say, and equality?

Deputy J.M. Maçon:

I do not mean to be difficult but what is fair to one person and what is fair to another person can be 2 completely different things. On the more specific issue of do I believe there should be voter parity and votes should be proportional to the people who are there, I believe that that is a good principle and a sound principle that this Assembly should be working to. But I recognise that within the traditional aspect of this Assembly that that may not find favour with the Members within this Assembly. A way forward will be the constant battle between these 2 aspects and so far, as Deputy Le Hérisser said, we have not collectively, as a States Assembly, been able for one side to give up the power in order to resolve those issues. Until we get to that stage it unfortunately will carry on. It works both ways and there has to be compromise. If no one is willing to compromise then we will carry on as we are.

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

While electoral reform is bound to be the dominant issue facing P.P.C. there are other things, including facilities for Members and the ability of Members to do their job properly. Things like Scrutiny will do their bit but they have problems. Individual Back-Benchers raising issues do not have any facilities. What would the candidate do, if successful, to try to improve the ability of States Members to be more effective by assisting them with facilities in this House?

Deputy J.M. Maçon:

I can say that already in place there is an I.T. (information technology) review of Members' I.T. facilities, and that is ongoing, to try and speed the way in which we deliver work to Members

electronically, have the access to storage of different papers, et cetera, and that work is ongoing. But I have to be quite honest with the Deputy: this is an election year and let us be realistic, how many Members in an election year are going to turn around and vote for more resources for States Members? It is one of the easiest things for Members to grandstand on and say it is not something they want to deliver. However, if Members come to my committee, if I am Chairman, and say: “We need this facility, we need that” and that has enough support behind it, I am not going to shy away in an election year, and I am quite happy to raise my head above the parapet because I do believe that for the good governance of this Island Members need to be properly resourced, have proper access to facilities in order to deliver what they need to do for the public. I would not shy away from that.

1.1.5 Deputy M. Tadier of St. Brelade:

The candidate commented on what seems to be an urgency in some quarters of this Assembly to get rid of the Senators completely for the next general election. Can he comment on whether he supports that and if not how does he envisage Senators numbering 8 being elected without it becoming a lottery?

Deputy J.M. Maçon:

Two questions there: do I agree with the urgency? I think with any States Member, if they are asked to, would we have some urgent proposal if we could find it and get it done. I do not think any States Member would turn around and say no. But as for the matter of the Senators, I do accept that it may need to be reviewed, the first past the post system for electing the Senators. I do however feel that the Senators’ elections should continue. I think that that will provide a very important aspect to the Island because it will force any candidate who wants to be Chief Minister to come out and stand before the public and the public will vote on those individuals. They may not necessarily then become the Chief Minister but it means that we will not have the issue of certain Senators being able to stand behind 3 years and come forward as we change the law, and that will come before the public. So do I think that the number of Senators should be reduced? No. Do I think that the benefits of keeping the Senators with regard to the Chief Minister aspect should be continued? I do. That is what I have to say.

1.1.6 Deputy E.J. Noel of St. Lawrence:

Does the candidate offer a guarantee to this Assembly, and indeed Islanders, that if elected a credible electoral reform proposal will be tabled for debate in time to be implemented by the 2014 elections? Do they believe that the results of the referendums should be treated with respect?

Deputy J.M. Maçon:

Two questions there: can I give a guarantee? No. No Member can give a guarantee that proposals will be in place for the 2014 election. That is dependent how this Assembly votes and if history has taught us anything, more likely we will not see any reform proposals adopted for the 2014 election, and that is an honest answer.

The Greffier of the States (in the Chair):

The question, Deputy, is whether you would bring it forward, I think I am right, not whether it would be adopted.

Deputy J.M. Maçon:

I beg your pardon.

The Greffier of the States (in the Chair):

We cannot expect you to answer the latter.

Deputy J.M. Maçon:

If there is something that has the support of Members then I am not afraid to bring forward proposals at all. Any Member can sit down and lodge reform proposals as they see fit and maybe we should all have a stab at it and maybe between the 51 of us, if we all did one, we might find a solution. But am I afraid to bring forward proposals as Chairman of P.P.C.? No, I am not. As for the referendum: I think that if a clear yes and no option is put before the public with a clear result and a good turnout; absolutely, I think that should be treated with respect. But I do not believe flawed questions put before the public in a gerrymandered way should be. I think that for anything to be taken credibly to change the constitution of the States with regard to public engagement needs to have a credible amount of the public participation, and I know I am in the minority in thinking that because I know the majority of Members did not support me. But I am not suddenly going to abandon my principles just because I am standing for this Chair.

1.1.7 Senator S.C. Ferguson:

It is said that we should have a simple referendum, should the Connétables be retained in the States before we look at the structure of the Assembly. What is your view?

Deputy J.M. Maçon:

I do not think that would be a bad question but there is an aspect where you have to say with regard to the Constables, because there is a nuance in that argument, in the sense of the next question, which ties into that, is: "But do you want to retain Parish representation?" so the question cannot be alone: "Do you want the Constables in the States?" It would have to be something along the lines of: "Do you want Constables in the States but retain Parish representation?" because there is a dichotomy there because some people say: "I might favour the removal of the Constables provided there was still representation of the Parishes individually but I would not favour the removal of the Constables if you are going to do away with the traditional Parish boundaries. That is why the formulation of a referendum question is so crucial and so important because you have got to understand the permutations and the interpretations of the question, and that is why I agree that it should be a simple question with a yes/no result.

1.1.8 Deputy K.L. Moore of St. Peter:

One of the regular pieces of business that P.P.C. deals with is the issue of States Members conduct and complaints about behaviour of States Members. What stance would the candidate propose to take in this matter?

Deputy J.M. Maçon:

As the Member will know from Scrutiny, I am perhaps a little harsher than perhaps some other Members in how I would see Members dealt with.

[10:00]

However, there is a way forward proposed, which is the Commissioner for Standards, which in a sense will allow some depoliticisation because a concern of Members, it may be a perception, it may be there, that simply because they are one political hue because they are adjudicated on by committee, which is seen of another political hue, they are therefore not going to get a fair trial, they are not going to be heard fairly and therefore whatever the committee decide it is not going to stick. Therefore, that is why I believe you need, in a sense, a balanced committee, you need someone chairing it who can be approached by both sides of the House, but there is already the Commissioner for Standards which has been approved to try and depoliticise that process and I think, on balance, while I was sceptical of the cost of it, I think the gains of it in allowing these matters to be dealt with in a professional way because you are going to have proper professional

people who are qualified to deal with these matters on it, I think on balance I would support that and I would ask that would be the way forward, and I would be happy to propose that.

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

We have been remarkably content light so far. A specific question then: what priority does the candidate give to the establishment of an accurate, fully rolling, central voter register to ensure all who want to can vote in an election or a referendum?

Deputy J.M. Maçon:

This is one of the recommendations which will come out of the review of the Public Elections Law. That will be one of the most controversial matters. I have absolutely no problem in putting it for debate to this Assembly and, as I outlined in my opening speech, I believe that the other work that has been produced by the committee should be given greater priority, which is what the Deputy asked me. I would want particularly all the in principle decisions raised on the reports that are ready to go, to be done. I would like them to be done before Christmas, if possible.

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

The candidate today and in the reform debate mentioned that Chief Ministers normally are Senators. They go and they present themselves. Would the candidate consider making a small amendment to Standing Orders to say that the Chief Minister must go as Senator and nail their colours to mast and this way you might get people as well who think that they ...

The Greffier of the States (in the Chair):

I think your question has been ... we are running out of time. If you could try and be concise.

Deputy J.M. Maçon:

Will I consider it? I have no problem considering it, but would I do it? I think the process of that we would need greater Member discussion on that particular proposal first, but I do not see any problem with having a debate on the matter and let the States Members decide, but I do not think we should lock things down. I think we should be quite open to discussing new ideas and the way forward. If it does not find favour with the Assembly that is absolutely fine, but we should not shy away and be afraid to discuss things.

1.1.11 Senator F. du H. Le Gresley:

What is the candidate's view of the recommendation in the Carswell Report and does he think P.P.C. should bring proposals to the Assembly on these matters?

Deputy J.M. Maçon:

If I can take them in reverse order. I do believe that the recommendations of the Carswell Review should be put before this Assembly to be debated. I believe that we spend a huge amount of money in setting up that process and I believe that it is absolutely right that it should be given its day to be heard in this Assembly. There are several recommendations within that particular report. I know, because I have already raised some questions about some of the smaller aspects of it. As for the main one, about the dual role of the Bailiff. My personal opinion is that of indifference in the sense that I said before in this Assembly, if the Bailiff were removed as President of this Assembly we would still carry on and do the work. If he remained as President of the Assembly we would still carry on and do the work. My personal opinion, which is what I was asked, is that of indifference.

1.1.12 Senator A.J.H. Maclean:

Would the candidate tell us what he thinks the single most important quality is of a successful Chairman of P.P.C. and also how he would go about appointing a committee, and does he have any names that he could share with the Members?

Deputy J.M. Maçon:

Three questions there. I think I have already answered the first question in my opening speech, so I will not spend time on that.

The Greffier of the States (in the Chair):

I think as time is running out you could concentrate perhaps on names if you have any.

Deputy J.M. Maçon:

The process is laid down in Standing Orders. I have spoken to the Chief Minister and I would be supporting Members from the Executive side, such as Senator Le Marquand or Deputy Martin, because I want people to carry on ... if they worked on sub-committee work, to carry on and complete the sub-committee work because it is so vital that that is done. As for the Scrutiny side, there are 2 candidates which should be considered; the existing one and possibly Deputy Young because again he sat on the Machinery of Government Review and I think we do need a representative from that review to be on the committee. Although what I want to say is while I have approached Members people may choose to serve on P.P.C. depending on who the Chairman is, depending on the way that they go forward, and I would want to say to Members that the positions are still open, and I am still happy to be approached. I have approached other Members already so I do have some Members who I know would be willing to sit on the committee so there will not be gaps, which is a good thing, but I do not want Members to feel that if I were elected and they wanted to serve on the committee because of the things I have outlined that I wanted to achieve they should be barred from coming forward. The positions are still open.

1.1.13 Senator P.M. Bailhache:

Having regard to all the different permutations for possible reform about which the candidate has spoken, how would he set about constructing a simple yes/no question for the electorate?

Deputy J.M. Maçon:

As I have already outlined ...

The Greffier of the States (in the Chair):

One minute to go. [Laughter]

Deputy J.M. Maçon:

I think perhaps we might need to detangle some of the smaller blocks within a proposal. I think perhaps a way forward is to look at some of the key issues for the super-constituencies, the role of the Constable, the role of the Senator and just do an analysis on those single issues first and then that is the way forward. Obviously if you want to construct a question how they go forward, obviously you would have to take independent advice. I would probably want the involvement of the Statistics Unit so that there would be a fair and balanced question but a simple one, which is yes or no.

1.1.14 Connétable J.L.S. Gallichan of Trinity:

Very quickly. How does the candidate expect the electorate to vote on another referendum when the Assembly ignored the previous result? [Laughter]

The Greffier of the States (in the Chair):

We will never know, Deputy.

Deputy J.M. Maçon:

May I thank Members for their questioning.

The Greffier of the States (in the Chair):

I would ask the Constable of St. Mary to be summoned from the room and Deputy Maçon to withdraw. Very well, if I could call Members to order. The Connétable has caught her breath, I call on the Constable of St. Mary. Constable, there will be a bell after 9 minutes and a final bell after 10 and we will stop you on the dot of 10 if you are still going.

1.2 Connétable J. Gallichan of St. Mary:

I would not to be going at that stage. Here I am again trying to persuade the Assembly to put their confidence in me to chair the P.P.C. once more. Last time of course I was not successful in being re-elected and I must now admit that as the Constable of St. Helier began to settle into the role, and as I noticed that every time I saw him he seemed to be just a little bit more stressed I quickly got over my disappointment. **[Laughter]** It is certainly true that being the P.P.C. Chairman is not for the fainthearted but I did enjoy my previous 6 years on the committee and perhaps I am a glutton for punishment because I would relish the prospect of once again leading a diverse committee in consideration of some very challenging issues, reaching consensus or at least broad agreement and then steering our propositions through the States. I have 10 minutes now to set out my stall, what I hope to achieve. But in fact time is short. With a scant 15 months until the next election there seems to be little point in outlining my thoughts on the entire spectrum of P.P.C.'s responsibilities as there are certainly going to be some clear priorities. Following decisions taken earlier in this sitting far from being put to bed, as hoped, it seems that once again reform of the States Assembly is the overriding concern. At this point I would like to challenge head on any notion that my past work in this area, including on the Electoral Commission, somehow debars me from pursuing further progress in this area. Far from it. In my opinion, it equips me for it. My involvement to date means that I am informed, not by hearsay or, as discussed during the debate on P.64, clairvoyance, but rather directly from consultation. It means that I am experienced in delivering change. It means that I am ready to move on immediately from this week's decisions. This week the Assembly firstly decided not to implement the results of the referendum and then in consideration of Senator Le Marquand's fall-back proposition, P.74, it firstly did not support the view that the referendum had not provided a clear mandate for change, and then charged P.P.C. to continue to work towards reform. However, do not expect me to be bringing back a carbon copy of P.64 to the Assembly in a re-run of the debate, if I am successful. Realistically we had one only chance to implement the results of the referendum and we must each accept the consequences of the decisions that we made then. This Assembly's rejection was not marginal. It was decisive. I may be tenacious but I think I must accept that this current Assembly is not going to change its views to any great extent. That is why I said we need to be prepared to move on. Change we must to some degree.

[10:15]

The public certainly asked for it. Most Members can see the need for change and I myself have always been clear that the current system is not sustainable past the 2014 elections, and that we should use our best endeavours to effect reform before then. P.P.C. has been charged to do further work and that is what the new P.P.C. must focus on. Reform can still be achieved but there is only a very narrow window of opportunity and of course no magic solution that will immediately appeal to all. If there is to be any chance leadership must be clear and strong and the new committee must pull together in a way that the old one apparently could not always do. Yesterday the Assembly

gave a clear instruction to move forward and that is what P.P.C. must now do quickly and decisively in order to try and bring forward a solution that this Assembly can support. For some Members it is apparent that neither option A nor B would have been acceptable because they had fundamental difficulty in envisaging how the Assembly would function with just 42 Members, and how this could be made to work through changes to the machinery of government. I have deliberately kept away from matters under P.P.C.'s remit since the last election, while being largely supportive of the items it has lodged for debate, but it is an open secret that I have been extremely disappointed in its ability to bring forward clear proposals for reform in this area. Ideally those 2 reforms would have gone hand in glove. Despite a promising start and early hopes that a way forward would emerge I became so frustrated at the lack of progress with machinery of government reform that I decided to resume work myself on the proposals that had been debated by the previous Assembly when representatives of the Executive and non-Executive, Scrutiny and P.P.C. had worked together to try to progress this matter. I have had meetings with Scrutiny with P.P.C. and the Chief Minister's Department and I am absolutely ready to build on the initial findings of the old P.P.C., refine them and keep moving forwards. Ideally this work would be co-ordinated to deliver results at the start of the next Assembly but in view of the timescale I have to reluctantly accept that it is probably impossible to climb both of the twin peaks of reform at once. I am however clear that P.P.C. will need to be in a position to convince Members that machinery of government reforms will enable a smaller Assembly to function well, and that these can be delivered soon after the elections and to put in place a plan to cover the transition, if necessary. The last P.P.C. has done a great deal of work on various diverse matters and there are reports and projects that are almost ready to bring to the Assembly. When I stood last time I was asked what my least favourite tasks on P.P.C. had been and I had absolutely no hesitation at all in nominating Code of Conduct complaints for the award. Work is almost complete on the concept of introducing a Commissioner for Standards and following discussions with our Guernsey counterparts there is even a possibility, although it is by no means certain, that we might be able to co-operate in this area. There is still a discussion to be had as to whether the Commissioner would be able to instigate inquiries in his own right but, in my opinion, this matter should be brought to the States as a matter of priority. Other areas at or nearly at the completion stage include review of Standing Orders and internal procedure, another Public Elections Law; so many of these items were considered by my committee in the past that it almost seems like *déjà vu*, but then P.P.C. is charged with keeping these matters under review and in that respect it must be a bit like painting the fourth bridge. Another ongoing matter is the review of facilities, particularly the I.T. provision. Things have come a very long way since I was first elected and decisions need to be made about how best to support Members when technology is moving on, and we are all using it in different ways and to different degrees. In this respect it is clear that one size no longer fits all. Time is short. There is much to be done. Whoever succeeds in this election today will have just over one year to deliver real results. I served on P.P.C. for 3 years as a member and then Vice-Chairman, and then a further 3 years as Chairman. A Chairman does not work in isolation of course, they are just one of 7; first among equals. I could not and I do not claim sole credit for the volume of business that P.P.C. processed on my watch but it was considerable and wide-ranging. With absolutely first rate support from the Greffe, the Law Draftsman and the clerks, and often responding to ideas brought forward in other Members' propositions, as Chairman I delivered changes to the Public Elections Law, the States of Jersey Law and Standing Orders, paved the way for a single election day, a spring election and a 4-year term. I was also pleased but possibly not quite as relieved as the Deputy Greffier to finally steer freedom of information through the Assembly. In short, I have a proven track record of bringing significant change to the States successfully. If ever that experience was important, it is surely now.

The Greffier of the States (in the Chair):

There are 20 minutes of questions. I saw first Deputy Tadier.

1.2.1 Deputy M. Tadier:

Does the candidate agree that any reform model which is predicated on protecting one particular type of Member while axing the other 2, is unlikely to pass muster with the Assembly? If not, how do we get lambs to vote for Passover?

The Connétable of St. Mary:

When reform is concerned I do not think there is anything that is guaranteed to get through the Assembly. It is difficult. What we need to do is try and find a way forward that will appeal to everybody and, as we have heard before, reform is always a matter of compromise. I think at this stage of the game we gathered an awful lot of information. We have taken things out to the public and even if we have not decided to implement the option that got the most votes in the referendum we can still take forward other measures and other information from that. It is a question of pulling together what we had then, what came up in the debate again this week, what other Members thought were possible solutions. It is not a question of convincing the public now, we are too close to the election to have another referendum and I personally do not think there will be much feeling among the public for another referendum at all now, after what has happened. It is just going to be a question of balancing up what there is and with a strong committee trying to find one single thing that this House can sign up to, and it certainly is not going to be easy.

1.2.2 Deputy T.M. Pitman:

Consistency and transparency and perhaps, if I can say, no hidden agendas are very important I think for whoever has got P.P.C. Back in 2010 the candidate was written to by a former Chief of Police, Graham Power, asking P.P.C. look at some concerns when he found out the letters involving his suspension were false, they had been falsified. The former Chief of Police wrote to the Chairman yet she never shared that with any Members of P.P.C., she kept that letter secret from P.P.C. and she kept her reply to Mr. Power from P.P.C. This is fact, I have heard it from Mr. Power, and other Members. How would the candidate marry that up with asking for faith from Members now?

The Connétable of St. Mary:

As Chairman of P.P.C. you get an awful lot of correspondence from people on various matters. The letter that the questioner refers to certainly did arrive and having discussed it with officers, as this is on a matter of public record, it was completely outside the remit of the committee to process. It did not fall within the committee's powers to deal with and the letter was immediately responded to, along with, I would say, a suggestion of where the writer could receive remedy possibly. It is simply a matter that in the correspondence noted at the next meeting that was not listed, but it was listed thereafter, and when it was listed to the committee there was not any dissent from the committee that the matter had been outside the scope of the committee.

1.2.3 Deputy R.G. Le Hérissier:

In the recent attempt at reform a lot of people were seen as self-interested and rightly or wrongly the candidate was seen as particularly self-interested in her role on the Commission. Has she, on mature reflection, got any proposals to change what happened in order that we can be much more positive about reform?

The Connétable of St. Mary:

I am not sure what the questioner means by "to change what happened"; the States decision?

Deputy R.G. Le Hérissier:

And how we do things in the future based on mature reflection.

The Connétable of St. Mary:

This Assembly will continue to make its decisions on propositions before it from time to time and it will continue to do things right and occasionally to do things wrong. I cannot answer how this Assembly will decide to vote in future. I sense that I am still not getting to the heart of the question.

The Greffier of the States (in the Chair):

I think we will have to move on, I have a lot of people waiting.

1.2.4 Deputy C.F. Labey of Grouville:

What would the candidate's overriding objective be in bringing about reform and why?

The Connétable of St. Mary:

The public have, through various elements of consultation and through the Commission, indicated various things that they had as a priority. In my time on P.P.C. the leading response was they wanted a general election and we have dealt with all the reasons why that was desirable. The public did choose to move away from the system we have at present through the consultation process and in what they suggested in the referendum results, so basically I think what we have to do now is analyse what is left from what the public said, what we have not rejected and to see how we can marry-in some of the ideas that have come to light since. I mean people have approached me and said: "I have had an idea since the referendum", since we had the initial debate and now people have had time to reflect on what it means: "Perhaps we could do this, perhaps we could do that." I mean this has come from Members of this Assembly and I think it is the first thing that needs to be analysed to see what we can take forward. The priority has to be getting something that fulfils the public's desires but also something that this Assembly will approve and these things are not mutually exclusive, but they do not necessarily support each other.

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

The Connétable steered through a reduction in Senators without reference to the public and she has just told us that she does not think that further reform proposals could be put to the public by way of referendum before the elections next year. Does she think the public should have their say in constitutional reform?

The Connétable of St. Mary:

Firstly, it is not correct to say that the reduction of Senators went without reference to the public. It came about as a response to the investigations of the P.P.C. in the day as to what the public wanted, and they overwhelmingly said they wanted a general election. The machinery of getting to that was how we reduced the Senators. Yes, I do believe the public should have their say, which is why, personally speaking, I would have supported the option that the public chose, whichever option it would have been, and that is the honest truth. Of course you all say that it is not true, but that is the absolute honest truth.

1.2.6 Deputy S. Power:

The Constable has undoubted abilities in her ability to deal with adversity both on the Planning Applications Panel and her 6 years on the Privileges and Procedures Committee. What is left? What options are left? What options would she consider are left for this Assembly to consider in the period left in the term of this Assembly?

The Connétable of St. Mary:

I suspect that if I canvas quickly I could get 50 options immediately, all slightly different. [Laughter] What is left? At the moment we are going forward with a general election. We are

going forward with a reduced number of Senators, Deputies and Constables. What we need to do is try ... sorry, I am getting distracted. What is left is to see, as I said answering the Deputy of Grouville's question, I need to go through in detail what people said again in the debate. I need to analyse the other alternatives that were put forward as amendments. I would not have supported those amendments myself but now it is time to investigate whether they would have brought some measure of amelioration, shall we say, to the Members here. The key is obviously going to be getting the Members to accept the change.

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

In other countries a two-thirds majority is required for electoral reform, if the candidate is successful in gaining office to this position will she use that or something similar as a benchmark for any government reform in the future?

The Connétable of St. Mary:

This was already debated in the Assembly - 2 Assemblies ago I believe - when we changed this to be the absolute majority rule, and I do not see with an Assembly the size we have now that that needs to be amended.

1.2.8 Deputy R.G. Bryans of St. Helier:

I am probably stealing part of Senator Maclean's question here, but I wonder if the Connétable could advise the Assembly as to whom she is considering for her committee.

The Connétable of St. Mary:

I am not absolutely sure yet. Obviously I met with the Chief Minister yesterday and he had some names that were very acceptable to me. I have worked with P.P.C. before, I have worked with a number of Members who were on it. I have worked with some Members who would like to be on it before.

[10:30]

The person who springs to mind immediately is Deputy Martin. She has been a consistent member and an extremely valuable member, always putting forward a very determined point of view and always engaging. One thing I will say, always coming prepared, having read the agenda and being ready to work, which is not something that has always been my experience. So if I was successful, I would be grateful if she would stay on. Obviously it would be a question for her. As regards Members from the floor of the Assembly, I have not yet made the final decision. As I say, I would like to keep some on and probably have some new.

The Greffier of the States (in the Chair):

Senator Maclean is next. Has your question been asked or not? Or have another one?

1.2.9 Senator A.J.H. Maclean:

I can adapt a little bit. I wonder if the candidate could identify the single most important quality for a successful Chairman of P.P.C. and also perhaps identify what she had learned most for the recent reform attempt.

The Connétable of St. Mary:

I will take it in reverse order. What I have learnt most is that you can never predict what the Assembly is going to do. To some extent I am saddened because we had a public referendum and we should really have borne in mind what that would mean when we agreed to do that. But then, again, on the other point we are all representatives, we are not delegates, we have a right to think

our own way. So it is not necessarily completely unthought of. What I think one of the most important qualities is you have to have is an open mind. It was always very encouraging, before I gave my opinion on various matters P.P.C. were discussing, to go around the table and to hear what other people wanted because sometimes the best ideas come from where you do not expect they are going to come from. I think you have to be ready to adapt what you are thinking and to take that on board.

1.2.10 Senator S.C. Ferguson:

It is said we should have a simple referendum, a true referendum. Should the Connétables be retained in the States before we look at the structure of the Assembly. What is your view?

The Connétable of St. Mary:

We could have a simple question on a whole load of different things but in that case we would be having referendums until, I do not know, the year dot. I repeat what I said before, no matter how we tackle that question or any other questions, the Senators, the Deputies, whatever, the Parish system, the broad districts, they do not come in isolation, they come as part of a compromise to what we have now. But no matter how we decide to take that forward now, I really do not think the public will respond to another referendum. Not yet, not until they see how we take this forward. Because their confidence has been knocked and they will say: "Why bother?"

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

What process does the candidate, if elected, tend to follow to fully inform herself of the Members' reasons for rejecting the form options and to help her find new ones and to ensure that her judgments are not coloured or influenced as a result of her co-authorship of the failed options?

The Connétable of St. Mary:

It is quite a simple thing really. As I say, you need to analyse what was said in the debate, that is important. People said a lot of the information was coming thick and fast, it needs to be analysed with Hansard. I think probably taking it forward there may be a call to have an in committee debate if I come up with some more ideas as a result of that. We do not have much time. We are going to have to ... if we decide that we can do it, it can be done, but it has to be crystallised very clearly and very quickly. Personally I do not think ... if you are prepared to look at it and prepared to look at it hard and put the work in, you have got as much chance of doing this now in 3 months as you have if you wait another 3 years. This Assembly has heard the arguments, this Assembly is the one the people responded to. This is the Assembly that is engaged and if we wait for the next Assembly it will be as it always is, nobody coming into this Assembly can ever accept that there is not a simple way that the Assembly that has just finished did not think of. That has proved itself to be absolutely true every time, even with propositions put just before the Assembly changed and lost with a very narrow margin being put back almost identically immediately after the new Assembly being completely thrown out. So I believe that a short sharp really dedicated focus now may just crack this nut.

1.2.12 Deputy G.P. Southern:

Oh dear. What priority does the candidate have for the establishment of an accurate, fully rolling central voter register to ensure that all people who want to vote can vote in an election or in a referendum?

The Connétable of St. Mary:

I wish this was question time the other way around because I would like to know what exactly it is that the questioner thinks is not achieved now. I know that the working party's election group has been looking at things but the registers are robustly maintained. Once you are on the register you

are on the register for a minimum of 3 years, you are not taken off that register unless there is a death certificate, unless you have been contacted and written to. Every address is mail dropped. In the area which has the most lodging house, et cetera, there has been a dedicated electoral officer. A great deal of work by successive P.P.C.s has been put into engagement and registration.

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

Does the candidate believe electoral reform needs to be coupled with changes to machinery of government or should they be 2 separate issues?

The Connétable of St. Mary:

As I think I indicated in my speech, I regard these as the twin peaks of reform. They should be scaled together and we have drifted apart. I would have loved to have sat here today and said: "I can deliver them both." If I get the committee that supports me we will do our utmost to do that but realistically the timescale, the window for reform for getting legislation, getting drafting done ... and I am not prepared at this stage to go to a department, the Law Draftsman's Department, which is already struggling, which is already working extremely hard with mere hypothesis. I think this Assembly has to make a decision and then we have to move forward. Yes, ideally I think ... and I believe that would have given comfort to many Members here if we could have proved one way or the other what the number was that was needed. I really believe that.

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

What will the Connétable do to engage greater voter turnout?

The Connétable of St. Mary:

I could say that I sincerely regret that this week's decisions will discourage voter turnout. I think all we need to do ... what we need to do, not all we need to do, is to start to rebuild that now. I think a lot of that may come out of the analysis work that will be done on why P.94 was not adopted, because I think we then need to do a position paper on that to show the public that there are elements that we are taking forward. We are still listening to this or we are still listening to that. It is going to be an uphill exercise, it is going to be very difficult. At the end of the day, after all the times I have been involved in engagement, and especially driving-up the voter registration which puts the participation down by a percentage, it is very difficult to engage people. Maybe if this Assembly comes forward now, pulls itself up by its boot straps and comes up with something viable, the public will get their confidence restored and they will come back to us.

1.2.15 Deputy M.R. Higgins:

The candidate has very strong views and some could argue inflexible views when it comes to the role of the Constable in the States. She shakes her head but I think back to my 3 years on P.P.C. What I would say is that how can we have compromise, how can we be flexible if the candidate does have what many perceive as very rigid views on the role of the Constable and presence in the States?

The Connétable of St. Mary:

What I have very clear views on is what advantages and what benefits and how being in the States is fundamental to the role of Constable as it is now. What I have very definite views on is the relationship and the representation of the Parish in the States. You have to be very clear on that. I was not prepared to ... I did not personally believe ... and this is why I put my support behind option B only after another member of the Electoral Commission had come out and given their support to something else, is to simply say, from my own experience having been a Deputy, having been a Constable, having been involved in a municipality, that the Parish is the important thing and losing

the Parish into a district and the Constable at the same time was simply too far. I think the Deputy has to be sure, when he says I have rigid views, exactly what my views are.

1.2.16 Deputy S. Pitman:

In the time running up to the referendum, does the candidate not agree that the public should have been provided sufficient information and understanding of the workload and role of different Members, and the understanding of the Troy Rule and how 42 Members could have fitted in with this? Does she think that the public response to referendum would have been more positive if this had been done?

The Connétable of St. Mary:

I do not know if any more publicity, any more information, would have been helpful in that respect. There was already an incredible amount of information given out in the reports, in the leaflet drops, et cetera, the public meetings, the interim report and I do not honestly think that was the reason that people did not engage. It is very difficult to say what the responsibilities and the workloads of different Members are because we are all responsible to our constituents, we are all responsible for the different roles we take on in here but we all do it in a very different way. There is no one-size-fits all, as I said, and I think that generally ...

The Greffier of the States (in the Chair):

Thank you, Constable. Apologies to Deputy Noel, the Deputy of St. Mary, Deputy Le Fondré and the Deputy of St. John who were too far down the list to be called I am afraid. We will ask Senator Farnham to rush up the stairs to us. Very well, we come to the final candidate, Senator Farnham. When you have caught your breath, Senator. We will ring one bell after 9 minutes if you are still speaking and a very final bell and I will stop you on the dot of the tenth minute. I invite you to address the Assembly.

1.3 Senator L.J. Farnham:

I can assure you I will not need the bells as I have heeded your earlier advice. Having had my head above the parapet for some time now one might be forgiven for wondering why I am willing to step into the firing line. It is because by allowing my name to be put forward for the chairmanship of this very important committee I wanted Members to be sure that as well as commentating, criticising and campaigning I am also prepared to step up and take legitimate responsibility for process if selected to do so by the Assembly. The terms of reference for the Privileges and Procedures Committee are a significant and important responsibility and refamiliarising myself with them last night in preparation for today I have come to understand the significance and importance of keeping our own house in order, not least because society looks to us, for example, in leadership and to that end there is still much work to be done. Having said that, I would like to recognise the good work especially of the 2 previous Chairmen and committees and pay tribute to their many contributions that have led to improvements in what we do. To name but one I will refer to public access to official information. Also in a small way the Assembly allowing on a recommendation from the previous committee electronic handheld devices into the Assembly I think have been a revelation and very useful and helpful to most Members.

[10:45]

Recently figures were published providing evidence that the present States Assembly had been more efficient by getting through more business in less time. Now, whether this was as a result of having access to our iPads is debatable but it is still welcome news and might be proof that having the right people is just as important as having the right system with which to elect them. I would certainly aim to ensure that a new committee's work programme continued to reflect the demand

and expectation for improvements as to how to manage ourselves, our business and our own internal structures. I was immensely proud to have been re-elected to this Assembly in 2011 and, as a result, consider myself fortunate to be part of the class of 2011 group. This group get together regularly and despite our occasional differences, which can be significant, manage to have the most useful and constructive meetings conducted in an air of courtesy and mutual respect. While recognising that politics is divisive by its very nature I use this as an example of how tolerance can lead to productivity. It is fair to say that it probably has not been a good week for the States in terms of public perception and the hot topic is, of course, electoral reform or lack of it. The general dissatisfaction with the referendum and the fallout from the result of the debate on Tuesday has led to a further disconnect with the electorate. To start repairing the damage we must swiftly unpack and undertake to understand the views of those who are not engaged. I say that again, we need to understand the views of the people that are not currently engaged in political process. So I say, yes, let us get this electoral reform back on track. But I say no to a knee-jerk reaction. Let the dust and emotions settle a little, and I am not saying it would be impossible to implement changes by the next elections in 2014 but it may be sensible and more realistic by then to expect to have agreed a way forward and to use that election also as an opportunity to seek the proper endorsement of the public. The reform agreed by the States in 2011, which sees a reduction in Members to 49, the retention of the Island-wide mandate, Parish Deputies and the Constables, together with a single true election day and the same term of office for all Members is, in my opinion, adequate to bridge the gap until the next stage of reform could be introduced in 2018. But to get there we need to work together. Electoral reform and machinery of government reviews need to stop second guessing each other and travel together on this journey. Now, I am not naïve enough to imagine for one minute that we will all agree but I do know that it is not beyond the capabilities of this Assembly, and that means us, the people in this room now, to find a solution. There will be some give and there will have to be some take, and there will have to be more tolerance of each other's views and more effort to understand the reasons why we have become entrenched with those views. More so now, the public are looking to us for leadership and that leadership must take the form of more consensus. So let us work together to restore public confidence and show the people that we can do better, we can be a good team. I believe that with the right committee and the support of the Assembly I can provide the leadership that is required to do this. Thank you.

The Greffier of the States (in the Chair):

There is, Senator, one matter that had been suggested to raise which I overlooked to raise, which is of course of the office of Chairman of P.P.C. is incompatible with being Assistant Minister so your election would require you to, as you understand, step down from that role. Very well, we have question time. Deputy Lewis.

1.3.1 Deputy K.C. Lewis:

With the exception of the appointment of P.P.C. members, what would the candidate see, if elected, as his absolutely number one priority?

Senator L.J. Farnham:

I think without a shadow of a doubt the number one priority for any new Chairman should be to get to grips with the future direction of electoral reform.

1.3.2 Deputy G.P. Southern:

Very quick. What a remarkably short and content free speech. Can I ask a specific question: what priority does the candidate give to the establishment of an accurate, fully rolling, central voter register to ensure that all who want to can vote?

Senator L.J. Farnham:

I will give high priority to that.

1.3.3 Deputy M. Tadier:

Will the candidate refresh our memory as to whether he voted for or against having States Members on the Electoral Commission and, if he did vote for that, does he now regret that in hindsight?

Senator L.J. Farnham:

Hindsight, of course, is a wonderful thing. Yes, I did vote for the Electoral Commission as it was constituted and with hindsight if we were asked to take the vote again I would probably not repeat that vote and would favour a fully independent commission.

1.3.4 The Deputy of St. Ouen:

As only 26 per cent of the electorate chose to participate in the recent referendum, what will the Senator do to encourage greater voter turnout?

Senator L.J. Farnham:

As I alluded to in my speech, I think it would be a good opportunity to ask a question at the next election. By combining a referendum with an election we are guaranteed to get a higher turnout. Perhaps in the meantime we should use the time to tighten-up the referendum legislation so there can be no confusion or misunderstanding of what the States will do with the result, and I think finally a simple one question with a yes or no answer is also essential.

1.3.5 Deputy T.M. Pitman:

The candidate spoke about the need for compromise and with the referendum it was spun as an either/or situation yet Deputy Green and I both brought forward proposals which said you could keep the Constables and St. Helier, a third of the Island's population, could have fairness. How would the candidate, if he is successful, try and work to get those people who will not move to respect St. Helier's voters' rights? How would he get those people to move their position slightly so we can have fairness and, if necessary, we can keep the Constables?

Senator L.J. Farnham:

I think there is going to have to be compromise from all sides of the Assembly and the fairness of an electoral system is paramount. So while the Members that were supporters of option B might have been disinclined to adopt the needs to St. Helier, they are going to have to do that. There is going to have to be some give there. In turn, though, the representatives of St. Helier and Members might have to understand that the majority of people do want to keep Constables in this States. They are going to have to work together. So I very much see a future Assembly that in at least the medium term retains Constables but has a much fairer representation for the town and urban Parishes than was proposed under the option B reforms.

1.3.6 Deputy E.J. Noel:

Does the candidate offer a guarantee to this Assembly, and indeed Islanders, that if elected a credible electoral reform proposal will be tabled for debate in time so that it could be implemented by the 2014 elections if approved? Do they believe that the results of referendums should be treated with respect?

The Greffier of the States (in the Chair):

The first part being partly answered already, Deputy.

Senator L.J. Farnham:

Yes, as I said earlier I think it would be unlikely that this Assembly would be able to achieve that. There has been a lot of knee-jerk reaction, there has been a lot of emotion flying around in the last couple of days. I was told by Senator Ozouf in the tearoom yesterday: “We must not allow Senators at the next election, we must have change by the next election, we are going to have change by the next election.” I think while a lot of us might want to rush it through now it is too important for that. So I cannot give a guarantee and I would not give a guarantee that we can have properly constructed reforms in place for 2014 that everybody would be happy with. There is no harm in trying but I think, being realistic, it is unrealistic.

1.3.7 Deputy R.G. Le Hérissier:

How would the candidate propose to deal with Members who allegedly breach the Members Code of Conduct?

Senator L.J. Farnham:

Quite severely.

1.3.8 The Connétable of St. John:

Will the candidate be inviting, if elected as Chairman, the existing members of the P.P.C. or some of those to his committee, also supplementing them by inviting the 2 unsuccessful candidates if he gets the Chair.

Senator L.J. Farnham:

I would certainly hope there would be some continuity from the previous committee and I would be very happy to work with either of the other 2 candidates, so I think the answer to the Constable’s question is, yes.

1.3.9 Senator F. Du H. Le Gresley:

What is the candidate’s view on the recommendations in the Carswell Report concerning the dual role of the Bailiff and, if elected, does he think P.P.C. should address this and bring proposals to the Assembly?

Senator L.J. Farnham:

It is still something that I am personally undecided about, and a number of Members, I think, wish to give this further thought. But I also do believe that it is something that cannot be ignored and it is something that I would see as being high up on the agenda of any new Privileges and Procedures Committee.

1.3.10 Senator S.C. Ferguson:

It is said that we should have a simple referendum. Should the Connétables be retained in the States, effectively, before we look at the structure of the Assembly?

Senator L.J. Farnham:

I think we have learned a lot from the last referendum and I cannot help thinking that most Members should reflect upon the fact the decision not to have a “none of the above” option might have been incorrect. I firmly agree with Senator Ferguson that a referendum should ask a question that requires a very straightforward answer. I think we do know that the majority of people wish to retain the Island-wide mandate in some form or another and the majority of Islanders wish to retain the office of Constable as Members of the States. But what I believe should happen is the Assembly should find a solution that is acceptable and then ask at the next elections: “Is this solution acceptable to the people of Jersey, yes or no.”

1.3.11 Senator A.J.H. Maclean:

Could the candidate identify, in his opinion, the single most important quality for a successful P.P.C. Chairman? Could he also identify the process he would follow for appointing a committee and any names he might have considered for that committee?

Senator L.J. Farnham:

I think, as I called in my speech for the Assembly to work more closely together and for all sides of the Assembly to give way, the Chairman will have to lead by example. I think the Chairman has to be somebody who can encourage other Members to do just that and is prepared to do that by setting an example himself or herself. I also believe that we must all work harder to understand why we have become so entrenched in our views and are immovable, and we must learn for the good of the Island we must all give way from time to time. As I said in answering the question of the Constable of St. John, I would like to see some continuity from the previous committee. I would be happy to work with any of the other candidates and I think it is important we have a broad church when it comes to this important work.

1.3.12 Deputy M.R. Higgins:

The candidate has mentioned compromise and flexibility. He was one of the proponents and came into the States, I believe as well, to retain the role of the Senator and fought for it. Can you see any compromise that would involve losing Senators from the States? I have asked the same question of the Constable, by the way.

Senator L.J. Farnham:

That is a good question. It is no secret that I value the role of Senator. I believe that the Island-wide mandate is important because it provides a politician that can take a more impartial view of matters and overlook the Parish or other electoral boundaries.

[11:00]

But I have to say that if push came to shove, to free any logjam, I would have to consider that the loss of the Island-wide mandate might have to be a sacrifice in the interests of electoral reform. I hope it does not. I hope to be persuasive enough that it does not but I think the answer to your question is yes.

1.3.13 Deputy J.A.N. Le Fondré:

Given the comments about poor turnout in the referendum, does the candidate think the Electoral Commission must bear some responsibility for producing a question likely to produce a muddled message?

Senator L.J. Farnham:

I do, yes, but then the Assembly must also take responsibility and I was part of that decision. I was very disappointed that the amendments to add a further option were rejected. I think unfortunately had they not been rejected and they had have been on the ballot paper the result of Tuesday's debate might have been different.

1.3.14 Deputy J.H. Young:

If the candidate is elected to the position, would he intend to pursue the process of electoral reform in isolation from machinery of government reforms or otherwise?

Senator L.J. Farnham:

I think that the Machinery of Government review and electoral reform need to stop second-guessing each other. They need to work together. I think the best way forward is to try to find a way to work jointly so we are not trying to put the cart before the horse. Not that we know which is the cart and which the horse at the moment.

1.3.15 Deputy S. Power:

Would the candidate be prepared to disclose to the Assembly his written submission to the Electoral Commission?

Senator L.J. Farnham:

I believe it is on the Electoral Commission website and it is there for everyone to see. So, yes, of course.

1.3.16 Deputy T.M. Pitman:

One thing that no P.P.C. Committee has ever got to grips with is putting something in place to protect States Members, perhaps some vexatious and malicious complaints from people who might send your wife razor blades through the post, set up hate sites. What would he do about that and would he allow evidence to be heard in public instead of these sort of behind closed doors sessions that go ahead even when the States Member wants them in public?

Senator L.J. Farnham:

I am not sure if it is in the gift of the Chairman or the Privileges and Procedures Committee to make some of those decisions but I favour openness. I do not like, as I have stated publicly, in camera debates and would avoid them wherever possible. In terms of the other issues the Deputy raised, we are all protected from criminal actions by the law and if there are gaps, weaknesses or grey areas in that, I think they would need to be addressed. They would need to be addressed as a matter of urgency because in this day and age the protection of politicians to allow a free and uninterrupted continuation of their work is of paramount importance.

1.3.17 Deputy M. Tadier:

It has been suggested that much of the support for option B was not necessarily directed at the Constables but for the link with the Parish. Would the candidate give any consideration to creating a system of one type of States Member which would fall within the Parishes in single seat constituencies?

Senator L.J. Farnham:

That is a good question, and one of the oddities of what was being proposed is when the argument was used against the Island-wide mandate, 2 classes of States Member was still remaining. So from my point of view, I think if we are going to have one class then the answer to the Deputy's question is yes, I would consider that. But if you are not going to have one class, whether you have 2 or 3, I think is largely irrelevant.

1.3.18 The Connétable of St. John:

In other countries a two-thirds majority is required for electoral reform. Will the candidate, if elected as Chairman, review this policy for the Island?

Senator L.J. Farnham:

Yes, I would be happy to review that but I would remind Members that in other Assemblies and Parliaments this rule generally applies to those that have a party system. The two-thirds rule was there because the majority of parties have a majority, so a simple majority would almost put all the power in one party. But I would definitely put that on the agenda.

1.3.19 Deputy G.P. Southern:

Is there any answer that the candidate will not give in order to please this audience?

Senator L.J. Farnham:

No. [Laughter]

Deputy G.P. Southern:

That is exactly what I thought.

1.3.20 Deputy T.M. Pitman:

If successful, will the candidate be willing to look at bringing in the so-called recall motion as such countries as Venezuela, some areas in America, in Canada, so that if Government do not deliver the public can basically recall them and say: "You have not done what you have said, we want to vote you out"?

Senator L.J. Farnham:

Having just said no to the previous I think it would be unlikely that that option would find its way on to my agenda at an early stage, so probably not.

1.3.21 Deputy R.G. Le Hérisier:

Does the candidate feel that party politics would generate a lot more interest in political issues on the Island?

Senator L.J. Farnham:

No, I think it would have the opposite effect, if that is indeed possible.

1.3.22 Deputy M. Tadier:

Does the candidate think that it is important that any Parliament or Assembly reflects the population that it represents, and does he think that this current Assembly sufficiently mirrors the wider society?

Senator L.J. Farnham:

I did allude to this in my speech on Tuesday, I think. Successful electoral reform needs to have certain criteria and that is to provide accessibility for all walks of life to be a Member of this Assembly. I think it is vital that our election process is open to everybody. I believe that this Assembly, like it or hate it, is relatively representative of our society.

1.3.23 Deputy T.M. Pitman:

Does the candidate think the Troy Rule is important?

Senator L.J. Farnham:

I think it is important in our system although it is slightly extraordinary to have a Government in the majority, but given the type of Assembly we are, I think we need to have some sort of protection in place, yes.

1.3.24 Deputy M. Tadier:

I am following on from the answer the candidate gave that anybody should be able to stand for election. Does that include non-British nationals?

Senator L.J. Farnham:

As long as they have met the criteria to stand they would probably have to be British nationals. So the answer is no, I do not believe you do have to be a British national to stand for this Assembly.

The Greffier of the States (in the Chair):

I assume the question is whether you think that should be changed. You are correct, at the moment that is the position.

Senator L.J. Farnham:

No, Sir.

1.3.25 Deputy S. Pitman:

Does the candidate think that the non-independent Electoral Commission played its role in the low turnout for the referendum?

Senator L.J. Farnham:

Unfortunately, I do. I think the structure of the referendum questions were at the heart of the low turnout, I really do.

1.3.26 Deputy R. G. Le Hérisier:

How would the candidate make debates more exciting in the Assembly? **[Laughter]**

Senator L.J. Farnham:

I would ask the good Deputy to help me write my speeches. **[Laughter]**

The Greffier of the States (in the Chair):

Members, order, please. There is a slight end of term mood in the Assembly. Very well, we will ask the Constable of St. Mary and Deputy Maçon to return to the Assembly. I can remind Members that following the amendments to Standing Orders that were brought at the last meeting and approved, the vote for any Minister or Chairman of a committee or panel is now taken by open ballot. The rules are that if there are 3 candidates or more, as there are in this case, the initial ballot is taken on paper to allow Members still to retain the option of spoiling a paper by way of an abstention. So papers will be distributed when the candidates have returned and Members must write their own name where it says: "Your name" **[Laughter]** and the name of their preferred candidate on the ballot paper in the space where shown. I remind Members that the 3 candidates are Deputy Maçon, the Constable of St. Mary and Senator Farnham. It is an open ballot, after the votes have been counted and collated, any Member will be entitled, not only after I have announced the numerical result, to ask for the names of Members and how they voted to be read out and that information is recorded in the States Minutes. I think it is courteous to wait for the candidates to return before the ballot papers are distributed. I wonder, Senator Le Gresley, if you could helpfully advise the Assembly and perhaps also Deputy of St. Peter, have you managed to reach any agreement over P.66? I am looking at the Deputy of St. Peter as well in relation to P.66 and the income support matter.

Senator F. Du H. Le Gresley:

I am hoping the Chairman will be able to advise the House that we have reached an agreement. I will leave it to her to respond.

The Greffier of the States (in the Chair):

Do you wish to address that matter now to save time?

The Deputy of St. Peter:

It would be a good opportunity. We are very grateful to both the Minister for Social Security and the Minister for Housing who took the time to sit down with the panel and the Chairman of P.A.C. (Public Accounts Committee) yesterday and this morning to ensure that we all understand what we

are agreeing to. The debate yesterday highlighted a lack of clarity over certain details that we were agreeing to and it was for that reason that I referred it to Scrutiny. Overnight we have been satisfied that this is indeed a routine piece of business and the figures are correct and based on sound principles, so we are therefore content to proceed. In fact, if we do not it would be tenants who would lose out in this situation as they would not receive the increase in housing component when their rents rise, as they would every October.

Deputy G.P. Southern:

May I seek clarification? Is the Chair of the Scrutiny Panel prepared to explain to Members what the figures were and the justification for the fact that they came to the House without clarity?

The Deputy of St. Peter:

I think it would be best if the Minister for Social Security explained that. We have agreed that he will do that. The figures were given in the proposition and they were, in fact, correct. It was just a question of perhaps a lack of clarity exactly but I think the Minister is now prepared to explain that to the Assembly.

The Greffier of the States (in the Chair):

Minister, are you proposing this item should be taken today?

Senator F. Du H. Le Gresley:

Yes.

The Greffier of the States (in the Chair):

Are Members content to continue the second reading of P.66 today? Very well, there appears to be general consent. I will ask the Usher and the Deputy Viscount to distribute the ballot papers. I will remind Members, those who were not present a minute ago, you must write your own name as it is now an open ballot and the name of your preferred candidate between Deputy Maçon, the Connétable of St. Mary and Senator Farnham. I would remind Members that any ballot paper that does not contain your own name and the name of the candidate will be treated as a spoilt ballot paper, but Members are of course entitled if they wish to express their dissent by spoiling their paper, but any paper inadvertently not containing the name of the candidate and the Member will be a spoilt paper.

[11:15]

Senator S.C. Ferguson:

Is it just an ordinary name or is it a name like for instance ...

The Greffier of the States (in the Chair):

As long as it is clear who you are. **[Laughter]** It needs to be clear to the scrutineers who people are and there is no ambiguity, we do not just want one Gallichan. Very well, I will ask the Usher and the Deputy Viscount to collect the ballot papers. Have all Members placed their ballot papers in the ballot boxes? Very well, I will ask, in the traditional way, the Deputy Viscount and the Solicitor General to retire to count the votes. I will also ask the Assistant Greffier to act as scribe for them to record the results. The result will be announced once the votes have been counted.

PUBLIC BUSINESS - resumption

2. Draft Income Support (Amendment No. 9) (Jersey) Regulations 201- (P.66/2013) - resumption

The Greffier of the States (in the Chair):

If the Assembly agrees it would seem convenient to move to the Second Reading of the Draft Income Support (Amendment No. 9) (Jersey) Regulations.

The Connétable of St. John:

On a point of clarity or order, I am not sure which, I have not heard that Senator Ozouf not being in the House ...

The Greffier of the States (in the Chair):

Senator Ozouf was absent on States business and Standing Orders say that when a Member returns the Greffier records the time but there is nothing to raise or nothing formally to be done. So he has been recorded as present in the minutes from the time he arrived.

The Greffier of the States (in the Chair):

Do you wish to propose the Regulations 1 to 4 together, Senator?

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

Yes, but if the Assembly would allow me to provide some more background information I will kindly do that. I am grateful to the Chairman of the Health, Social Security and Housing Scrutiny Panel for allowing this second reading for P.66 to continue this morning. I hope I can provide a little more detail in respect to the background to these Regulations and, in particular, allay the concerns of Deputy Vallois, which were expressed yesterday. The Housing Department usually increases rents in October and income support components are adjusted at the same time. There is a 5-week operational lead time to any adjustment in rental components which means that changes need to be made by late August at the latest. As this is the last States sitting before September, a delay at this stage would affect this timetable. If the Housing Department delayed their rent increases their income would fall for 2013 and they would be unable to make the planned return to the Treasury. On the other hand, if the Housing Department pressed ahead with rent increases, income support tenants would need to find the extra rent from their remaining benefit until a States decision was made and the benefit payments could be updated. This would cause hardship to vulnerable families and, in particular, to pensioners who receive their income support once every 4 weeks. The Minister for Housing is proposing to increase the rent levels by 2.15 per cent in October. This increase is based on the policy recently agreed by the States that Housing Department rentals should be increased every year according to a formula based on an annual increase set halfway between the increase in prices and the increase in earnings. This formula was put forward in the Housing Transformation Programme as a sensible uplift to ensure that rental prices in the long term are kept more or less in line with inflation in the housing market. As increase in earnings typically lie above price rises, the formula has been set at R.P.I. (Retail Price Index) plus 0.75 per cent. Previously rent increases have been subject to political and budgetary pressures from year to year. The policy laid out in the Housing Transformation Programme removes these pressures and provides a clear calculation to be used each year. As the States have recently approved this calculation it seemed sensible to apply it to this year's increase. In respect of future uprates, Housing Department rents will continue to be uprated once a year in October. Current tenants will not see any change in their rental in April 2014, the new rental policy of 90 per cent of market value will only apply to new tenancies that start from April 2014 onwards. Some changes will be needed to the Income Support Regulations before April 2014 to make separate arrangements for public sector tenants and private sector tenants. In future, separate maximum rental components will be set for private sector tenants. The maximum will be calculated using the average rental value of equivalent States properties. There will no longer need to be a set

maximum rental component for tenants of the new housing company. Rentals will be set according to the agreed 90 per cent policy and will be monitored through the independent housing regulator. I propose the Regulations which are relatively straightforward and, in particular, refer Members to Article 3 which sets out the new rates to be paid as components which cover obviously housing: States housing, social housing in the associations, the private sector and also home ownership. I propose the Regulations *en bloc*.

The Greffier of the States (in the Chair):

Are the Regulations seconded? [**Seconded**] Does any Member wish to speak on the Regulations?
Deputy Southern.

2.1.1 Deputy G.P. Southern:

Just for clarity sake, there are 2 elements to the rent rises then it seems to me, the 2.15 per cent which is due to start in October 2013 and the 90 per cent private sector level which starts in April 2014. The question is at any stage ... the words of the Minister were: "It seems sensible to apply the 2.15 per cent from this year." Did that start date of this year ever come to this House and was it agreed by this House or is it just what the Minister thinks is sensible?

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

It is probably opportune that I follow Deputy Southern, because what came to this House in the Medium-Term Financial Plan was higher than what is being proposed today. I propose that we ... I am very grateful to the Minister for Social Security, who is getting a hard time really because of something that I have done. I decided to have the formula which puts slightly less rent increase than was in the Medium-Term Financial Plan, and decided it was the right way to go. Just to put it into context if you have a tenant on £170 per week rent the increase will be £3.68, of course for many that will be covered by this increase in the rent component. £1.28 of that is the 0.75 per cent. But what it does mean to the Housing Department is an increase overall of income of £800,000 a year. What we have done in the past is to not put the rent up to where it should be, what we have done is to keep it artificially low, subsidise housing by not putting the rent up and we have compensated for that by not doing our maintenance. I am determined that that is not going to happen. The only people that will lose out if we do not pass this today, because the rent increases will be going ahead, are our tenants. So I urge Members to support this and allow the Minister for Social Security to support our tenants with the right rent component.

The Deputy of St. Peter:

I think this might just be a point of clarity but the Minister for Housing just referred to 3.6 per cent increase and I think he might mean 2.15, which is what is anticipated.

Deputy A.K.F. Green:

The increase now is 2.15, I was referring to where we might have been.

Deputy M.R. Higgins:

Just a point of clarification from the Minister for Housing. Is he stating that the reason why the maintenance was not done was quite simply they did not put the rents up enough or was it really because of the fact that £26 million is going to the Treasury?

The Greffier of the States (in the Chair):

I think you have made a point as a speech, Deputy, I am not sure it is a clarification.

Deputy M.R. Higgins:

It is, he did say it was that reason.

The Greffier of the States (in the Chair):

If you could answer briefly, it is not question time.

Deputy A.K.F. Green:

I am saying quite clearly that if you do not charge the right rent then you do not have the money to do the maintenance.

2.1.3 Deputy T.A. Vallois:

Members might think this is my fault for this happening and I do apologise but it was unclear and I believe Ministers should be absolutely clear about what they bring to this Assembly so that we can be informed when we make our decisions. I am very grateful to the Deputy of St. Peter and her panel for quickly bring officers and Ministers together to discuss this, to understand and have a clear understanding of what we are doing here. I believe, to put it in layman's terms, what has happened is that the assumptions made for rental increase in the M.T.F.P. (Medium-Term Financial Plan) was 3.6 per cent and what has happened is the first quarter of this year was 1.4 per cent inflation and we are adding the formula from the Housing Transformation Programme that was agreed on the P.33 to this income support component. On the understanding that makes the 2.15 per cent and the rents will be increased by Housing at only 2.15 per cent and not the 3.6 per cent assumed under the M.T.F.P. To make that clear ... and what I was concerned about was of course the Housing Transformation Programme was agreed upon a business case by this Assembly for funding purposes and to ensure that we get the delivery of the appropriate housing. Although I was not in agreement with the rents policy this Assembly agreed to that rents policy, and I want to ensure that it is delivered appropriately. The problem that that has pertained to is that the business case would have had to have found another route to help that business case to fulfil its objectives. I have been satisfied by the Minister for Housing's explanation this morning to myself and the H.S.S.H. (Health, Social Security and Housing) Panel that they have found that route and that it will continue to be able to meet the objectives that were agreed by this House and that this component is required and it is important that we get it in now to protect the tenants come October when the rents increases apply.

2.1.4 Senator S. C. Ferguson:

This does raise quite a worrying point, that some of the assumptions that are underpinning the Medium-Term Finance Plan could well be questioned. I would ask the Minister for Treasury and Resources and his department to review them again very carefully, because these are significant changes.

The Greffier of the States (in the Chair):

I call on the Minister to reply.

2.1.5 Senator F. Du H. Le Gresley:

I do believe that people in a sense who have spoken have answered some of the questions raised by earlier speakers and I am not intending to labour this matter by speaking much further. I am grateful to Deputy Vallois for clarifying perhaps once and for all for those Members who are uncertain that this is a formula that we have agreed and it is merely being applied to this upgrade in the rental component, and it is correct that Medium-Term Financial Plan did make provision for the 3.6 per cent increase. The Minister, quite fairly, has not brought that full impact on tenants because that would be wrong with the low inflation rate running at the moment. So with that I propose that we take the appeal, if that is possible, on the Regulations *en bloc*.

Deputy G.P. Southern:

Would the Minister answer my question, which was very simple? Did this action starting in October ... was that date passed by this House in the M.T.F.P. or elsewhere, or is it simply a decision of the Minister who says it is a sensible decision?

The Greffier of the States (in the Chair):

It was a question the Deputy raised in his speech, Minister.

[11:30]

Senator F. Du H. Le Gresley:

Yes. The Deputy is really asking the wrong Minister. The raising of rents in the Housing Department is a matter for the Minister for Housing, as he correctly said when he spoke. The role of the Minister for Social Security in relation to the Income Support Law, which Regulations we are debating today, is to make sure that those people on income support are adequately compensated for the rent increases proposed in the States housing sector, and that is exactly what I am doing?

Deputy A.K.F. Green:

I did answer the question, but if it helps I can answer it again.

The Greffier of the States (in the Chair):

Briefly, Minister.

Deputy A.K.F. Green:

Yes, it is brief. The M.T.F.P. made allowance for a rent increase of 3.6 per cent but we have decided that the correct way, applying the formula to go forward, is 2.15 per cent. So, yes, there was allowance made for it but this is lower than the allowance originally made.

Deputy G.P. Southern:

No, the question was, and the Minister for Housing still has not answered it, and nor the Minister for Social Security, was the date for starting this new mechanism agreed as October or was it supposed, as I believe, to be April 2014?

The Greffier of the States (in the Chair):

Well, very briefly, Minister.

Deputy A.K.F. Green:

The April 2014 date was for the 90 per cent rents but this 0.75 has got nothing to do at the moment with the 90 per cent rents. The 0.75 is to do with the annual uplift that happens every October and I have applied a formula which is fair.

The Greffier of the States (in the Chair):

Well, questions have been answered to the extent they can be. The appel is called for. The vote is for or against the Regulations and the Greffier will open the voting.

POUR: 47		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				

Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

The Greffier of the States (in the Chair):

Do you propose the Regulations in Third Reading, Minister?

Senator F. du H. Le Gresley:

Yes, Sir.

The Greffier of the States (in the Chair):

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS – resumption

3. Chairman, Privileges and Procedures Committee - appointment

The Greffier of the States (in the Chair):

I am now able to announce to Members the result numerically of the ballot for chairmanship of P.P.C.: 19 votes were cast for Deputy Maçon; 21 votes were cast for the Connétable of St. Mary; 9 votes were cast for Senator Farnham.

Deputy J.M. Maçon (19)	Connétable of St Mary (21)	Senator L.J. Farnham (9)
Senator A. Breckon	Senator P.F. Routier	Senator S.C. Ferguson
Senator F. du H. Le Gresley	Senator P.F.C. Ozouf	Senator A.J.D. Maclean
Connétable of St. John	Senator I.J. Gorst	Senator B.I. Le Marquand
Connétable of St. Saviour	Senator P.M. Bailhache	Senator L.J. Farnham
Deputy R.G. Le Hérisier	Connétable of St. Helier	Deputy R.C. Duhamel
Deputy J.A. Martin	Connétable of Trinity	Deputy of St. Ouen
Deputy J.A. Hilton	Connétable of St. Clement	Deputy of Grouville
Deputy J.A.N. Le Fondré	Connétable of St. Peter	Deputy S.J. Pinel
Deputy S. Pitman	Connétable of St. Lawrence	Deputy R.J. Rondel
Deputy K.C. Lewis	Connétable of St. Mary	
Deputy M. Tadier	Connétable of St. Ouen	
Deputy T.M. Pitman	Connétable of St. Brelade	
Deputy T.A. Vallois	Connétable of St. Martin	
Deputy M.R. Higgins	Deputy of Trinity	
Deputy A.K.F. Green	Deputy E.J. Noel	
Deputy J.M. Maçon	Deputy S. Power	
Deputy G.C.L. Baudains	Deputy J.P.G. Baker	
Deputy of St. John	Deputy of St. Mary	
Deputy J.H. Young	Deputy of St. Martin	
	Deputy R.G. Bryans	
	Deputy of St. Peter	

The Greffier of the States (in the Chair):

Accordingly, no candidate has received more than half of the votes cast and Senator Farnham's name is withdrawn from the contest. We are now able to use, in accordance with the Revised Standing Orders, the electronic voting system to take the second ballot. I will say that the Greffier needs to get a vote ready. I will announce very clearly to Members that if you wish to vote for Deputy Maçon, you must push the P button. Deputy Maçon will be P. If you wish to vote for the Connétable of St. Mary, you must push the C button, I suppose C for Connétable **[Laughter]** and if you wish to abstain from voting in the usual way, you can record your abstention by pushing the abstention button A. I would remind Members again, Deputy Maçon is P and the Connétable of St. Mary is C and if all Members are present, I will ask the Greffier to open the voting. Have all Members cast their vote? I would remind Members while the vote is open that the P button is for Deputy Maçon and the C button is for the Connétable of St. Mary.

Deputy J.M. Maçon (27)	Connétable of St Mary (23)
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Senator A. Breckon	Senator P.F. Routier
Senator S.C. Ferguson	Senator P.F.C. Ozouf
Senator A.J.D. Maclean	Senator B.I. Le Marquand
Senator F. du H. Le Gresley	Senator I.J. Gorst
Senator L.J. Farnham	Senator P.M. Bailhache
Connétable of St. John	Connétable of St. Helier
Connétable of St. Saviour	Connétable of Trinity
Deputy R.C. Duhamel	Connétable of St. Clement
Deputy R.G. Le Hérisier	Connétable of St. Peter
Deputy J.A. Martin	Connétable of St. Lawrence
Deputy G.P. Southern	Connétable of St. Mary
Deputy of St. Ouen	Connétable of St. Ouen
Deputy of Grouville	Connétable of St. Brelade
Deputy J.A. Hilton	Connétable of St. Martin
Deputy J.A.N. Le Fondré	Deputy of Trinity
Deputy S. Pitman	Deputy S. Power
Deputy K.C. Lewis	Deputy E.J. Noel
Deputy M. Tadier	Deputy J.P.G. Baker
Deputy T.M. Pitman	Deputy S.J. Pinel
Deputy T.A. Vallois	Deputy of St. Mary
Deputy M.R. Higgins	Deputy of St. Martin
Deputy A.K.F. Green	Deputy R.G. Bryans
Deputy J.M. Maçon	Deputy of St. Peter
Deputy G.C.L. Baudains	
Deputy of St. John	
Deputy J.H. Young	
Deputy R.J. Rondel	

The Greffier of the States (in the Chair):

If Members are satisfied they have cast their votes as they wish to, I will ask the Greffier to close the voting and I can announce that 27 votes were cast for Deputy Maçon and 23 votes for the Connétable of St. Mary [**Approbation**] and, accordingly Deputy Maçon ...

Deputy J.M. Maçon:

If I may, firstly, I would like to begin by thanking the other candidates for putting themselves forward towards the States Assembly today. We gave the States Assembly choice and I am grateful to them for doing that and being brave for this position. I am humbled, shocked, but delighted [**Laughter**] at the Assembly's support and I hope to serve them to the best of my abilities. I will do my best to bring forward a committee as soon as I can. [**Approbation**]

PUBLIC BUSINESS - resumption

4. Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201- (P.75/2013)

The Greffier of the States (in the Chair):

Deputy, we have one other item of Public Business which we will now proceed to deal with and I will then, at the conclusion of that, turn to you and see if you are in a position, you may or may not be, to propose membership today. Just before calling the next item of business, could I draw Members' attention in the public gallery to the presence of a fellow parliamentarian, Lord Howard

Flight, a Conservative Peer who is visiting the Island to speak to the I.O.D. (Institute of Directors) at lunchtime and I am sure Members will wish to give him the traditional welcome. **[Approbation]** Very well, we come now to the Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201-. **Aside]** Very well, I now ask the Greffier to read the citation of the Regulations.

The Deputy Greffier of the States:

Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations. The States, in pursuance of Articles 29 and 50 of the States of Jersey Law 2005, have made the following Regulations.

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

I would like to propose these Regulations which transfer the functions currently held under Economic Development and the Treasury and Resources Department to the Chief Minister's Department which would result in the accountability and responsibility for the financial services industry, with the exception of the grant for Jersey Finance Limited, being transferred to the Chief Minister's Department. As Members will see from reading the Regulations, there is a straightforward transfer of those functions. I would like to take a moment to apologise to my colleague, the Chairman of the Corporate Services Scrutiny Panel, for not formally consulting her prior to the lodging of these Regulations and I hope that she will accept my apologies. However, I am very grateful for the comments which the Chairmen's Committee have now lodged with regard to the transfer of these functions so I apologise but I am thankful for their comments and their support. Before I sit down, I would also like to thank the Minister for Economic Development for the sterling work that he has done on behalf of financial services through his ... not his current term but his previous term as Minister for Economic Development. I would also like to thank him for putting his name forward and taking on the political responsibility for reform of the public service which is a very large job indeed and for his commitment to focus the department on diversification. We all know that there is a large amount of work to do in that regard and therefore I ask Members for support for the transfer of these functions.

The Greffier of the States (in the Chair):

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles to the Regulations? All those in favour of adopting the principles, kindly show? Those against? The principles are adopted. I was not sure, Senator Ferguson, if your panel ... I think you have already considered this matter or ...

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

Yes, we have considered it and discussed it obviously with the rest of the Chairmen and the Economic Affairs Scrutiny Panel and we thank the Chief Minister for listening to our particular comments and obviously thank the Chairman of the Chairmen's Committee for organising us properly.

The Greffier of the States (in the Chair):

Very well, so you do not wish to scrutinise the Regulations. Chief Minister, do you wish to propose the Regulations and Schedules *en bloc*?

4.2 Senator I.J. Gorst:

If I may, Sir, yes, thank you.

The Greffier of the States (in the Chair):

Are those seconded? **[Seconded]** Does anyone wish to speak on any of the Regulations or Schedules? Those in favour of adopting the Regulations and Schedules, kindly show? Those against? They are adopted. Do you propose the Regulations in Third Reading?

4.3 Senator I.J. Gorst:

If I may, Sir, thank you, yes.

The Greffier of the States (in the Chair):

Are they seconded? **[Seconded]** Does anyone wish to speak in Third Reading?

4.3.1 Deputy R.G. Le Hérissier:

I wonder at this momentous time, could the Chief Minister tell us how many staff will be transferred and who in the Assembly? Will it be one of his Assistant Chiefs who will speak to the industry because Senator Maclean has been most effective and technically competent in that regard? Who will continue that tradition?

4.3.2 Deputy T.A. Vallois:

I think it is important that I just stand to say that we were not at all pleased that the Chief Minister did not consider what this would do in terms of the requirements under Scrutiny Panels. We are kept extremely rigid under the Standing Orders as to what departments and what areas we can look at. Although we try to work flexibly on the sub-panels to do this, it can cause a lot more hassle than what is necessarily needed sometimes. So I just want to bring to Members' attention the comments and reassure them that the financial services that is moving from Economic Development to the Chief Minister's Department will continue to be looked at by Economic Affairs as we feel that this late in the day, it is difficult to change the remits of the scrutiny areas but it is something that, as President of the Chairmen's Committee, I am considering looking at ways of providing better flexibility and strengthening the scrutiny function going forward. So I would just like say thank you to the Chief Minister, and we agree with this transfer.

The Greffier of the States (in the Chair):

I call on the Chief Minister to reply.

4.3.3 Senator I.J. Gorst:

In answer to the direct question, I think it was of Deputy Le Hérissier, 3 members of staff are transferring and they budget of just shy of £1 million for the 2013 year, which is where we are. That does not include the budget for the J.F.L. (Jersey Finance Limited) grant, as I said in my opening comments. I thank the President of the Chairmen's Panel for her comments. She is absolutely right; it was an oversight for which I have apologised in my opening comments. However, what I think it does show is that the same lack of flexibility that a Chief Minister has to move portfolios around to best suit where that portfolio sits is mirrored in the scrutiny function and when we look at possibly dealing with some of that inflexibility, it needs to be looked at right across Standing Orders and portfolios, not just within Ministerial departments and I think the President makes a very valid point in that regard. Members will know from my comments or announcement in, I think it was February, with regard to making these changes that I have asked Senator Ozouf, as Minister for Treasury and Resources, to be responsible for ensuring the implementation of the McKinsey Report recommendations. Therefore, certainly on a day-to-day basis, Senator Ozouf will be responsible for speaking in that regard and I would hope, although it has not been approved yet, that he will be able to address those issues within the States Assembly as well.

[11:45]

The financial services industry is extremely important in our economy, albeit this change, while it will allow a focus by my department on that sector, will allow the Economic Development Department as well to focus on diversification which is also an extremely important priority for this government. But as I said at the start of the States sitting, I believe that we have turned a corner with regard to the way that our financial services sector is viewed hopefully in our community and certainly in the wider international community and that is work that we must continue with. We must continue to promote Jersey, help people to understand what the financial services sector has to offer, what it does, how it collects money from around the world and then streams it into the markets in London and in Europe and the message that we absolutely are, with the commitments that we have made, the agreements that we have signed, we are part of the solution, not part of the problem and we have a record that we can be proud of and we now have the agreements in place. We have the independent economic advice that proves that and therefore I believe that we have a positive future in that regard. I know that the 3 Ministers, myself, the Minister for Economic Development and the Minister for Treasury and Resources, will work together to continue to promote the best interests of Jersey, be that locally or wherever we are around the world.

Deputy R.G. Le Hérisier:

May I seek clarification from the Minister?

The Greffier of the States (in the Chair):

No, I am afraid not, Deputy, if you did not seek it during the debate and traditionally Members cannot do that. Very well, the vote is for or against the Regulations in Third Reading. The appel is called for in Third Reading. The Members are in their designated seats. I will ask the Greffier to open the voting.

POUR: 44		CONTRE: 3		ABSTAIN: 0
Senator P.F. Routier		Deputy R.G. Le Hérisier (S)		
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator A. Breckon		Deputy S. Pitman (H)		
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				

Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS - resumption

5. Appointment of Privileges and Procedures Committee

The Greffier of the States (in the Chair):

Very well. That concludes the Public Business of the Assembly and the Assembly dealt yesterday with the arrangement of future business. I therefore simply invite the Chairman of P.P.C. to indicate whether he is yet in a position to nominate the Members of his Committee.

Deputy J.M. Maçon:

Not at this stage but I crave Members' indulgence. If I am given about half an hour, if Members are willing to return, we should be able to deal with that business if Members are content to proceed that way.

Senator I.J. Gorst:

Sorry, I obviously was not able to speak with the new Chairman because I was moving the last proposition. It would only take me 5 minutes. I do not know how he is fixed with other Members to consult with him so perhaps 12.00 p.m. might be ...

The Greffier of the States (in the Chair):

I think 12.00 p.m. is a bit unreasonable, Chief Minister. I know that other Members wish to ...

Deputy J.M. Maçon:

There are other Members I would need to speak to and therefore ...

The Greffier of the States (in the Chair):

Are Members content to adjourn until 12.15 p.m.? Very well. The Assembly will reconvene at 12.15 p.m.

[11:48]

ADJOURNMENT

[12:17]

The Greffier of the States (in the Chair):

I remind Members that the Chairman of P.P.C. is required by Standing Orders to nominate 3 Members who are not Ministers or Assistant Ministers firstly. When he has done that, I will ask if there are alternative nominations for those positions. If there are, a ballot will be held. Are you in a position, Chairman, to make your 3 nominations?

5.1 Deputy J.M. Maçon:

Yes, Sir, and firstly may I thank Members' indulgence for me to get together. I had to, of course, take soundings from other Members if they were happy to continue or not. Anyway, there are 3 Members outside the Executive and on Scrutiny. I would like to propose Le Connétable de St. Clement, Deputy Tadier and Deputy Young, both of St. Brelade.

The Greffier of the States (in the Chair):

So you have nominated the Constable of St. Clement, Deputies Tadier and Young. Are there any other nominations from Members who are not Ministers or Assistant Ministers? There are no other nominations. I declare those 3 Members are duly elected as Members of P.P.C. **[Approbation]** I must now invite you, Chairman, after consultation with the Chief Minister, to nominate 2 Members who are Ministers or Assistant Ministers.

Deputy J.M. Maçon:

Thank you, Sir. That consultation has already taken place. I would like to propose Senator Le Marquand and Deputy Judy Martin of St. Helier.

The Greffier of the States (in the Chair):

Very well. You have nominated the Minister for Home Affairs and the Assistant Minister for Health and Social Services, Senator Le Marquand and Deputy Martin. Are there any other nominations from Members who are Ministers or Assistant Ministers? Therefore I declare that Senator Le Marquand and Deputy Martin are duly elected to P.P.C. **[Approbation]** Finally, after consultation with the President, we observed you having your consultation in the sun with the Chairmen's Committee Chairman and we therefore invite you to nominate one Member of the Chairmen's Committee.

Deputy J.M. Maçon:

Yes, Sir, and that further just boosts the role of Scrutiny in public and how we do our work. The Chairmen's Committee, after much consideration, decided that because of the hard work and dedication that the Deputy of St. Peter had already shown to the committee, it was quite right that she should continue and therefore I propose the Deputy of St. Peter. **[Approbation]**

The Greffier of the States (in the Chair):

Are there any other nominations of other Members of the Chairmen's Committee? If not, I declare, therefore, the Deputy of St. Peter is elected as a Member of P.P.C. and that completes the nominations of your committee, Chairman. That concludes the business of the Assembly. The Assembly now ...

Deputy J.M. Maçon:

Sir, if I may, I beg your pardon. Just to notify Members. As Members will be aware, I am the Chairman of the Education and Home Affairs Scrutiny Panel currently. I will be standing down in September. However, there are still reports that my panel needs to complete. I hope to do that over the summer but simply to give Members notice that I will be resigning and should they wish to step forward for that role, it will be available.

The Greffier of the States (in the Chair):

Very well. That concludes the business of the Assembly. This meeting is closed. The Assembly will assemble after the summer recess on 10th September.

ADJOURNMENT

[12:20]