

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 6th JUNE 2007

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Resignation of The Deputy of St. Martin - Chairman of the Education and Home Affairs Scrutiny Panel

The Bailiff:

Before we continue with public business, may I inform Members that I have received notice of resignation from the Chairman of the Education and Home Affairs Scrutiny Panel, the Deputy of St. Martin, and the Deputy has asked me to convey that to the States this morning.

1.1 Deputy F.J. Hill of St. Martin:

As you know I have sent you a personal statement, which it is your prerogative to decide whether I can or whether I cannot say it; and as you have decided, Sir, that I cannot say what I would like to say, clearly the Members of the House do not know why I am resigning and, more importantly, I do not think the public will know why I am resigning if I am not allowed to make my personal speech. It does grieve me, Sir, because the whole incident which has led me to have to make this decision to resign has been deeply upsetting and it puts me in a difficult position because members of the public will be asking me why I have resigned.

The Bailiff:

Deputy, you have had very clear advice from the Greffier as to what it is proper for you to say and what it is not proper for you to say and you may certainly say what it is proper for you to say.

The Deputy of St. Martin:

Well, if I am not proper to say in here, Sir, it may well be proper for me to say it outside so Members will want to know and no doubt they will have to find out via the media. Thank you, Sir.

The Bailiff:

I am sure that you will conduct yourself as a Member of the States honourably should, Deputy.

PUBLIC BUSINESS (...resumption)

Connétable A.S. Crowcroft of St. Helier:

Before we start the business could I ask through you, Sir, the leave of the Assembly to attend a D-Day commemoration service today which I understand you will also be attending, so that if P.55, La Pouquelaye School site purchase should be reached on the agenda before lunch I will not be here to move this and I would request leave of the Assembly for later items to be done in advance.

The Bailiff:

I am sure Members will agree to allow the Connétable to attend the ceremony at 12.00 p.m. Greffier, it reminds me that it is a matter for Members to decide when to fill a casual vacancy; that is the vacancy in the Chairmanship of the Education and Home Affairs Scrutiny Panel. The States has the option of doing it today or at the next meeting and no doubt Members will give some consideration to that during the course of the day.

2. Student Loans for Higher Education: Introduction (P.52/2007)

The Bailiff:

Now we come back to Public Business and the next item on the Order Paper is Projet 52 - Student Loans for Higher Education: Introduction, in the name of the Minister for Education, Sport and Culture and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to agree that with effect from 1st September 2007 a new student loans facility should be introduced by the Minister for Education, Sport and Culture in consultation with the Minister for Treasury and Resources, and that the loan facility should be available to all students who meet the residential and academic criteria for student grants and who are following programmes of higher education in institutions which have determined to increase their fees through the additional variable fee charges, top up fees.

2.1 Senator M.E. Vibert (The Minister for Education, Sport and Culture):

Before I start, may I first ask you for a ruling on possible conflicts of interest particularly as it may concern Members who may have a young person who has just embarked or is about to embark on a university education as a proposition being debated could alter the support available to such young people.

The Bailiff:

Well, I am not sure it is open to me to give a generalised ruling in terms of Members' individual circumstances. If Members are concerned about their own particular position then they should say so, but as Members will know if the interest is a generalised one shared by a large section of the community I would not have thought that it necessitates any declaration of interest and withdrawal from the Chamber.

Deputy J.A. Martin of St. Helier:

Before we get underway with business and education, as a procedural matter - and I really do not want to hold anything up - when you come to ask if this would be liked to pass to Scrutiny it seems to me we do not have a constituted Education Scrutiny Panel. I just do not know procedurally where that leaves us, Sir, and that is really a question.

Senator M.E. Vibert:

Perhaps I could help in that this is not a law. It is a proposition and the fully constituted Education and Home Affairs Scrutiny Panel issued a statement saying that it decided not to scrutinise this area.

Deputy G.P. Southern of St. Helier:

Nonetheless, is it not possible for any Member to ask the Scrutiny Panel - but there is not one - to reconsider its decision?

The Bailiff:

The Minister is quite right that there is no requirement for the matter to be referred to Scrutiny as there is with legislation, and it is a matter I think that Members can consider during the day as to whether it is desirable to reconstitute the Scrutiny Panel sooner rather than later.

The Deputy of St. Martin:

If it would help, I think the Minister knows that we have already discussed this on our Scrutiny Panel. As indeed is our want on our Panel we discuss every proposition and we inform the Ministers whether we are going to scrutinise or not and we have already informed the Minister that it is not a matter that the former Panel were to scrutinise.

Senator M.E. Vibert:

Can I say how up until now I have had great support and co-operation from the Education and Home Affairs Scrutiny Panel and its predecessor which had a longer name and may I thank the resigning Chairman for his help and support in dealing with that.

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

Can I declare an interest that I am involved with one of the courses that is the subject of this debate?

Senator M.E. Vibert:

If I can get back to the States' debate on the Introduction of Student Loans, the proposition I propose today is designed as the best solution to an issue that I, and I am sure all of us, would rather not have but are forced to deal with. The issue is the rising cost of supporting local students in a higher education. The cost of higher education to Jersey has risen considerably in recent years due to 2 principal developments. One was unwelcome for Jersey and that in the U.K., where the vast majority of our students go to attend higher education institutions, changes to the funding of such institutions were introduced in the form of top-up fees. The other development we should celebrate, in that we are the victims of our own success with more and more local young people qualifying to attend higher education. As an example, Sir, Jersey had 1,413 students at university last September compared with a total number of local university students of just 568 in 1984. Even given the slightly lower population then, it would indicate that student numbers have more than doubled in the last 23 years with now 44 per cent of local students of any age group going on to university. May I say, when I went away to college in the early 1970s there were far fewer even then; so few that every student was interviewed individually by the Education Committee in the premises at Pier Road. So, as I say, in recent years, pressure on the Students' Grants budget has been increasing due to increasing numbers of local people entering higher education and increasing cost of higher education in general. At the same time, there has been the introduction of cash limited budgets for States' department which take no account of student numbers. This requires my department to work within limits to find before the annual costs settlement with the U.K. has been established and before the number of participating students in any given year is known. This led to a budget estimate of £8.9 million being set for a higher education expenditure in 2005 when the actual cost, because of increased number of students and increases from the U.K., turned out to be £10 million. It is estimated in the same year parents contributed at least an additional £6.5 million. In 2006 the situation was made even worse when the U.K. Government decided to allow universities to increase their income through the introduction of additional variable fees known as top-up fees. Prior to 2006, the additional fee charged by universities had been fixed at £1,200 per annum per student. When this was introduced in the 1990s, the Education Committee of the day met this increased cost within the arrangements for student grants. Up until then, Jersey had managed to support increasing numbers of its young people to university through a partnership between the States and parents, both of whom contribute towards the cost and it is intended to maintain our grant system, not do away with it. But with rising costs we feel it now needs to be modified and a third contributor - the student - included. The reason this change is required now is that, as I have said, from 2006 onwards universities were given the opportunity to increase their income by making an additional charge of up to £1,800 per student. With the exception of 2 or 3 institutions, all U.K. universities opted to charge the full amount of £1,800. In response, my department worked with the U.K. universities' representative body - Universities U.K. - to negotiate a lower increase for students from the Islands of Jersey, Guernsey and the Isle of Man. The negotiated figure was £1,350 instead of £1,800. Given the already difficult financial situation in 2005, it was clear that it was not going to be possible to meet these additional charges by simply incorporating them into the existing scheme of grant aid as in previous years. The burden on both parents and the States would have been too much. It was also recognised that the students themselves are very much the beneficiaries of receiving higher education in terms of generally higher salaries in the workplace for graduates, and that the introduction of a student loan would also give them a direct personal stake in their own higher education. In view of the above, I as Minister for E.S.C. (Education, Sport and Culture) announced an interim arrangement for the financial support of students in higher education for 2006 and initiated a complete review of student financial

support to be completed in time for the 2007/08 academic year starting this September/October. As this matter is of such importance to students and their parents and the community at large, I also insisted that the review should be informed by an extensive public consultation process. To this end, in June 2006 I published a public consultation discussion paper outlining the problem, also inviting written responses to be returned by the end of August 2006. In July 2006, I held 2 public consultation events at which members of the public were invited to express their views. Both meetings were very well attended with around 70 people attending each evening. A copy of the consultation discussion paper was also sent to Scrutiny. The consultation paper and the public presentations outlined the size and nature of the problem and suggested 4 general approaches which might be considered as potential solutions. It was stressed, however, that the solutions offered were not mutually exclusive and that we were willing to listen to alternative suggestions. Members of the public were, in effect, invited to contribute their own solutions to the problem. The 4 broad options set out for consideration were: (1) increasing States' expenditure on student grants, i.e. the States pay more; (2) readjusting the contribution made by each partner and so sharing the burden of cost between the States' and parents, with the parents paying more; (3) taking measures to limit or reduce student numbers either through restricting the choice of courses available or through raising the academic entry requirements reducing student numbers; and (4) the introduction of a third partner to share the burden of increasing costs - the student as a prime beneficiary of higher education - through a student loans facility repayable after graduation, students to contribute to cost. The outcomes of the consultation were published in December 2006 along with the proposals for a new scheme of financial support for students to be implemented this September 2007. If I can turn, Sir, to the consultation results. At the public meetings the most popular solutions were ranked in order and no surprises as to what was the preferred option, and that was increase States' expenditure; but also strongly supported were student loans. There was little support for increasing parental contributions and practically no support at all for limiting student numbers. That was the public consultation at the meetings; and the written consultation, 44 responses were received, 4 of which were from organisations rather than individuals, and although 58 per cent of respondents favoured increased States' expenditure to solve this problem, 79 per cent indicated that they broadly supported the notion of introducing student loans. A separate independent online survey carried out by a parent's action group - and I thank them for the work they did - which attracted a good number of replies also suggested that within the Jersey community there was a significant understanding of the medium and longer term issues surrounding student finance, and an acceptance that a new scheme of support which includes a student loans facility was a reasonable means of meeting the challenge. Having published the proposals for this in December 2006, further public comment was invited to be received by the end of January this year. Following the publication in December of proposals, there were few comments: 7 in total, 4 of which were broadly supportive and one sought to make the case for allowing students to attend universities outside the U.K., an action that I had already approved. I would like to turn now to the discussions we had with the Student Loans Company and the U.K. Department for Education because in anticipation that the introduction of a student loans facility might be a preferred option to address the problem, officers from my department had held discussions with the U.K. based Student Loans Company to ascertain that possibility. Unfortunately, that option was blocked in December 2005 when the U.K. department involved indicated that it would not support the Student Loans Company's involvement in the administration of a scheme of loans for Island students. That meant we had to look at the development of a potential loans facility for Jersey, Sir. So faced with that refusal by the U.K. Government to enter into a partnership, we looked at what we could do for local students ourselves. An officer working group was established to consider how a loans facility could be established in Jersey. The working group comprising officers from my department and Treasury staff consulted with people from the U.K. who had knowledge of this and developed sophisticated software for assessing potential risks of any suggested scheme. The most difficult considerations were how to set loan limits to ensure that anyone capable of benefiting from higher education would have access to sufficient financial resources to enter university without creating a

heavy burden of debt on graduation; also how to ensure repayment of loans from graduates who might not return to Jersey; and how to ensure that the need to repay loans did not act as a disincentive to graduates wishing to return to the Island. The proposed scheme, Sir, has been developed in consultation with the major clearing banks, all of whom have expressed a willingness to take part and can I, at this point, thank the banks involved for not only their willingness, but their support and eagerness to work in partnership with us on this issue. The proposed loan will be available to all full-time students undertaking courses of higher education and it will be guaranteed by the States. Repayments will commence one year after graduation and students will be expected to repay to the participating bank of their choice regardless of whether they choose to return to Jersey or not. Interest will be set at just 1 per cent above base rate; that is 1 per cent above base rate. Currently base rate is 5.5 per cent, so the interest charges payable by the graduate, if the scheme were in operation today, would be at a rate of 6.5 per cent. This would mean if a student took out the maximum loan of £1,500 a year for all 3 years of a normal degree course and decided not to make any repayments until a year after graduation, the monthly repayment for the next 5 years to pay off the loan would be around £100 a month or about £25 a week. The development of a student loans facility as described here should be viewed as an additional optional support for students and their families who are facing increasing costs of higher education. It is not compulsory; it is up to students and their families, if it goes through, to decide whether they want to take out the loan or not. This scheme, along with the existing arrangements for means-tested support for students and parents for both tuition and maintenance costs, meets the objections of ensuring that all who can benefit from a higher education are able to do so. The scheme also helps to lighten the load for parents who already make a large contribution to the higher education of their children; introduces a third party to share the costs; does not place an unacceptably high burden of debt on new graduates, and does not act as a disincentive to return to the Island. Indeed, it may encourage more students to return on graduation for a number of reasons, for example local salaries are generally higher. According to the last survey results available, some 62 per cent of local graduates returned to the Island to work within 10 years of graduation. I believe it would be a good thing to see this figure increase and if States' Members approve the introduction of this student loan scheme today, I will be exploring - and have already started exploring with the Treasury Minister - ways in which incentives could be built-in for graduates to return to the Island. This could take the form of some sort of tax relief on loan repayments for graduates returning within a certain time for instance. Also when graduates were questioned in the survey I referred to, as to the barriers to their return to the Island the number one concern was the cost of housing and, again, I would wish to explore ways in which housing could be made more easily available to returning young people. I hear the Housing Minister saying it is in his plans as well; we speak as one. If I could turn briefly to the position with regard to Scrutiny which was raised at the beginning of the debate, both the initial consultation discussion paper in June 2006 and the Minister's proposals - my proposals - in December 2006 were sent to the Education Home Affairs Scrutiny Panel. In March this year, however, the Panel announced that the proposals for a higher education funding would not be reviewed. The then Panel Chairman, -the Deputy of St. Martin - told the States in a statement that for a number of reasons the Panel had decided there would be very little benefit in undertaking a general view of my proposals. These reasons included the fact that the optimum time for review would have been at the time of the issue of the green paper, the June 2006 consultation document, but unfortunately at that time the Panel already had a full work programme and did not have the capacity to undertake such a review. He also stated that there was not realistically enough time for a meaningful review of the proposed introduction of student loans, but that the Panel will keep a watching brief on the student loans itself as it develops and will monitor the effect of its implementation on the students and their families, which of course my department will be doing very closely as well. Scrutiny also referred to a number of other issues relating to student finance which are also under review, such as the definition of the family for means-testing purposes, and I can assure Members these issues are being actively worked on. If I can return, Sir, to developments since the lodging of the report and proposition and to address student grants and

top-up fees, the current agreement with Universities U.K. on student grants and the top-up fee is determined according to a formula which is based on the teaching grant given to U.K. universities by the U.K. Higher Education Funding Council. Generally speaking, the teaching grant increases in line with U.K. inflation annually. The settlement is usually announced in March or April each year and by the beginning of May the implications for the Island are known. At the moment we know that the increase in fees in 2007 will be 2.7 per cent and we will be publishing the definitive figures this involves shortly. The implication for the student loans element of the arrangements is that the top-up fee - the student's contribution - is likely to rise from £1,350 this year to £1,375 in 2007; a rise of £25. The loans facility of £1,500 agreed with the major clearing banks is more than adequate to support this increase. The proposed loan arrangement sets the interest payable, as I said, at 1 per cent above U.K. base rates. The Bank of England increased its base rate figure in May to 5.4 per cent making the interest rate payable by students at the moment to be 6.5 per cent. This was anticipated when the report and proposition before Members was lodged and, therefore, the details of the scheme as described in the report in proposition are at current rates. I should refer, Sir, to the position of the Islands with respect to the recent U.K. decision on overseas territories relating to students attending university. The Island authorities in fact led by Jersey, and with Guernsey and the Isle of Man agreeing, made representations to the U.K. to be treated similarly to British Overseas Territories when the announcement was made that E.U. (European Union) citizens living in E.U. overseas territories would be treated as E.U. home students with respect to financial support. The U.K. Government agreed to review its arrangements and having completed that review the U.K. Higher Education Minister has indicated that he is not willing to treat Island students on the same basis as students from overseas territories. My department is currently working with the other Islands and the Chief Minister's Department determining when and how to make further representations on this matter. I think, Sir, it is important to look at how other jurisdictions have addressed this problem and if I can turn to Guernsey first, who are very similar to us. Initially Guernsey considered developing a very complicated student loan scheme which involved the replication of the U.K. scheme through the creation of a Guernsey student loans company whose assets would be the student debt. Under this scheme, the loan would have been made directly from the Jersey States' Treasury and would have been set at about £5,000 a year, not £1,500 which we are proposing. Analysis of such a scheme by my officers suggested that it would be costly and bureaucratic. Guernsey has since abandoned this scheme and is now considering other options. We have supplied details of our proposed scheme to our counterparts in Guernsey and it is understood the Jersey approach is attracting a great deal of interest as they wrestle with the same problems faced by us. The Isle of Man has not announced plans to introduce a scheme of student loans at the moment although officers from there have kept a watching brief on events in Jersey and Guernsey, but the Isle of Man - like the other Islands - is faced with the pressure of mounting costs. However, unless they introduce an alternative strategy such as the development of loans scheme, the Manx Government will be required to invest and pay more in order to maintain their present arrangements. References are often made to the position of U.K. students who only have to pay home student fees, but it is interesting to look at the U.K. arrangements, Sir, and that U.K. student loans are available for tuition which at the moment for 2007/08 is £3,070 and they are also able to obtain a student loan for maintenance of £3,385 and another 15 per cent on top of that for students on very low incomes. So the loans that U.K. students can take out are £6,456 a year, not £1,500. So for the average 3-year degree course for a U.K. student, if they take out that full amount, it will be £19,365 and although repayments attract no interest and U.K. students only start repaying after they have reached a certain amount of income - a very low income of about £15,000 a year - they come out with a debt of nearly £20,000, which led to a debt of between £5,000 and £6,000 under our scheme. Sir, if I can conclude, we, like every other community, are faced with the reality of the rising costs of higher education. Very full consultation has been carried out on this issue. There was overwhelming support for continuing to support local students in higher education and not prohibit their ability to attend by financial constraints. It is vital for the future of Jersey that we continue to encourage our young people to be as well qualified as possible and do

not put any disincentives to them returning to the Island. There was also a strong majority acceptance, albeit reluctant by many - including myself - that the way to achieve this was by the introduction of an optional limited student loans scheme. Sir, such a scheme as I am proposing will ensure all local students can continue to access places in higher education with a reasonable contribution from the States, parents and the student themselves. I make the proposition, Sir.

The Bailiff:

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

Deputy G.P. Southern:

Yes, Sir. Can I ask a point of clarification of the Minister, Sir? He referred to a substantial number in favour of this second option. Could he tell me what percentage that was?

Senator M.E. Vibert:

In the proposition it referred all members to R.98 which was the Financial Report for the Students in Higher Education Proposals published on 20th December 2006 which contains all the data, and the data is in different forms, and if the Deputy would like to read through it he will see that different questions were asked and different percentages were given whether it was the parents or from someone else. If I have time, I will pass him a note with the page number.

2.1.1 Deputy C.J. Scott Warren of St. Saviour:

I will be supporting this proposition. On page 5 it does say the facility will need to cater for students following 4, 5 or 6-year courses so I have a question to the Minister. What happens when a graduate who obtains a first or a high degree grade wishes to continue to do a M.Phil and a Ph.D? After that 3-year period will additional time be allowed to continue these studies before repaying the loan or would such graduates need to look for other funding? It is never ideal for graduates or anyone in work to have to repay money at the start of employment. This does seem to be though, for Jersey, the only viable option for Members to endorse and, as I said, I will be supporting this.

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

I would just like to say that I think the efforts and way that this has been done on behalf of the Minister and the Assistant Ministers for Education is... it seems there is obviously more to be heard, but it appears to be a model that should be congratulated. During the elections for Senator that I was unsuccessful in, I was at Grouville when somebody asked a question about whether or not we thought we should be supporting student loans and it had not really been something that I had given much thought to. But as the questions were being answered I stood up and said that I supported the idea that students should be able to have the facility of a loan to help them gain a higher level of education and it did not meet with much favour from the person that put the question and I sat down a bit miffed because I thought people would have been in favour of it. So I was glad that the Minister has explained the consultation process that took place and the rating in preferential order as to what people wanted and also the opportunities that people had in respect of coming up with their own solutions. I think that if one does qualify with the higher level of education as Jersey students consistently do, then their ability to enter the workforce at a higher level, and thereby having the opportunity to repay any loans, is much greater than the situation would they place themselves in if they left school and tried to enter the workforce at the lower levels. I certainly have had experience, albeit a little different. I went to a continuing education within the Armed Forces, but I did think that had a facility like this been available perhaps for myself or my brothers then perhaps we might have gone on to higher levels of education. When a family is financially limited the options for the siblings are also limited. It is a great pity because I remember that although some of our opportunities were limited, they were not limited for my mother's family especially who were extremely highly educated, and to find yourself in a situation

where your predecessors have been extremely highly educated and then you cannot take advantage of those higher education facilities due to financial difficulties or arrangements because we had a large family and a low income... We did, however, manage to enter significant levels of appropriate work in our mature lives. But I do seriously believe that although it may be a bit of a burden for students to pick up a loan at the end of their education, I think the education itself will give them that ability to meet that burden much more effectively. I would like to really congratulate the Minister for coming forward... which in some certain circumstances some people will not favour this. I think it is probably the right thing to do. My only concern is that perhaps we need to be looking at assisting the Education Minister and his Assistant Ministers in trying to think a little bit more creatively to help them with different ways of tackling this issue and I am sure collectively with the expertise that is within the States, we could possibly come up with something in the future that could be made a little better. What I mean by that is there really does need to be some ongoing thinking, if this is approved today, about the rates of repayment and the interest levels. We have some investment experience within the States Assembly and I am sure we are going to hear from those people; we have some teachers within this Assembly and I am sure we are going to hear from them as well. The rates and repayments that were mentioned by the Minister - albeit that I would say are pretty normal and not horrifying - still do add a burden to the repayments but, as I say, you know, I want to make that quite clear, the burden is much, much more than outweighed by the benefit of the individual to have that certificate and to enter the workforce and pay it back. So I would like to applaud the Minister and his team and his officers for coming up with something that is perhaps not what we really wanted at the end of the day but the world has changed and we have got to make sure that we support the pupils; and we do not want to reduce the numbers of people going on to higher education. I once had to make an appeal for somebody that had not managed to qualify for the numbers that were allocated. The appeal was successful and the individual went on and is extremely talented, passed out extremely highly in his field, and is now working at the top levels of his field in the United States and making a very, very good living for himself and making things that we all watch on a weekly to monthly basis on television. The fact that the Education Department does look at these things seriously; they try to offer the opportunities to the individual pupils, but there are limits. I think we need to make sure that those limits are not increased. We have to fight off the notion that we should decrease the amounts of people that can go on to further education and we have to safeguard the types of education that those people seek to achieve. We should not be saying, you can only do this course and you can only go to this university. We should be able to say, we will give you as much help wherever and whenever we can. I certainly do hope that States' Members will pull together because they are the future and there is some great expertise in this Assembly. Let us get together, work with the Minister and try and come up with a plan - a financial structure - that will reduce the repayments of these loans if they are needed in the first place.

2.1.3 Deputy R.C. Duhamel of St. Saviour:

I would like to take up where Deputy Le Claire left off. While being broadly supportive of the move towards student loans, I think it is the way of the world and we cannot bury our heads in the sand and ignore decent practices and workable practices for paying for further education that are workable in other places. So, I do support the Minister for bringing forward these proposals. However in terms of interest being put on to the loans I think we have missed a bit of a trick. If we look at the figures that the likely loans are due to come to - this is on page 5 of the report - we are talking at 2007 prices by 2010 a potential liability to the States of £4.6 million moving up to a peak of around about £8.9 million by whenever the period is after 2030 or whatever. If we do the division sums and divide by... assume that everyone is going to be on £4,500 maximum loan, I assume that is how the department have worked out their figures, that is getting on for 2,000 people taking out loan facilities. Now, that does not worry me very much but the key issue really is the amount of interest that would accrue on that figure. At the 5.5 per cent rates that we are talking about at the moment, that really comes to around about £250,000 on £4.6 million and by the peak

period that amounts to £490,000: just under £500,000. Now when I think about the various practices within the States Chamber in terms of our spend on this project and that project, I would just like Members to think about how little or how much this figure represents. Certainly to a student who is moving into work adding interest at any particular rate is going to be an extra burden as Deputy Le Claire referred to. So my question really is to the Minister, if we are looking at ways of tinkering with the scheme and making it a little bit more equitable, what is the actual cost to the department? What could it be? It is the cost of another EDAW report. We spent £240,000 on a planning document, we are likely to spend equivalent sums as the time goes on on other important documents, but we are talking £250,000. It does not seem like a lot of money and I am really surprised that the department and the Minister have not really looked into whether or not he could commit to a scheme as he indicated along the lines of the U.K. one where he is suggesting that the students do not pay interest on their outstanding loans. I think that would have been a Jersey way - a better Jersey way - of dealing with it while still maintaining the ability of the department to enter into the loans. We would be moving to give students a greater chance to start on their own feet but at the same time giving them a bit of an extra helping hand at what I would consider to be a minimal extra cost to the Exchequer. We do have quite a lot of other examples whereby monies are written-off out of the system in terms of mortgage interest relief or relief on mortgages, and if we look at the figures for the Homes Trust, for example, we have given away millions of pounds because the States pay the difference between - on the old contracts at least - 4 per cent on the current market rate. Now, at the moment the current market rate is 5.5 per cent; we are paying a subsidiary to the Homes Trust of 1.5 per cent on all the millions that we have given them. It seems to me that we could be a little bit more generous and I am heartened by the Minister's suggestion that perhaps this is not the final document that is going to outline the scheme and that perhaps there is an opportunity - perhaps with the Treasury Minister - to take a second look as to whether or not some of the monies that we do have in our coffers, the 'Rainy Day Fund' or whatever we call it these days; the Strategic Fund or whatever it is called - the Stabilisation Fund. I am not quite sure where we are at the moment, it is only down to name, but I am pretty sure that certainly with the monies that are being invested... I asked the Treasury Minister yesterday what we had received by way of income on the monies that we have invested on our capital funds and he said around about 6 per cent in income. Of course, you have to take all the expenses out of that and that does not add up to the capital amount of monies that you are putting back into the scheme which once you have discounted them due to inflation and everything else will be substantially less than the 6 per cent. So I think the key message that I am trying to put across is that I would urge the department - and not only the Education Department but the Treasury Minister's Department as well - to enter into a second round of talks to see if we could perhaps find a way to offset the interest charges and give another encouragement to our students who, once educated, we wish as many of them to come back to the Island. Perhaps, Sir, this could be one way of doing it. Otherwise, Sir, I support the scheme and hope that these revisions can be made. Thank you.

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

Studying the Minister's papers I see that a student taking a 3-year course will have a loan of up to £5,000; with interest over 5 years repayments will be £6,240. So, I am presuming that if a student was taking a university course such as a doctor - say over 6 years - the repayments over the 10 years will be in excess of £12,500. I wonder if the Minister would confirm that. This would be an extreme burden for a young person leaving university and starting a professional life. I would support the zero interest repayments, also tax breaks for returning students I think is an excellent idea, and would certainly be welcome. I am concerned that Jersey not being a full member of the European Union, but obviously we have a link through the United Kingdom under Protocol 3, I find it bizarre that the U.K. treats us as an overseas territory. Would the Minister confirm whether negotiations with the United Kingdom Educational Authorities are ongoing regarding this? I have parishioners, both with second and third children who wish to go to university, have had to tell the third child that: "I am sorry; I just cannot afford it at the moment." There are at present many

Jersey students in the United Kingdom who are taking out loans in the U.K., probably at far higher rates, so I will be supporting this proposition. Thank you, Sir.

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

I would bring a note of caution to this. The U.S.A. for years has had a student loan system. In fact, they also have a system whereby a number of the jobs on campus are all done by students to earn extra money. I used to grade papers for professors for extra money too. But the U.S.A. has had trouble with defaults, and they have had to rethink their scheme. I am concerned about this. What provision will the Minister be making for repayment for students who for whatever reason do not finish their courses, who leave the university after about a term, or a year? What are the assumptions underlying the possible cost of defaults? I mean, are they realistic? When the Minister mentions risk in this proposition, note 3 on page 5 for instance says: "Do not materially increase risk to the States" but as I understand it - and perhaps the Minister would explain it - I think all the risk is being carried by the States. It certainly will be under the guarantee scheme. I was disappointed to hear him talk about the U.K. reaction to the dependent territories, i.e. the ex-colonies being given preferential rates. It does as a slight *non-sequitur* occur to me that the U.K. are happy to lean on us in financial matters, but it is not good enough. If they lean on us in one direction, they must make provision for it in others. I hope the Chief Minister and the Treasury Minister will note this. Basically I am happy to support the further education of our young, but again a cautionary note. I question some of the more *outré* of the subjects studied. We do our young a disservice if they end up with a qualification which is merely a paper on the wall and is no use to them in the wider world. I will, in fact, support further education, but as I say I would like to see the various controls and so forth added to this, because I am worried about all the risk being carried by the States.

2.1.6 Deputy J.A. Martin:

[**Aside**] I think I probably will be minded to support this, but I do have a few very simple - I hope - questions for the Minister for Education. I would like his explanation on the further points that were put by Deputy Duhamel. I have concerns over the one year; how rigid will that be. Some students like to take a year out, but then the first year that they are back they will have to start paying back loans. I live in the real world; I know that these loans have to be paid back. The second question on page 5, and the Minister did say in his speech, Sir, that this may encourage students to return to Jersey. I might be misunderstanding the question but it states: "Starting salaries for Jersey graduates in 2007 are £23,250." I know these are estimates, but could the Minister inform if that is a Jersey graduate coming back to Jersey, or an average wage for anyone who graduates, being it a Jersey or a U.K. graduate working anywhere else presumably in the U.K? The Minister may not be able to answer this, and it may well be in the consultation documents, and I follow on from Deputy Lewis, the cut-off and how I read: "Parents whose income is in excess of £51,440 [and it may sound a lot] will receive no support towards maintenance and will be required to make contribution to tuition fees", which we now know in Jersey will be £1,350. Then you have the highest level of maintenance to low income families with less than £26,750 will be maintained at £5,000, plus obviously they can apply for the student loan fees. I am just curious to know in the next page - on page 7 - where we have all the student numbers, what the actual breakdown is. Of course, anyone looking will know, and we hear this on different things: "People earning x amount should not be getting any help." But is this a family with 2 parents earning about £25,000 each with 3 or 4 children? Is any of this taken into consideration? Then the low income family; is it one parent with one child? Does this make any difference to our student numbers? I think if the actual basis is not right, Sir, whatever the loans be, we could be missing a very... I would call middle earners' children who will be debarred because of the extra cost. We may say it falls on the student; we have had the speech, it falls on the student. Well, many of us have children, Sir, and any way we can we always like to help our children out. So, I would say a majority of this will fall back to the parent, rightly or wrongly. What I am saying is, Sir, I would like those questions

answered. I still hopefully will be able to support it, because it is just in principle, but then again we do have P.53 coming up, which is basically I suppose putting it in law from the Treasury, or giving us permission through the Treasury proposition. So, as I say, I need to be convinced that nobody would be disbarred on those incomes around that and the amount of children people have. On the figures again, when we listen to the amount of people who are now in Jersey, and who within the next maybe 10 years will want to send their children to university, are we working with the same figures that we were working with when this went out to consultation? Lastly, I would just like to point out, Sir, the Minister informed the Assembly that this was totally supported by the former Education/Home Affairs, whatever Panel it was called, but there were 3 bullet points that said with the workload that Panel had, with the time, and given that there was public consultation carried out, and some evidence results have been incorporated in the background papers, the Scrutiny Panel then as constituted decided not to review this. But, as I say, it has not been given a clean bill of health; there were reasons why this was not reviewed. So, as I say, I look forward to the answers from the Minister, and if they are slightly more detailed than he can provide, maybe his officer outside can let him know. Thank you.

2.1.7 Deputy C.F. Labey of Grouville:

I would firstly like to state that I have 3 teenagers currently in local schools, so I come to this debate with a very heavy heart. Having gone through the reasons, and the public consultation periods, and having analysed the details to reach this point, Education, Sport and Culture had various options that the Minister has already outlined, none of which are palatable. Frankly, I wish the U.K. Labour Government had not decided to take this route, but they have. The parents' preferred option of asking the States for more money would have amounted to £3 million per annum and rising. While as a parent this option is very tempting, as a responsible States Member I have to ask: "Is this the best use of £3 million year on year, where only a fraction of the population is going to benefit? Or is this money perhaps better spent on good quality nursery education?" These are the sort of decisions we have to make, and they are not easy. If there is to be a benefit to this proposition, it is that it will give Education, Sport and Culture, the Treasury - and Housing, and I am delighted to hear the Housing Minister being supportive of this - the opportunity to set up incentives to encourage our local graduates to eventually return to their Island. To take up Deputy Le Claire's suggestion for more creative options, I would like to see large Jersey companies, international companies that do their business in Jersey, even smaller ones who make a very nice living in this Island, do more. Some of the bigger firms with multi-million pound turnovers offer one or 2 bursaries per annum, and then ask for many, many more (j)s to complement their workforce. I would ask them: "Is this really enough?" I would perhaps quite controversially like to see an employment levy introduced to encourage bursaries and training, because I really feel that firms that make their living out of this Island - a good living - are going to have to start to contribute more to the workforce that they employ. As I said, it is with a very heavy heart I come to this debate, and I am reluctantly going to support the proposition, but I will be pursuing the incentives, and an employers' contribution to the Island's local workforce. Thank you, Sir.

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

First of all I have my youngest child still at university, so I do need to declare an interest. So, having said that I will make my speech, Sir, if that is okay? Returning students over the long-term are usually the highest tax payers, the most pro-active wealth creators, the most prolific job creators and employers. These are the reasons why they are subsidised from central taxation. It is interesting that I follow the Assistant Minister for Education, and I noted her words: "A tiny minority benefit." Sir, I do not believe that is true. I think we all benefit; we all benefit. I believe to say anything else is short-sighted. Are we sending out the wrong message with this proposal to returning graduates? We already have a cost of living equivalent to Central London. We tax single people higher as compared to their disposable income. Now, this may be okay for wealthier families; single university returnees can usually stay in the larger family homes. But what about

those from poorer families? Now, we see in this report from the Education Minister and from the Treasury a lot of research, but a lot of research basically on the financial implications to the States. But where is the research and comparisons with other countries? The current level of student debt even now using existing loan schemes available from the clearing banks; where is that research? How long does it take the average student to pay it off? Will they still be paying off loans in their mid-30s, as often happens in places like Germany and other places in Europe? What might be the longer term effects on delays to starting a family if that is true? How much do poorer kids have to take, already, part-time work now to get by? Where is the point that that extra working to get by starts to affect their studies? So, Sir, I am disappointed that the relevant Scrutiny Panel does not seem to want to know these answers, and other questions, any more than the Council of Ministers seems to want to know. There is, as I said, plenty of research into the financial implications to the States, and to parents, but there is little on the longer term social implications. Again, we all know that wealthier parents will probably stump up the extra amounts required - and quite frankly, if they are anything like me, are unlikely to want repayment - whereas poorer young people are the ones whose existing debt probably will become worse. So, yes, there is a case for a contribution from the future higher earners. I will accept that. These are the ones that benefit from a university education personally, yes. But to what level and how much are the poorer ones already contributing anyway? Why can we not look at means testing on the same basis as already exists, perhaps even lowering interest rates still further, and even below cost, for the really low income families. We see high infrastructure investment, and rightly so, in education. But are we dealing with the one to one difficulties as well as we should in our education system; I put that to the Education Minister. What will happen in the future? Will the convenient existence of a loan scheme be used by the Treasury to reduce or hold the education budget in the face of further cost increases? Sir, I reserve judgment on the way I will vote on this, and I would urge other undecided Members to do the same. I would like to hear from the Education Minister, or even from Scrutiny, as to whether he will carry out more in-depth research on the longer term social implications of this scheme. Are we yet again just following the U.K. blindly with an unpopular scheme in the U.K? Is this what we do in Jersey? I hear it time and time again from Members that we should not be doing that. But are we not doing just that in this instance? So, it is not what the parents think, but what in reality happens that matters, and is likely to happen, to our young people by increasing their debt levels. Sir, I wait and I hold my breath to hear what the Education Minister will say in his summing up, and I wait to see how I will vote. I urge Members to do the same. Thank you, Sir.

2.1.9 Deputy A.D. Lewis of St. John:

I am going to take a slightly different tack here to Deputy Ryan. I happen to think that student loans are an excellent idea. They have been in place in many other jurisdictions across the world for many years. I accept though that maybe we have not researched that as much as we could have done to see what the effect of that has been. What it also does, it makes students take more ownership of the courses which they embark upon. It will encourage more students to embark on courses that are more likely to lead to employment upon graduation and often at higher salary levels. As our fantastic education system continues to produce greater numbers of successful 'A level' students who wish to go on to higher education the cost of this success is simply not sustainable, neither is the increase in costs affordable to many parents. I therefore commend the work that the E.S.C. have done on this important issue and I would urge Members to support the proposition. I do, however, have a few questions of the Minister. How was the maximum figure of £1,500 per annum derived? Thinking back to my own college days, to some this would just about pay their bar tab at the Student Union each year. Surely a family that is earning over £51,000 with 2 children in higher education may well need access, or their children need to have access to greater sized loans, provided that they can be guaranteed and sustained, and paid back later on. I would like to know whether the Minister plans to review that figure at all, because it seems fairly low to me. If the students do default, will the period be extended for them to repay the loan? I know there are some figures given in the projects, but if they default over a long period, will there be provision

allowed there for them to pay it back? I believe in the U.K. there are longer periods of time allowed for paying back the loans. Or will we simply be writing it off? I realise that there has been a figure derived at, some £275,000; the predicted number of debts that may have to be written-off. Will students who choose to study in other jurisdictions, such as Commonwealth countries, be eligible both for grants and loans, as an increasing number of our students are going to study particularly in Commonwealth countries. I also want to pick up on a point that Deputy Labey mentioned, and I would very much urge the Treasury to have listening ears on this one. Sorry, the Deputy of Grouville, I beg your pardon, Sir. That the Treasury Minister should perhaps consider further incentives for businesses to offer more bursaries, and perhaps guarantees of jobs upon graduation, not necessarily just in Jersey, but in their sister and parent offices across the world, perhaps with an incentive to then return back to Jersey with even greater skills and experience. I think there is a real opportunity there with the international companies that we have in Jersey to do that. Some do it already, but I believe if they were encouraged through incentives to do more I think an awful lot could be achieved in that particular area. However, Sir, on balance, I commend the work done by E.S.C., and I would urge Members to support the principle of the student loans. Hopefully, it will be an evolving developing process, and we will be looking at this again in perhaps a year, or 2 years time, and re-evaluating the figures and revising them. But for a first starter, I think the E.S.C. have done a fantastic job here, and it is time to move on towards student loans and ensure that our young students have the opportunities to go overseas and to the U.K. and study without having to worry about how it is going to be funded. If they qualify their salary levels hopefully will be much higher, and I think the burden will be negligible in this particular case, giving an example of it costing them only £100 a month. Thank you, Sir.

2.1.10 Senator B.E. Shenton:

I would like Members to cast their minds back to approximately 12 months ago when the Education Minister did lodge a proposition to bring in top-up fees last September with no loans scheme in place. This caused a great deal of distress to the public, and especially to lower earning families; they just did not have the money to pay the top-up fees that were being proposed. I brought amendments to that proposition and subsequently the proposition was withdrawn. I have been working, together with Dr. Nigel Minihane, and a number of other people, over the last year or so giving input to the Education Department on this issue. In fact, it was the *Jersey Evening Post* that phoned me one day to talk about this, where Nigel Minihane's group did not have a name, so off the top of my head I called it the University Funding Action Group, without giving it any thought. Then it was published as U.F.A.G. in the paper. [Laughter] But we have had meetings with Education, and although a number of Members have been disappointed that no scrutiny has been undertaken on this issue, may I assure them that scrutiny has been undertaken on this issue, but not through the normal channels. The University Funding Action Group, as I am sure the Minister will confirm, has done a considerable amount of work on this issue, looking at the effect, not only on the parents, but also the effects on the students, and is very wary of the effect the students will leave university with an element of debt. I personally believe that the level of debt that we are looking to leave the students with is acceptable, and it does give the students some responsibility as they start off in life. You must remember that the States will be heavily subsidising those students that do come from lower income families. Those students that do have wealthier parents, the parents will be paying substantially more towards their university education. This loans system is mainly about top-up fees. So, I will be supporting the proposition. I think it is a good compromise. It is not perfect. It has been forced on us by the U.K. Government, and I will be curious to see whether the Education Minister gives me any thanks during his summing-up speech. [Laughter]

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

I am not going to speak on behalf of my Minister, but as a fellow Assistant Minister; and much of what the Deputy of Grouville says can be echoed by myself. The Assistant Minister has been supporting our Minister in broadening the horizons of opportunities there are for looking at

alternatives, but one of the things that we must recognise is that we were dropped into this very unfortunate situation by the U.K. Government. We went then through the various processes to try and resolve the problems, one of which is obviously through the Student Loan Company. The problem there is that they seem to have had a lack of communication with their masters, i.e. the Education and Skills Department in the United Kingdom, who when consulted at the appropriate time, just said: "No" without any further issue. From the time when I was Chairman of P.A.G.E. some 12 years ago, which is a Parent Action Group for Education involving the P.T.A.s (Parent Teacher Associations) from around the Island. The one thing at that time which was then and still is very important now, is that you cannot change systems for financing which involves parents, or other people - other than obviously government - without it being well thought out, with a lot of time being spent into it, and a long run-in period. The unfortunate thing for the Education, Sport and Culture Department last year was the run-in period was less than a year, and it was totally impractical, and this has already been mentioned by Senator Shenton. The proposition was returned and, working with the Treasury and Education, Sport and Culture, alternative routes were examined and had to be brought into being in order that we can ensure that not one of our young people would suffer as a result, which I think we all agree is extremely important. On the other hand there are a lot of other things that have been brought up, which I do not plan to go into any detail at this moment in time, which could provide future prospects for our young people. We must not forget that our young people are the future wealth and probably the most important asset that this Island has, apart from water, which we discussed yesterday, because without it we will not survive and we will not prosper. The simple way - and which we have been very good at in the past - is just to bring in our education which is being paid for by other countries, or other organisations, and we call it (j) Category. What is happening is that without proper succession planning for our future we will end up with a huge population increase of (j) Category, but a very poorly qualified local workforce who will tend to drift out of the Island and not return because they do not feel part of their Island. Therefore, we should be proud of the education system that we currently have, but we have also got to recognise that education, like health and social security, is probably the most expensive part that the States have to consider when juggling budgets. When you get a single item discussion, quite rightly, parents, students, and everybody else, say: "Well, it is only half a million. It is only £1.5 million. It is only £3 million, why cannot you just pull your belt in, take away some of the Civil Service, or others, and find the money?" Well, I have responsibility under Education, Sport and Culture for the Youth Service. That is probably about £1.5 million a year. Then we have got our cultural aspects with the Heritage Trust, running libraries, and everything else, and that is without going into our education core responsibilities of our schools, Highlands College, and indeed further education, higher education. The skills base that we are recognising is probably the most important thing that we have got to get to grips of...

The Bailiff:

Deputy Fox, I am sorry to interrupt you, but the Greffier draws my attention to the fact that the Assembly is no longer quorate. Perhaps I may ask some Members in the precincts to return to their seats, otherwise the debate may have to come to an end. You may continue.

Deputy J.B. Fox:

Obviously my speech is having an effect on the audience. **[Laughter]** I am glad you have still been listening to it from outside. Therefore, this current predicament that the Island finds itself is being forced on us from outside. It is being well scrutinised by very many parents. Unofficially by the Scrutiny Panels that I know have looked at it, and by various student groups who it also affects, and future student groups. Therefore, I think the point that I would like to conclude by is to say this is the immediate response to an immediate problem, but this is not a problem that is going to be left here. I know that the Minister, and certainly his 2 Assistant Ministers and the department, are working very hard at finding a broader base for the future well-being of this Island in its education of its young people. I have got no doubt that alternatives and additional viewpoints will come to

the fore which will help us to make a much more successful future education system to improve our workforce and provide less reliance on bringing in people such as (j) Category when we should be educating our own to fulfil those experienced and senior jobs, along with all other aspects within the skills base within the Island. Thank you, Sir. .

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

I accept that the higher university costs have been passed on to us by the U.K. Government, and we have not had the funds in our education budget to take this on ourselves. So, what we are doing here, of course, is passing the fees over to the student. What I hope is that this is not the thin end of the wedge. I hope that in the future we do not see that a higher proportion of fees might be passed on to students, because I think there could always be the temptation for Education to leave their grants at the same levels, or not increase them by inflation and so on, so that you would end up with a real drop in the grants available in real terms and then students would be picking up higher levels of fees. I think that is something I would hate to see happen. I would hate to see this become a mechanism for us to take more and more money out of the student over future years. I hope that the Minister can confirm that there are no intentions to pass further costs over beyond this sort of limit that has been put in at the present time. This interest is going to be charged at one over base, and really is there not a way that we can do something where it is cost neutral, or at a very low cost to the student. Again, I recognise that that would involve perhaps some additional subsidy to that rate, which would have to come out of our budgets. But, really, I feel that it would be useful if we could organise this so that students are not paying interest on top of the money, if it is at all possible, or certainly if possible at a very much reduced rate of interest. But I do also see the opportunity of looking out into the future of perhaps expanding the scheme so that in future years loans could be made to students and perhaps to parents guaranteed for the element that is not covered by the grant. I mean there are many families around the Island who do not qualify for the full grant. What is happening, as Senator Shenton found through that group, there are many people who do not receive the full grant, and there is a financial cost passed on to the family, and some families, especially those with more than one child, find it very difficult to cover all those costs. This scheme in the future could be expanded to become a full scheme which would take account of those who do not fully qualify on the grant side. Certainly, I know that there are many families who find it a strain when they have got several children and they have to fund the fees themselves. My daughter, for example, is at Edinburgh University, she is studying Japanese [Aside] [Laughter] there, and I think that it personally cost me probably £13,000 to £14,000 a year to send her there. If she were on a medical course it would be even more. Those can be up to about £30,000 a year I think. [Aside] [Laughter] I understand medical courses are very expensive to attend. I am very proud of my daughter; she is doing very well there. But I think that there are ways that this scheme could become something better than it is. It can be a starter to take things out into a wider area. As long as the burden is not pushed on to the students to a greater degree; that would be my main concern.

2.1.13 Deputy G.P. Southern:

How glad I am to be alive in today's new Government - Ministerial government - which is joined-up and working to a co-ordinated Strategic Plan. If only! If only that were the case, it would indeed be a rapturous day. However, we are obviously not. Strategic Plan, strategic aim 1.4: "Maximise the potential of the Island's workforce." Strategic Plan, aim 2.6: to "Produce a skilled, motivated and qualified local workforce able to meet the Island's economic and social objectives and reduce our demand thereby for imported immigrant labour." What is before us today? Is it joined-up? Does it attempt to achieve either of those aims? Or does it in fact get in the way? In particular, for the high skilled university graduate sector of those 2 very laudable aims. Does it get in the way? Of course it does. As a young person considering higher education, perhaps the first in the family to attempt to get a degree, to get a higher qualification, as I had that opportunity 30-odd years ago. As far as I know in my extended family, including all the grandparents, aunts and

uncles, cousins, *et cetera*, the first one into university, back in the 1960s. It was a significant element. If then, or if today, that person is facing the choice of: "Shall I go off and maximise my potential? Shall I go off and undertake a graduate career?" If I was looking at these sort of figures, but I had to take on debt, and pay it back at an interest rate of 6.5 per cent, at least... because it is going to go up in this coming month, make no doubt about it, it will have to be adjusted... and had to take on a loan of up to £5,000, would I have gone? Would I have gone? It was hard enough having to write home in those days and have my mother send me a £20 note through the post, if my father had had some overtime in the month before and there was something spare. If I had equally been offered this as the opportunity of the way forward, take on what looks like a substantial loan for a 17 year-old, would I have taken that challenge as the alternative? I do not know. Perhaps like many I would have been put off. Maybe the cost would have been too risky for me. Let us go out and take an apprenticeship which was the alternative at that time and give up thoughts of this. That will be the effect in many, many households, particularly among those who do not have relatives - parents - who have already got a degree. Make no doubt about it. The Minister seemed to suggest that this would not affect take-up, and further said: "And it might encourage people, university graduates, to come back to the Island because our earnings in the Island are in general higher than in the U.K." Given that this debt is repayable within 5 years at that interest rate wherever you are to the bank concerned, so there is no motivation to come back, I doubt that that will happen. This is not intended to produce a greater than the 62 per cent return we currently get. So, it will not achieve that either, and to pretend otherwise is just completely false. If this scheme, as proposed, had already negotiated a tax release for returnees, or the housing advantage in some way, if that had already been negotiated, and was contained here, then perhaps I might be encouraged to vote for it, because that would be at least attempting to meet those aspects of the strategic aims, and may have encouraged a few more returnees earlier. But it does not. It is the usual: "We will sort this out later, do not worry, we will have something in place some time down the line." In the meantime we are asked to vote for this scheme. Quite frankly, this scheme, laudable in its aims, is not good enough. It is not good enough because yet again we are playing catch-up. We have set a budget, as the Minister said, and then a U.K. decision later on threw that budget into disrepair, the extra amount. Now, I remember the bad old days when the Treasury Minister had a contingency fund so that when budgets got thrown into disarray by other people's decisions they could accommodate it and say: "Right, well, hang on; I have got a contingency fund. We have got an emergency, urgent demand, fresh demand we were not expecting, unanticipated; we can deal with it and give ourselves a breathing space to work things out." In new Ministerial government, streamlined government, quicker, better, cheaper - certainly, cheaper - we do not have a contingency fund. I keep asking the Treasury Minister whether he thinks that, with hindsight, abandoning the contingency fund was such a great idea. But here we are having to bring something in, in a relatively short term - we are looking at September, it is June now - make your mind up, we have got to get it in place. A bit of pressure. No space to do it. We are playing catch-up again. Then we are told a substantial number of parents involved in the consultation were in favour of loans. I did question it earlier and I have gone to the figures on page 9, and we are talking about 4 options, graded presumably one to 4, in terms of what you think we should do. The top answer was that the States should find additional funds, and that has got an average score of 3.68; so almost 4; substantial support. The next one, the loan scheme, got an average score of 2.76. Followed by make the parents pay more, which is 2.18. On a one to 4 scale the top one is almost 4, a significant number of people going for it. The rest, okay, some support, but it is by no means overwhelming. This is an element of what government should be doing. The people who were consulted said it is entirely appropriate that in this case the education of our young people - the resource on which this Island is based - should and deserves some additional funding. That is not happening. I refer back to Deputy Duhamel's point, what is worse is that we are quite prepared to spend substantial money over the years subsidising such activities as the Housing Trust to the tune of millions and millions of pounds to subsidise the rate, and yet we cannot find the will, or the money, to do that for student loans. So, U.K. student loans pay no interest. You are not looking at a figure of: "I have got to pay back that £6,240 instead of

£5,000.” If their earnings are below £15,000, a very low threshold, they do not pay anything at all. They are allowed to defer. We have got a fixed 5-year. That is a serious defect in the scheme that has been set up. So, we have not even addressed the problem of can we subsidise the interest rate? Can we extend the repayment? No, we have got what basically is a straightforward commercial loan. Why the States itself was not putting some of its funding, for example, from the Strategic Reserve interest, not the Strategic Reserve itself. Let us not chip away at that. Let us take - it would not be very much - a sum from that interest and devote it to this. Why not? But we are not doing this. We are just simply facilitating a commercial loan, 5 years, 6.5 per cent interest, going up by 0.5 per cent probably within a couple of months, and that is what we have done. I am sorry, but I do not believe that this proposition deserves to get my support. I think there are significant improvements that could and should have been made to this scheme. I was caught by Deputy Troy’s introduction where he talked about passing something. I thought for a minute he was going to say: “This looks like passing the buck.” That is the phrase that came to my mind. It is passing the buck. This is rightly a duty of government to make sure that its young people can get the proper level of training and education in order to fill our needs and it is not being done. It is being passed down to the students themselves: “You take on the debt. We will fix up a commercial loan for you, but you take on the debt. You take on the risk, and the devil take the hindmost.” It is not getting my vote, certainly not today, and probably ever.

2.1.14 Deputy D.W. Mezbourian of St. Lawrence:

I would like to declare a general interest in this as my daughter will be going to university in September. Having said that, I am broadly supportive of these proposals. The level of debt that would be faced by our students is, as we have heard, relatively low compared to the equivalent of U.K. students; that is relatively low based on these proposals. However, as money becomes scarcer and the Minister has less to put towards funding our university students, these loans are inevitably going to need to be increased. Evidence in the U.K. shows that being unable to repay loans, and the associated pressure of that, has led in extreme cases to suicide. I would like the Minister to assure the House that even for these relatively low loan amounts facilities services will be made available to students to discuss and resolve possible repayment difficulties. We must provide means by which problems and difficulties can be discussed; by which solutions can be found. Students must know that they are able to approach the authorities and be treated with understanding should they find themselves unable to repay these loans. As a member of the former Education and Home Affairs Panel I will continue to monitor this issue and to raise genuine concerns. Thank you, Sir.

The Bailiff:

I call upon the Minister to reply.

2.1.15 Senator M.E. Vibert:

May I thank everyone who has contributed to the debate, and I hope they will bear with me while I try to answer some of the many questions that have been raised in the debate. If I start with Deputy Scott Warren, I hope I get the answer to the questions asked; she asked whether after 3 years will time be added to allow if people stay on for more than 3 years, and the answer is, yes, it will be treated as one continuous period of full time education with a loan allowed each year, and a one-year grace period before pay-back, however long that person takes to complete their full time education. Of course, the better qualified they are the more likely they are to get a very well paid job on completion. I would like to thank Deputy Le Claire who was very complimentary, so I always thank everybody who is very complimentary. And I will - as this was mentioned by a number of people - be looking with the Treasury Minister at the interest rate free repayments. I made that point before; we have not been able, because it has been a lot of work to get the loan sorted out, and all the other aspects of the student fees, and I am still in discussions... I had discussions yesterday with the Treasury Minister as to how we can look at building-in incentives for graduates to return, including looking at tax relief on loan repayments, *et cetera*. Deputy

Duhamel was broadly supportive, and I thank him for that. He said it was the way of the world, and unfortunately it is. He, again, mentioned the interest repayments, and as I have said, we were working with the Treasury Minister on that. We will hopefully come up with a scheme that is as beneficial as possible to both the student and the Island, because I for one would like to see far more students returning to Jersey, and local students which - as somebody else before me said - would mean we would have to import less (j)s and other people. Deputy Lewis talked about the longer duration. Yes, it will cause greater debt but, as I said, the idea is that the better qualified you are the greater earnings potential you have, and there is lots of evidence to show the earning potential of graduates in both the U.K. and Jersey being far above the average for non-graduates. The U.K. attitude to treating British overseas territory students different to Island students was called bizarre. I call it discriminatory. I do not think we are being treated fairly, but we cannot tell the U.K. what to do, and certainly we are working as we speak on how we can make representations to be treated more fairly. I think that we have to deal with the situation as it presents itself at present, and hope we can make the right arguments, and perhaps get the U.K. to look more kindly upon us. I am sorry to hear possibly - and I hope it would not happen - that some people with more than one child, 2 or 3 children, would find this burdensome. The whole idea of introducing a student loan would be the extra cost could be applied for and got back from the student, so it is not to stop anyone being able through financial constraints to attend university. There was a point raised later on by Deputy Southern thinking it might put some people off. All I can say is that in every other country where they have introduced student loans - and far heavier student loans - there has been no fall-off in the take-up of university places. I think young people - and certainly in our Island where we do our careers education - are well aware of the benefits of a university education. Very well aware of the benefits of being a graduate, not only to themselves personally, but also to them in future earning potential. Deputy Ferguson issued a note of caution and she talked about the U.S.A. loan system, and of course in the U.S.A. they have very little support at all from government towards paying for their higher education. Students pay their way. Yes, they have trouble with defaults, because the cost is so much higher. We intend to keep on with the grant system and only have low level loans to pay for the extra top-up fees that are being piled on to us. The risk, she said, was all carried by the States. Well, the risks are being carried by the student because the student is taking out the loan. We are guaranteeing the loan. We have run a number of models. We certainly do not believe that all our young people are going to default on their loans. We believe very few will. We will be as helpful as possible and so will the banks. We have talked to the banks. If any student has problems with repayments we want to ensure and be as helpful as possible in re-jigging repayments and so on. Default would be the very last option with writing-off any loans. Deputy Martin: I am very pleased she was probably minded to support this. I think that she got confused at one point about the fees. The top-up fees are just what has been added on for the U.K. We give a lot of help at present with the tuition fees which vary enormously depending which course young people are taking at university. One thing we do do even under the new system - as I am sure Deputy Troy would be pleased to know - we ameliorate very substantially the real cost of medical courses and fees so that it is not all borne by the parents. So the loan is just for the top-up fee. We still help and for people on low income we pay all the tuition fees which can be as high as £20,000-odd per year. The States bear all that for low income families; the tuition and £5,000 a year maintenance. The only costs on a low income family will be the £1,350 or £1,375 top-up fee which will be available to be covered by our guaranteed loan to the student. The Deputy of Grouville talked about a heavy heart and I talked about my own reluctance in this because I am such a supporter of education. She did say it is very tempting, for just the States to pay more. It is very tempting. Deputy Southern referred to it. Yes, when we had the people coming along, and they were very much interested parties - most of them were parents of students about to attend university and so on - guess what? When faced with: "Should you pay more? Should the student pay more or should the student be restricted from going or should the States, that well-known bottomless pit, pay more?" Guess which one they opted for first? No surprises there. Of course that is a very tempting, easy option. But is it the best option for the

whole of the Island and is it, in the long term, the best option for the future of the way students are going to be supported? I do not believe it is. I believe that what we have here is an option that will satisfy and at least give a balance to who are supporting and paying for our higher education. Someone else and I forgot which Deputy it was - I believe it was a Deputy - talked about what was a balance between those on low incomes, those on high incomes and so on. The answer is it is about a third, a third, a third. About a third of students get full support because of their family income. That is full support. That is tuition fee paid and a £5,000 maintenance grant. A third of students are in the category where the families are earning so much that they do not get any help towards the maintenance and the only help they get towards the tuition fees is the cap on the higher tuition fees for medical and so on. There is a third who are in between, who do not get any maintenance grant but get some States' support towards the fees in a graduated way on a means-tested basis on gross family income. That is the balance we have got. That is the balance that we intend to continue. The only difference being is that because the U.K. have imposed these extra top-up fees we are saying that there should be a third partner helping out with those top-up fees and that is the optional loan for the student. Of course families can meet this extra cost in other ways but to make sure that no one is denied that opportunity this top-up fee would be covered by a guaranteed loan so every student would have the opportunity of having this loan because the States are guaranteeing it. Deputy Ryan talked about how he felt the students returning were a great asset to the Island. I totally agree they are a fantastic asset to the Island. Why subsidise? Well, we do subsidise very heavily at present. As an Island we spend about £10 million a year of public money subsidising students in higher education because we recognise their value to the Island. What we are suggesting for the first time with this is that the students themselves subsidise themselves a bit as well. We are not suggesting we subsidise less or parents subsidise less. We are suggesting the students also join in because they are the ultimate beneficiaries along with the whole Island. Can I say, and I was very interested to hear what Deputy Ryan and Deputy Southern had to say, but in all the 18 months of consultation we have been going through I have no record whatsoever of any comments from either of the Deputies concerned. I would have welcomed them which would have enabled us to take their comments on board in preparing these issues. That to me is the importance of consultation periods so that people with views and, as I said before - I think it was Deputy Le Claire - the combined wisdom of the States could help us develop schemes. We cannot do that unless people talk to us and give us the benefit of their combined wisdom. The Deputy of St. John I thank for believing the student loans is an excellent idea and of course it does help students take more ownership of courses. Deputy Ferguson was concerned about what courses. Of course not only is beauty in the eye of the beholder but the value of a course is in the mind of the student taking it. What some people may think is a worthless course may be very worthwhile to someone. I would hate to be the person that had to think many years ahead to see what courses would be useful in the future because I should imagine a few years ago people starting on the first I.C.T. (Information and Communication Technology) courses were regarded as very strange indeed. Yet it is one of the most studied subjects and vital subjects we have now. I do not think we can set ourselves up as Big Brother and dictate which courses are good and which ones are bad. We are not quite in the George Orwellian state at present. I am very pleased to say that when we suggested and put forward as an option whether courses should be restricted in some way, either through numbers or through what courses they were, this was overwhelmingly rejected by all those consulted. I would like to thank Senator Shenton wholeheartedly. He asked me to. **[Laughter]** I would also like to thank U.F.A.G. which I thought was an unfortunate acronym but was a very, very good group - the university group with Dr. Minihane. I met the group and they did a lot of work and they did scrutinise what was being proposed. They did put their ideas in and came up with ideas. We did take a number of their ideas on board which is the way I wanted the whole consultation period and the whole thing to work. I am pleased that in essence - reluctantly, like with all of us - we have now, I believe, their support for what is coming forward. But I do mean the thanks sincerely because it was very helpful that we had this response. It has helped us produce a better scheme. I thank my 2 Assistant Ministers for their support. Deputy Troy, yes we have to

accept the costs have been passed on to us by the U.K. Government and these extra costs we have got to deal with. I agree with you we must beware that it is not the thin end of the wedge and as long as the States - it is in all our hands - continue to fund E.S.C. properly it will not be the thin end of the wedge because E.S.C. will be able to maintain its grant system. I have mentioned Deputy Southern and I have some sympathy with what he said. I would have had more sympathy if he had expressed his views as part of the consultation and we could have taken them on board. Can I thank Deputy Mezbourian for her comments and assure her, as I will with everyone else, that we already offer support to our students and will continue to do so. It is part of what we believe is an offer. We keep in touch with all our students who are away and we will be supporting them even more in this situation. Sir, as I said at the very beginning, it is with some reluctance because this has been forced upon us that I propose this introduction of a Student Loan System. But I very much believe that we have come up with the help of parents, with the help of those who responded to the consultation, with the best possible outcome to a difficult situation. I would commend the proposition to the House. If I have missed any questions - because there were a lot of questions - I will either endeavour to answer them or answer them privately, separately. Thank you, Sir, I make the proposition.

Deputy S.C. Ferguson:

The Minister has not answered 2 of my specific questions which I think are relevant to the whole case. What provision for repayment will be made for students who flunk out of university after a short time and what are the assumptions underlying the possible costs of defaults? I would clarify my comments on the U.S.A. because...

The Bailiff:

No, please do not do that, Deputy. Is there a question for the Minister that he has not answered?

Deputy S.C. Ferguson:

Right, okay, Sir. Well the question of defaults is very important, Sir.

Senator M.E. Vibert:

I only heard the default question. It was a dropping-out I presume but that was referred to the dropping-out. It is exactly the same as what happens at the moment. If a student drops-out we attempt to recoup whatever money has been expended unless there is a very good reason such as medical and so on for the student not dropping-out. But obviously we are as sympathetic as possible to that and that would carry on into the new system. I am sorry, the Deputy said there was another question but I was not sure what it was, Sir.

Deputy S.C. Ferguson:

The assumptions underlying the possible cost of defaults.

Senator M.E. Vibert:

In the proposition and in the report preceding the proposition we clearly set out how we set up a system with the Treasury to run computer systems to look at the different possible levels of default and so on. They gave a different answer every time but we took a mean and we are very confident that the levels of default will be within the bounds we have set.

Deputy R.G. Le Hérissier:

Just a couple of questions that Members have raised, Sir. Why is the grace period...

The Bailiff:

Deputy, I am sorry, no: a question that you put to the Minister for an answer?

Deputy R.G. Le Hérissier:

No, I did not, Sir.

The Bailiff:

No, thank you. [Laughter] An Appel, Minister?

Senator M.E. Vibert:

Can I have the Appel please, Sir?

The Bailiff:

Yes, very well. I ask any Member who wishes to vote in the precinct who can return to his or her seat. I ask the Greffier to open the voting which is for or against the proposition of the Minister for Education.

POUR: 42	CONTRE: 5	ABSTAIN: 0
Senator L. Norman	Deputy A. Breckon (S)	
Senator F.H. Walker	Deputy G.C.L. Baudains (C)	
Senator W. Kinnard	Deputy J.A. Martin (H)	
Senator T.A. Le Sueur	Deputy G.P. Southern (H)	
Senator P.F. Routier	Deputy S. Pitman (H)	
Senator M.E. Vibert		
Senator P.F.C. Ozouf		
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator F.E. Cohen		
Senator J.L. Perchard		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Peter		
Connétable of St. Clement		
Connétable of Trinity		
Connétable of St. Lawrence		
Connétable of Grouville		
Connétable of St. Brelade		

Connétable of St. Martin			
Connétable of St. John			
Deputy R.C. Duhamel (S)			
Deputy J.J. Huet (H)			
Deputy of St. Martin			
Deputy P.N. Troy (B)			
Deputy C.J. Scott Warren (S)			
Deputy R.G. Le Hérissier (S)			
Deputy J.B. Fox (H)			
Deputy S.C. Ferguson (B)			
Deputy P.J.D. Ryan (H)			
Deputy of Grouville			
Deputy of St. Peter			
Deputy J.A. Hilton (H)			
Deputy G.W.J. de Faye (H)			
Deputy P.V.F. Le Claire (H)			
Deputy D.W. Mezbourian (L)			
Deputy of Trinity			
Deputy S.S.P.A. Power (B)			
Deputy A.J.D. Maclean (H)			
Deputy K.C. Lewis (S)			
Deputy of St. John			
Deputy of St. Mary			

3. Student Loans for Higher Education: Guarantees (P.53/2007)

The Bailiff:

We come next to P.53 - Student Loans for Higher Education: Guarantees in the name of the Minister for Treasury and Resources. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to authorise the Minister for Treasury and Resources to guarantee loans made under the Jersey Student Loan Scheme in accordance with Article 24(1) of the Public Finances (Jersey) Law 2005 to a maximum outstanding limit of £10 million and for an unlimited time period.

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

This is a simple procedural matter arising out of the States having just approved the previous proposition. As the previous proposition says this guarantee constitutes borrowing in the terms of the Public Finances Law and, therefore, as Treasury Minister, I have to seek the States' approval for those guarantees. The proposition calls for a guarantee up to a maximum outstanding figure of £10 million. That is consistent with the report on the previous proposition, page 5, where the maximum amount outstanding is estimated to be £8.9 million. The £10 million just give that extra margin of leeway. I make the proposition.

The Bailiff:

Is the proposition seconded?

Senator M.E. Vibert:

I will second it because if we do not agree to this I have got problems. **[Laughter]**

The Bailiff:

[Seconded] The proposition is proposed and seconded. Does any Member wish to speak on the proposition?

3.2 Deputy P.J.D. Ryan:

Yes, Sir, I would like to say just a few words. I referred to it when I was speaking on the previous proposition. Certainly if I were the Treasury Minister I would want some more information before I were making this kind of proposal. The kind of information I would want is to have some really in-depth knowledge of the levels of debt that already exist to the people that I am proposing to loan money. I do not see that information anywhere. Maybe the Treasury Minister has it. One thing I learnt when I was running a retail finance company, as part of a previous life, is that it is the easiest thing in the world to lend money to people but one of the things you learn very quickly is that when you lend that money you have to be very sure of the background, the ability to repay, the levels of existing debt and all of those things. I would like to be assured from the Minister that either he is going to get that kind of information or maybe he is going to trust the banks to get that information. I would just like to be assured. Certainly if I were him I would want to know that that is there and I do not see it, so some assurance please.

3.3. Deputy P.V.F. Le Claire:

Perhaps the Minister for Treasury and Resources could talk with the Minister for Education and set about a proper educative process for students prior to them being in a position where they would seek higher education and needing loans that they are educated to a high level of an understanding of how to make sure that they understand how to pay and also to be encouraged within that information to come to speak to the department if they fall into problems on repaying loans so that they can avoid a problem in relation to default. I think 9 times out of 10 when people do find themselves for the first time in employment, they perhaps have not had any money, they perhaps come in to money, perhaps they have obligations and they have responsibilities. It might be a prudent thing to do to just ask the Treasury Minister to co-operate with the Education Minister to make sure that the young people have a good understanding about how to manage themselves so that they do not end up in a position where this turns out to be a detrimental thing because it certainly is not what we are trying to do.

3.4 Deputy S.C. Ferguson:

Returning to the question of default. In the U.S., in fact, they did have a very extensive loan scheme for students but they had to scale it back because of defaults. I would very much support Deputy Ryan in his expectation that there should be some sort of review of ability to repay. If you have a child who is going to take a degree which may not lead to extremely lucrative employment you are going to have to make concessions for this if you want to support them going on to further education. So I would just support that. As a corollary to the Minister of Education I do not think guarantee was the subject to make jokes about. I was playing with transistors in 1963.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? I call on the Minister to reply.

3.5 Senator T.A. Le Sueur:

Yes, in response to Deputy Ryan and Deputy Ferguson, in drafting-up this scheme it has not just been done on the back of an envelope. It has been done in consultation with the major clearing banks on the basis of the experience that they have picked up over the last 100 years or so of loans of different types and more particularly in their experience in recent years in terms of the loan profile, the students in the U.K. and in Jersey. I agree it is something that needs to be reviewed on an ongoing basis because what is all right this year may not be all right in 10 years' time. But at the present time I am satisfied that the assumptions that are made in the previous proposition, P.52, are reasonable ones. In particular in respect of the comment of Deputy Ferguson, the worst case assumption assumes that the cost of defaults in any one year might be £275,000. On the basis of £5,000 a student that works out at something like 55 students a year I think which is quite a large number. I am satisfied that that is well covered in our provisions. I thank Deputy Le Claire for his suggestion that I shall talk to the Minister for Education. I certainly will and I am sure that between us we will ensure that all students have and continue to have full information on the Student Loan Scheme. I know there already is in existence financial counselling and advice to all students going to university. This will be an adjunct to that. I am happy to work with the Minister to improve on that if we can. I maintain the proposition and a standing vote.

The Greffier of the States (in the Chair):

Yes, I put the proposition. Those Members in favour of adopting it, kindly show. Against. The proposition is adopted.

4. Composition and Election of the States Assembly: Election Dates for Connétables (P.54/2007)

The Greffier of the States (in the Chair):

The next item on the Order Paper, therefore, is the Composition and Election of the States Assembly: Election Dates for Connétables.

4.1 Connétable D.F. Gray of St. Clement:

Sir, to enable the issue of the reform of the States to progress in an orderly fashion, I asked in my statement yesterday if the Chairman of the Comité des Connétables would consider deferring the debate on this proposition until 17th July to coincide with the projet lodged by my Committee. The Chairman declined so I reluctantly have now to ask the Assembly to defer the debate until 17th July. I, therefore, propose the debate on P.54 be deferred until 17th July.

The Greffier of the States (in the Chair):

Is that proposition seconded? [**Seconded**] It is a matter for the Assembly. Do you wish to reply, Chairman of the Comité? Do you concede to the request or want to put it to the vote?

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

I have to say that I am disappointed that the Chairman of P.P.C. (Privileges and Procedures Committee) has come up with this proposition, especially in view of the fact that he is a member of the Comité des Connétables and has been involved in the development of this proposition over a number of months. I would oppose the delay on this proposition for the reason that the Connétables have indicated their desire to move to a single day election for over 6 years now and have been thwarted in achieving that by the fact that we have been advised all the way along that we needed to fit it in to the proposal that the States were going to bring forward. Up until now we have held back on that, mindful of the fact that there needed to be an overall decision. But the Connétables have now lost patience with the States coming up with any proposal and feel that we wish to move forward with the election of the 12 Connétables on a single day at this time. When the May debate was held the Connétables' proposal was held back on the grounds that it was a standalone proposition. I think on that ground alone it needs to be debated now and not held back to be debated together with any other proposition.

The Greffier of the States (in the Chair):

We do not need a lengthy debate on this but one or 2 contributions.

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

I am disappointed that the Comité des Connétables are bringing this proposition forward. I have considered asking at the appropriate time that we move on to the next item because as far as I am concerned this proposition is not debateable. It is a shambles. In fact I am surprised the Bailiff has not ruled it out of order. I really do not think, Sir, given the fact that we have been debating propositions previously on States Constitution which have led us down all sorts of blind alleys, I really do not think it would be helpful at this time to go through a similar exercise until we have debated the proposition laid before us by the Privileges and Procedures Committee. I do not think it would be helpful to debate this at this time. If it was deferred it would hopefully give the Comité des Connétables sufficient time to make amendments to it to make it debateable.

4.1.3 Senator L. Norman:

Just briefly, I support the Chairman of the Privileges and Procedures Committee because our attempts to make reform to the Constitution of the States have so far not been terribly successful. I really fear that while I do support the principles in the Constables' proposition that if we do try and debate this today we are going to get into a terrible mess. We are going to get into a terrible mess because this proposition contradicts so much of what is in Privileges and Procedures' item - a much better proposition than we had a few weeks ago. It is important that we recognise that the Constables are a part of this one Assembly. Therefore, when we debate reform of this Assembly it should be with all Members in the pot, not just one part of this Assembly. If we try and do it with one part we are going to get in a terrible, terrible mess. We may well pass this today and then that will mean that Privileges and Procedures have to withdraw their proposition because it contradicts their proposition. We will be an absolute laughing stock. We are not doing terribly well on this issue. If we debate this today we are going to be an even bigger laughing stock than we already are. It is important that we do not debate this today.

The Greffier of the States (in the Chair):

Very briefly, one or 2 more.

4.1.4 The Deputy of St. John:

I would like to reiterate that. This is reform by piecemeal reform. We should be debating the whole issue as one. I have called and discussed briefly with the President of P.P.C. that we should also be looking at an independent electoral reform committee as well. That is something which we have not finished discussions on. This is piecemeal reform and I would urge Members to defer this until P.P.C. bring the proposition forward as well.

4.1.5 Connétable T.J. du Feu of St. Peter:

Here we go again. I believe those who are the critics of this proposition are clearly the ones who are advocating outside to the public: “Oh, yes, we are all in favour of reform, reform, every possible reform that we could consider.” But when it comes to put your head above the parapet you have not got the courage to proceed and go forward with at least a start of it. It reminds me of a whole line up of people getting at the starting bell for a race just jogging along and nobody really wants to show a little bit of lead, show initiative. What we are doing is merely putting forward hopefully an acceptance that will demonstrate one election day for the Connétables. The conflict there is - and I would freely admit, that part of the proposition where there is reference to 4 years while everyone is still in a 3-year cycle, other than the Senatorial 6 years - that is something that would have to fall in line, that we would have to fall in line with. But that is the only part that really would be affected in any way and would have to seek amendment. But this is an opportunity for at least to get a part of the reform out of the way and showing a clear route to everyone else that we are prepared to go ahead and have an all-day election for Connétables. It would be a positive start, a positive lead to everyone else. Remember that only 2 years ago the Senators were asked to do the same thing. They wavered and wavered until they did not have the courage to go forward with it which is most regrettable because had that taken place I do not believe we would have been in this position now.

The Greffier of the States (in the Chair):

I think the issues are fairly clear.

4.1.6 Senator M.E. Vibert:

I would like to speak very briefly and to say I share the Constables' frustration, as a member of P.P.C., because we have been so frustrated that while we have been trying to bring forward our own proposition we have been diverted time and time again by other propositions ahead. This House charged P.P.C. to do a job. We are doing it. I urge the Constables... I can understand their frustration but we should debate the P.P.C. proposition first, followed by the Constables' proposition because that is a proper and orderly way. Just bear with us. We have been able to lodge it now, we have set a date and I would urge the Constables... I believe they heard the mood of the House. I share their frustration but that is a proper and orderly way to do it. Otherwise we have got to talk about 4-year terms now and various other things. I am afraid the proposition is not as well worded as it might be. I have got some queries on that in the first place. I believe that if the Constables would be magnanimous enough to defer, Sir, that we would be able to work with them and to look at our proposition and their proposition and come up with something of a whole that is much more palatable to the House that can be debated in a proper manner in a few weeks' time.

4.1.7 Senator P.F.C. Ozouf:

I do not wish to rehearse any of the arguments apart from just to ask the Constable of St. Ouen... I have got sympathy with both sides of the argument but there is one killer problem here and that is in the proposition it shows that there are in fact 3 Connétables who are up for election in very short order. The Constable of St. Peter in July; Grouville; and the Constable of St. Saviour in August of 2007. If he can explain in his summing-up why... I have been given indications that there are 5. I am just talking about the period between now and when we may take the debate. If there are any reasons why we should be taking this issue now because there are going to be 3 Connétables that could be being proposed and elected without the certainty of the single universal date. If that is one compelling reason surely the Connétable of St. Ouen should be saying that in his summing-up.

The Greffier of the States (in the Chair):

It is not his proposition. Do you wish to say anything in reply, Chairman? Do you wish to speak in reply, Chairman, or put it to the vote?

The Connétable of St. Clement:

I think enough has been said, Sir, that it should go straight to the vote.

The Greffier of the States (in the Chair):

Standing vote, Appel?

The Connétable of St. Clement:

The Appel, thanks.

Senator P.F.C. Ozouf:

I would like an explanation of whether or not that is an issue.

The Greffier of the States (in the Chair):

It is not the Constable's proposition but if I can say from the Chair that this would require legislation and if the debate does proceed no doubt the Solicitor General will be asked on the point you have raised on the vires of it, I think. Well, Appel?

The Connétable of St. Clement:

The Appel please, Sir.

The Greffier of the States (in the Chair):

Yes, the Appel has been called for. The vote is for or against the proposition of the Chairman of the Privileges and Procedures Committee that the debate on this proposition - P.54 - be deferred from today until 17th July. The Greffier has opened the voting. **[Aside]** The vote is open for Members to vote on the proposition. All Members who wish to do so have cast their votes?

Deputy J.A. Martin:

There is something wrong with the voting. It is not registering.

The Greffier of the States (in the Chair):

I do apologise. It may be because we interrupted the vote for the défaut. We will cancel the vote and we will open the vote again.

POUR: 27	CONTRE: 19	ABSTAIN: 1
Senator L. Norman	Senator P.F.C. Ozouf	
Senator F.H. Walker	Senator T.J. Le Main	
Senator W. Kinnard	Senator B.E. Shenton	
Senator T.A. Le Sueur	Senator F.E. Cohen	
Senator P.F. Routier	Connétable of St. Ouen	
Senator M.E. Vibert	Connétable of St. Peter	
Senator J.L. Perchard	Connétable of Trinity	
Connétable of St. Clement	Connétable of St. Lawrence	
Deputy R.C. Duhamel (S)	Connétable of Grouville	

Deputy J.J. Huet (H)		Connétable of St. Brelade		
Deputy of St. Martin		Connétable of St. Martin		
Deputy G.C.L. Baudains (C)		Connétable of St. John		
Deputy C.J. Scott Warren (S)		Deputy A. Breckon (S)		
Deputy J.B. Fox (H)		Deputy P.N. Troy (B)		
Deputy G.P. Southern (H)		Deputy R.G. Le Hérisssier (S)		
Deputy S.C. Ferguson (B)		Deputy J.A. Martin (H)		
Deputy P.J.D. Ryan (H)		Deputy J.A. Hilton (H)		
Deputy of St. Peter		Deputy P.V.F. Le Claire (H)		
Deputy G.W.J. de Faye (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy of St. Mary				

The Greffier of the States (in the Chair):

Very well. On a minor technicality, Chairman of the Connétables, for good order I understand the Bailiff has advised you before the sitting that your amendment technically needs to be withdrawn as it was out of order. Do you wish formally to withdraw that so it is no longer on the table?

The Connétable of St. Ouen:

I do, Sir.

The Greffier of the States (in the Chair):

Very well, just so that is no longer on the list of business.

5. Draft Criminal Justice (Miscellaneous Provisions) (No. 2) (Jersey) Law (P.56/2007)

The Greffier of the States (in the Chair):

The Assembly having excused the Connétable of St. Helier to attend the D-Day celebrations and agree that the La Pouquelaye School would be deferred until his return, the Assembly comes now to the Draft Criminal Justice (Miscellaneous Provisions) (No. 2) (Jersey) Law. I ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Criminal Justice (Miscellaneous Provisions) (No. 2) (Jersey) Law 200-, a Law to amend the Loi (1895) modifiant le droit criminel, Loi (1915) modifiant le droit criminel, Loi (1938) modifiant le droit criminel (sodomie et bestialité) and the Court of Appeal (Jersey) Law 1961 and to repeal the Loi (1983) concernant la rédaction des dépositions. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

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

[Aside] This amendment, Sir, has been brought forward to correct and remove some discrepancies and obsolete clauses from the Criminal Justice (Miscellaneous Provisions) (No. 2) (Jersey) Law. These were discovered during the preparation of the first revised edition of the laws of Jersey. The changes that we are making include references to penal servitude and hard labour which have both been abolished by the Criminal Justice (Jersey) Law 1957 and also the death penalty abolished by the Homicide (Jersey) Law 1986 and the Genocide Amendment (Jersey) Law 1987. Corporal punishment still remains as a punishment for various offences. However, it has not been imposed for some 40 years. An imposition of such a sentence now would be regarded as a degrading punishment and a violation of Article 3 of the European Convention of Human Rights. Having fallen into permanent disuse, therefore, the amendment removes the penalty. The amendment also includes the repeal of a provision regarding liability of the owner of a premises used as a place of prostitution to become personally liable for the same offence if possession of that premises is not retaken. An otiose provision for the taking of depositions is also removed as the Court orders now that evidence be taken on a deposition before the Viscount. Sir, I propose the preamble to the Law.

The Greffier of the States (in the Chair):

Is the principle seconded? Principle seconded? [Seconded] Does any Member wish to speak on the principles to the draft Law?

5.1.1 Deputy R.G. Le Hérisier:

Does the Minister believe that the removal of penal servitude, hard labour and corporal punishment is responsible for the decline of modern civilisation? [Laughter]

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

Would the Minister be willing to put this to an open referendum among the Island population?

5.1.3 Deputy G.C.L. Baudains:

Yes, taking up on the theme that Deputy Le Hérisier raised, of course this Assembly will be aware of the fact that I cannot support this for the simple reason that I do believe in corporal and capital punishment. [Laughter] I would disagree possibly with the thoughts of Deputy Le Hérisier on that matter. I realise that of course these things are now found to be incompatible with Human Rights which is why I voted against that also.

The Greffier of the States (in the Chair):

I call on the Minister to reply.

5.1.4 Senator W. Kinnard:

I am not surprised the last speaker voted against the Human Rights legislation as well; so no surprises there. I do not believe the removal of such provisions is going to lead to a decline in moral standards. We have been not putting this in position of such a penalty for about 40 years and

I think we have not yet seen the complete decline of our society. In fact many aspects of our society are improving, indeed particularly among young people from some of our recent information from the Building a Safer Society Strategy. As to a referendum, Sir, as to many of these issues I really believe that these matters now are quite supported within the Island; that Human Rights are something that are with us to stay and indeed are appropriate and right that we should be signed-up to in the modern day.

The Greffier of the States (in the Chair):

I put the principles. Those Members in... yes, the Appel is called for. I ask any Members in the precincts to return to their seats if they wish to participate in the vote. The vote is for or against the principles of the draft law. The Greffier has opened the voting.

POUR: 38	CONTRE: 3	ABSTAIN: 0
Senator L. Norman	Deputy J.J. Huet (H)	
Senator F.H. Walker	Deputy G.C.L. Baudains (C)	
Senator W. Kinnard	Deputy P.N. Troy (B)	
Senator T.A. Le Sueur		
Senator P.F. Routier		
Senator M.E. Vibert		
Senator P.F.C. Ozouf		
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator J.L. Perchard		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Peter		
Connétable of St. Clement		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. John		
Deputy R.C. Duhamel (S)		

Deputy A. Breckon (S)			
Deputy of St. Martin			
Deputy C.J. Scott Warren (S)			
Deputy R.G. Le Hérissier (S)			
Deputy J.A. Martin (H)			
Deputy S.C. Ferguson (B)			
Deputy P.J.D. Ryan (H)			
Deputy of St. Peter			
Deputy G.W.J. de Faye (H)			
Deputy P.V.F. Le Claire (H)			
Deputy J.A.N. Le Fondré (L)			
Deputy D.W. Mezbourian (L)			
Deputy S.S.P.A. Power (B)			
Deputy S. Pitman (H)			
Deputy A.J.D. Maclean (H)			
Deputy K.C. Lewis (S)			
Deputy of St. John			
Deputy of St. Mary			

The Greffier of the States (in the Chair):

There is a slightly curious situation in that the Standing Orders require the presiding officer to ask the Chairman of the relevant Scrutiny Panel. The Standing Orders also provide that following the resignation of a Chairman, the members of the Panel remain in office until a new Chairman is appointed. So, therefore, Deputy Mezbourian as Vice-Chairman it falls to you to indicate whether you wish this to be referred to the rather dying Panel.

Deputy D.W. Mezbourian (Vice-Chairman of the Education and Home Affairs Scrutiny Panel):

No, thank you, Sir.

The Greffier of the States (in the Chair):

Very well. Thank you, Deputy. I, therefore, ask the Minister to propose the Articles to the law.

5.2 Senator W. Kinnard:

If I may propose them *en bloc*, thank you.

The Greffier of the States (in the Chair):

[**Seconded**] The Articles are proposed and seconded. Does anyone wish to speak on any of the Articles? I put the Articles. Those Members in favour of adopting them kindly show. Against? The Articles are adopted. You propose the draft Law in Third Reading, Minister?

Senator W. Kinnard:

I do so, Sir

The Greffier of the States (in the Chair):

Seconded? [**Seconded**] Does any Member wish to speak? I put the Law in Third Reading. Those Members in favour of adopting it kindly show. Against? The Law is adopted in Third Reading.

6. Commissioners of Appeal for Income Tax: Re-Appointment (P.59/2007)

The Greffier of the States (in the Chair):

We come now to the Commissioners of Appeal for Income Tax: Re-Appointment. I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 10 of the Income Tax (Jersey) Law 1961, to approve the re-appointment as Commissioners of Appeal for Income Tax of the following persons for a period of 3 years from 7th July 2007: Mr. Philip J. Barber, Mr. Charles R. Blampied, Ms. Jacqueline B. Collins, Mr. Peter G. Farley, Mr. John M. King, Mr. Nigel G. Pritchard, Mrs. C. Elizabeth Rees, Mr. James Shaw.

6.1 Senator T.A. Le Sueur:

The Comptroller of Income Tax and his staff have a very good record of being able to resolve the majority of disputes at a departmental level, thereby avoiding the need for appeal. But from time to time appeals do need to be heard and when they are heard they need to be heard by an independent body. That body is the Commissioners of Appeal and there are 8 members constituted to that body. I would like to thank the members for their service over the last 3 years. They have all confirmed their willingness to stand for a further 3 years. Their names and their brief C.V.s are attached to the report. I have pleasure in proposing their re-appointments.

The Greffier of the States (in the Chair):

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

6.2 Deputy P.J.D. Ryan:

Could I just ask the Minister what progress he has made towards increasing the numbers of the Commissioners of Appeal in preparation for G.S.T. (Goods and Services Tax) and Zero/Ten?

6.3 Deputy G.W.J. de Faye of St. Helier:

I would just briefly like to thank the Minister. The fairly recent practice of putting in reasonably comprehensive pen portraits of various people being proposed to roles within the States I think has proved extremely helpful and clearly is so in this case where not all Members will necessarily be either personally known or acquaintances of some of the appointees. Nevertheless, I would like to congratulate the Minister and his department for putting forward a comprehensive set of pen portraits which I think all Members can find extremely reassuring.

The Greffier of the States (in the Chair):

I call on the Minister to reply.

6.4 Senator T.A. Le Sueur:

I appreciate the comments of Deputy de Faye. As far as Deputy Ryan is concerned, yes, I am conscious of the fact that with the introduction of Goods and Services Tax we will need to strengthen the numbers of Commissioners of Appeal and find parties also with relevant experience in that particular area. I am taking one step at a time at the moment. This is something which has to be done because the current period of office expires in July 2007. We need to have the Commissioners in place but a further proposition will be required in due course to augment their number to deal with G.S.T. when that time comes. I maintain the proposition.

The Greffier of the States (in the Chair):

I put the proposition. Those Members in favour of adopting it kindly show. Against? The proposition is adopted.

7. The Disciplinary Panel of the Law Society of Jersey: Appointment of Lay Members (P.62/2007)

The Greffier of the States (in the Chair):

We come now to P.62 - The Disciplinary Panel of the Law Society of Jersey: Appointment of Lay Members in the name of the Chief Minister. I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion, in pursuance of Article 18(2) of The Law Society of Jersey Law 2005, to approve the appointment of the following persons as lay members of the Disciplinary Panel of the Law Society of Jersey for a period of 5 years: Mr. Maurice Adrian des Forges, Mrs. Sharon Eddie, Mr. Robin Charles Hacquoil, Mr. Graham Edward Jennings, Captain Brian James Stuart Nibbs, Mrs. Pamela Margaret Nisbet, Mr. Alfred David John Rosser.

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

Yes, Sir, I would like to ask that the Connétable of St. Ouen act as rapporteur on this occasion for me, please.

7.1 The Connétable of St. Ouen (Assistant to the Chief Minister):

The Law Society of Jersey Law which was approved by the States in 2005 made provision for a Disciplinary Panel to be appointed to consider and adjudicate upon complaints brought against members of the legal profession. The provisions of this Law were brought into force on 1st January of this year, following the approval of the Appointed Day Act in December 2006. The Chief Minister's Department sought the services of the Appointments Commission to recruit 7 lay members to serve on this Disciplinary Panel. As Chairman of the Legislation Advisory Panel I was invited to sit on the Appointments Panel and I can report to the Assembly that the process of selection was both fair and extremely rigorous. Following the positions being advertised in the *Jersey Gazette* together with a number of interested groups being contacted directly, 14 expressions of interest were received which resulted in 8 applicants. Seven of these were later interviewed and recommended to the Chief Minister for bringing to this Assembly. I, therefore, present the 7 names on pages 5 and 6 of the report for appointment by the States.

The Greffier of the States (in the Chair):

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

7.2 Deputy R.G. Le Hérissier:

I would just like to congratulate the rapporteur on these appointments; congratulate the people. It is a long overdue move and I think it is excellent it is taking place and that we are being served by such an excellent group of people. Thank you.

7.3 The Deputy of St. Martin:

Again similarly my praise also as Deputy Le Hérissier because both of us were very keen that this body should be set up initially. But maybe just one question for the rapporteur. I understood you said there were 8 people eventually short-listed, of whom 7 were interviewed. Were the 7 interviewed the 7 here? That is all I am asking.

7.4 Deputy G.W.J. de Faye:

Just so that I cannot be accused of implying any sleight against the Chief Minister or his rapporteur or for that matter their department, I am equally grateful to him for the very helpful descriptions of the lay members which has made reading his report extremely easy.

The Greffier of the States (in the Chair):

I call on the rapporteur to reply.

7.5 The Connétable of St. Ouen:

Yes, Sir, I can firstly thank Deputy Le Hérissier for his comments and assure the Deputy of St. Martin that the process was that written applications were originally received and considered where one applicant fell from the list. The 7 that were then interviewed were found to be the successful 7 candidates. I maintain the proposition.

The Greffier of the States (in the Chair):

I put the proposition. Those Members in favour of adopting it kindly show. Against? The proposition is adopted.

8. The Jersey Council for Safety Health at Work: Appointment of Chairman (P.67/2007)

The Greffier of the States (in the Chair):

Next to P.67 - The Jersey Council for Safety Health at Work: Appointment of Chairman. I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion to approve the re-appointment of Mr. Robert Staddon as Chairman of the Jersey Council for Safety and Health at Work for a period of 3 years with effect from 1st July 2007.

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

In proposing Mr. Staddon as Chairman of the Council for a further 3 years I would like to thank him and his Council for the excellent work that they do in promoting health and safety at work within the Island. Their work is valued by our department and I know of many organisations. I propose Mr. Staddon, Sir.

The Greffier of the States (in the Chair):

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? I put the proposition. Those Members in favour of adopting it kindly show. Against? The proposition is adopted.

9. The Jersey Consumer Council: Appointment of Chairman (P.69/2007)

The Greffier of the States (in the Chair):

We come next to P.69 - The Jersey Consumer Council: Appointment of Chairman in the name of the Minister for Economic Development. I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion to refer to the Act dated 25th April 1995 regarding the establishment of the Jersey Consumer Council and to re-appoint Deputy Alan Breckon of St. Saviour as Chairman of the Jersey Consumer Council for a term beginning on 5th June 2007 until 31st December 2008.

Deputy A. Breckon:

I think I should withdraw from this debate but I would just like to say a couple of things before I do that because there has been some comment in the media.

The Greffier of the States (in the Chair):

I think that you either withdraw or... if you have an interest in the debate and you wish to withdraw I do not think it is very proper you should then use the opportunity to summon up...

Deputy A. Breckon:

The issues do not relate to me which I do not think are appropriate, but to the membership and the business community. It is just to let Members know that those people in the legal profession, the Chamber of Commerce and the Hospitality Association make a significant contribution to the work of the Consumer Council and comments on them have been not very complimentary, Sir. I do not wish to be associated with that.

9.1 Senator P.F.C. Ozouf:

I do not think I need to inform Members or remind them of the importance of a consumer voice in the Island. The Consumer Council was set up in Jersey quite late on in the day. In fact in Jersey it was only set up in 1994 by a proposition of the Policy and Resources Committee. The membership of the Consumer Council which was approved by the States is that it should be consisting of a Chairman appointed by the States, a representative from the Citizens Advice Bureau, a representative from the Standing Conference of Women's organisations, a representative of the legal profession, a representative of the Jersey Hospitality Association, a representative from the Jersey Chamber of Commerce and a representative from T.G.W.U. (Transport and General Workers Union), together with 4 members of the general public. Responsibility for the Consumer Council in an accounting sense was transferred from Policy and Resources to the then Industries Committee and now it falls to the Economic Development Department to have the responsibility of the grant. The current grant is approximately £45,000 on an annual basis. In addition, Economic Development has granted the Consumer Council an additional £45,000 for a Price Watch campaign. Members will, I am sure, be aware that Deputy Breckon has served an unprecedented 3 terms as Consumer Council Chairman. He has been the Chairman since the very start of the Council's work. He is associated with it. He is associated with everything that it has done. He worked tirelessly for it. I hope because of that Members will forgive me for having proposed him without consulting the membership of the Assembly as a whole for his position. I want to take this opportunity of thanking Deputy Breckon most sincerely for his efforts on the Consumer Council and for safeguarding and protecting the consumer interest in Jersey. Deputy Breckon in withdrawing has indicated that I have indicated - and indeed it is not the first time that this has been an issue - the need for a review of the Consumer Council's terms of reference. There are some people that do question and do ask why it is that we have a Consumer Council which does have representatives from the business community. Those are no criticisms but they are legitimate questions. I believe it is appropriate for us to fortify, to refresh and to review the membership of the Consumer Council. It is for that reason that I am proposing Deputy Breckon for a shorter

period than otherwise would have been the case. I signal that review in a spirit of co-operation. I want to work with Deputy Breckon and the Consumer Council and the members of the Consumer Council to understand what we can do to improve further the important work of consumer representation. For that reason I am proposing him for this shorter period of 18 months which runs coterminous with his term of office as Deputy. I look forward to working with him and the Consumer Council and have pleasure in proposing him for the reduced period of 18 months or so.

The Greffier of the States (in the Chair):

Is the proposition seconded? [**Seconded**] Does anyone wish to speak on the proposition?

9.2 Deputy K.C. Lewis:

I would just like to say, Sir, that Deputy Breckon is my fellow Deputy in St. Saviour No. 2. I know he has done sterling work and I welcome his re-appointment. Thank you, Sir.

9.3 Deputy J.A. Martin:

Just a quick question to the Minister. He mentions there are questions about who is on the Council and who is reviewing. In the overall review will he be reviewing how the grant from Economic Development serves to the Council because I think this could be of great concern to other members of the community? Thank you, Sir.

9.4 Deputy C.J. Scott Warren:

I support very much the re-appointment of Deputy Breckon as Chairman of the Consumer Council until the end of next year. Deputy Breckon does very much have the interests of the consumer at heart. I also believe him to be a tireless worker in this respect and - as that cannot be taken any other way - in all respects. Many thanks.

The Greffier of the States (in the Chair):

I call on the Minister to reply.

9.5 Senator P.F.C. Ozouf:

Thank you, Sir. I echo the warm endorsement of the Members that have spoken concerning Deputy Breckon's work. In respect to what Deputy Martin says, absolutely. Currently the grant to the Consumer Council is £45,000. As I said in my opening remarks, there has been an additional £45,000 given to the Price Watch. Economic Development funds indirectly and directly a number of organisations. They are organisations which are there to protect the consumer voice, to increase competition. The grants that are given to J.F.L. (Jersey Finance Limited), the J.C.R.A. (Jersey Competition Regulatory Authority), and the Consumer Council - all must be reviewed on an ongoing basis and on an annual basis. Certainly if I am signalling the importance of the Consumer Council, I am also signalling the importance of perhaps looking at the way it is funded. Certainly I am open to that funding being increased if the business case is made. What I would say is that there is a slightly curious situation is that I want the Consumer Council to remain apolitical. It should not be a political body. I think Deputy Breckon does a very good job in divorcing the responsibilities that he has politically with the championing of a consumer voice. But what we want to see is a Consumer Council which is really representative of consumers which gives me and this Assembly and the Council of Ministers a hard time when we are falling short in respect of consumer issues. That is what I am signalling in the importance of the review. Am I willing to dedicate more money to consumer matters? Absolutely. Do I think the case can be made? Absolutely. I am looking forward to working with Deputy Breckon, should he be re-elected, and the rest of the Consumer Council in order to achieve that. So in summary I move the proposition.

The Greffier of the States (in the Chair):

I put the proposition. Those Members in favour of adopting it kindly show. Against? The proposition is adopted.

PUBLIC BUSINESS - CONSIDERATION OF DEFERRAL OF NEXT ITEM

10. The Greffier of the States (in the Chair):

The Assembly has unexpectedly sprinted to the end of the agenda, other than the proposition of the Connétable of St. Helier - who is absent - concerning La Pouquelaye School. The Assembly have 2 options. One would be to take a long lunch break...

Connetable G.W. Fisher of St. Lawrence:

Excuse me, Sir, but could we not talk about the business of future meetings and get that fixed in the short time we have available?

The Greffier of the States (in the Chair):

Chairman of P.P.C., do you have any views on the way forward?

10.1 The Connétable of St. Clement:

I would propose, Sir, that this projet is deferred until 19th June.

10.2 Deputy G.W.J. de Faye:

Just for the information of the House I have recently - only moments ago - tried to be in contact with the Constable. I have spoken to the Parish Hall who inform me that he is still attending the veterans' ceremony and is now also due to host the veterans' lunch. So quite clearly he is not going to be back until at least this afternoon. I would suggest particularly as in my own personal view there is a reasonable chance of successful negotiations in the interim between the Treasury Minister and the Constable on this issue that we do defer it to 19th June.

10.3 Senator T.A. Le Sueur:

I would just like to confirm that there is a positive site identified both by the Constable and myself. I think it is a matter more of value in trying to increase negotiations. If by deferring for 2 weeks that gives us a better chance to reach an amicable settlement I think that will be in the interest of the whole House. I endorse the suggestion that we defer it for 2 weeks.

The Greffier of the States (in the Chair):

Members must perhaps be conscious that the Connétable is not here to speak for himself but is there general agreement the matter be deferred for 2 weeks?

10.4 Deputy J.B. Fox:

No, Sir, I think that we owe it to the community of La Pouquelaye to bring this one forward. There are a lot of people that are putting their efforts and energies into the La Pouquelaye Community Centre. There are a lot of people that want to use the Centre but with the uncertainty as to the future are not able to commit themselves or their organisations. This obviously includes people like Family Nursing Services, *et cetera*. I would have suggested to you that agreements to be discussed have had ample time to do it and it is now time to bring the subject to the floor of the House or at least have the courtesy of letting the Constable who is bringing the proposition the option to give his opinion. Thank you, Sir. We did agree this morning to postpone it till this afternoon.

10.5 Deputy J.A. Martin:

Yes, Sir, I know the Constable is not here but he did ask further back from the Bailiff for the excuse and to move business and for once we speedily got through it. But I would like to remind Members we put aside at least a whole day. We have already put off the debate for the Constables. We want to move this debate to the 19th in the hope that there will be some outside co-operation between Treasury and the Parish of St. Helier. It has not been done so far, Sir. We are backing-up business.

We have only a few more sittings and what has everyone else got planned for today. We have come here to work. It would have been a full day's work and, yes, we may have to have an extra 20 minutes on the lunch hour but we have got plenty to discuss. I have got 2 meetings this lunch hour. I think we should all come back and give the Constable of St. Helier time to debate this proposition and get a steer from the House. As I say, if you all want to sit until the end of July and the beginning of August, I have no holidays planned, but this is what we do. Every year we have the afternoon free; sit today and do this proposition. I urge the House to not defer this one. Thank you, Sir.

10.6 Deputy G.C.L. Baudains:

Could I seek guidance, Sir? Would we be resuming the sitting at 2.15 p.m. or 4.15 p.m., or when, Sir?

The Greffier of the States (in the Chair):

At 2.15 p.m. I assume.

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

I just wanted to reiterate what Deputy Martin has just said. The Assembly did give the Constable of St. Helier leave to attend the memorial service earlier, and I think it would be remiss of us not to re-convene at 2.15 p.m. to debate this proposition which is extremely important to the Parish of St. Helier.

10.8 Deputy S. Power of St. Brelade:

It was a matter of housekeeping. What I was about to say would be irrelevant if we sit at 2.15 p.m. so let us decide this first, Sir.

10.9 Senator T.J. Le Main:

I was just going to say that I do not support the issue of the moment. I think that it should be delayed; even the Parish Assembly has not approved it, and there are more negotiations to take place between the Minister and the Connétable and until that time I do not think we should be debating this today.

The Greffier of the States (in the Chair):

Well, I think the Assembly could fill the time until 12.45 p.m. if we are not careful **[Laughter]** so perhaps we could... **[Aside]** It is your decision but one or 2 more members to put their views on this. Deputy Scott Warren.

10.10 Deputy C.J. Scott Warren:

I think the issue here is that we did agree with the Connétable of St. Helier that he could come back for this debate this afternoon. Otherwise, everybody would like to have the afternoon to do all the other work we have not been able to do most of the week. But I would say that this is a matter that we gave our undertaking to the Connétable and I think we have to stick to it.

10.11 Senator P.F. Routier:

Thank you, Sir. Part of the reason that I am going to support the move to delay until the next sitting is because I want to support the use of La Pouquelaye School for the right reasons and I have a concern that the debate that we would have today I could end up voting against it because we do not have the... there is a way forward which could be sorted in the interim fortnight, with the Treasury Minister and the Constable coming to some sort of agreement, and I would prefer to be able to do that. I want La Pouquelaye School to be used for the community, but it has to be done at the right deal, and I cannot see that what we have on the table today is the right deal.

10.12 Senator J.L. Perchard:

I am motivated to speak now on this. The Constable himself has asked for the debate to take place today. I think it is remiss of Senator Routier to suggest that it would be in the Constable's best interest to have it delayed. He specifically asked the Chamber to debate this after lunch and I think, having agreed to do so, we are bound to honour his request.

10.13 Senator F.H. Walker:

This is not really about what is in the best interest of the Constable, this is what is in the best interest of the parishioners and the people generally. I echo absolutely Senator Routier's view. What we need here is agreement and I would hate to be in a position - because I fully support the use of the school as a community centre - to have to oppose the proposition. I think the next 2 weeks could be used to enormous value to try and reach an agreement which is in the best interests of the ratepayers of St. Helier for sure, the taxpayers, and the community generally. At the moment we are not in that position and we could be in that position, and then I would hope the proposition could probably get unanimous support. That is what I am hoping we should be moving towards and I would argue that the next 2 weeks could be very important in trying to achieve an agreement, and therefore a much easier passage forward for this proposition.

10.14 Deputy R.G. Le Hérisier:

Thank you, Sir. A promise was made to the Constable to reconvene, and I think the Senators who appear to have very strong arguments must put those forward at 2.15 p.m.

The Greffier of the States (in the Chair):

Well, Chairman, do you wish to maintain your proposition that the matter be deferred?

10.15 Senator T.J. Le Main:

I would like to make the proposition it be deferred.

The Greffier of the States (in the Chair):

The Assembly is entitled to vote on the matter. So, Senator Le Main has proposed that the proposition be deferred for 2 weeks. Do you want an appel, Senator?

Deputy P.V.F. Le Claire:

Is it seconded, Sir? [**Seconded**]

Deputy J.A. Martin:

Sorry, as a matter of housekeeping then, would he accept, if he does vote on this, that the Property Plan will be put after the La Pouquelaye item?

The Greffier of the States (in the Chair):

I think Members would accept that, in accordance with normal procedure, we would put this as first item at the next meeting. Those in favour of the proposition of Senator Le Main that the matter be deferred for 2 weeks, the Greffier will open the voting.

POUR: 24	CONTRE: 24	ABSTAIN: 0
Senator L. Norman	Senator J.L. Perchard	
Senator F.H. Walker	Connétable of St. Mary	
Senator W. Kinnard	Connétable of St. Clement	
Senator T.A. Le Sueur	Connétable of Trinity	

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

The Greffier of the States (in the Chair):

In accordance with the States of Jersey Law the presiding officer has no casting vote and the Law provides that the proposition is therefore decided in the negative and therefore rejected, which means the Assembly will reconvene at 2.15 p.m. for the proposition.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

11. The Greffier of the States (in the Chair):

If the Assembly wish to take advantage of the Constable of St. Lawrence's helpful suggestion that perhaps we could deal with the arrangement of future business at this stage rather than at the end of the meeting.

Deputy G.C.L. Baudains:

I seek clarification, Sir. As I understand it we would now be reconvening at 2.15 p.m. in order to debate the Constable's proposition. Yet, as I understand from Deputy de Faye, the Constable is going on to another function and he may well not be with us until 3.00 or 4.00 p.m.

The Greffier of the States (in the Chair):

Well, I think it is incumbent on the Constable to ensure he is back in the Assembly at 2.15 p.m. Well, I think Members have helpfully suggested we could use the time before lunch to deal with the arrangement of future business under M and I ask the Chairman to make the...

11.1 Senator F.E. Cohen:

As Members will know, Projet 61, dealing with the provision of sheltered housing, is presently under public consultation. For the sake of good order I wish to withdraw the proposition. After the consultation is completed I intend to lodge a revised proposition in an orderly manner, after further consultation with all relevant stakeholders including the Connétables.

The Greffier of the States (in the Chair):

Very well. So, P.61 is withdrawn. Mr. Chairman, do you wish to say anything?

11.2 The Connétable of St. Clement (Chairman of the Privileges and Procedures Committee):

I would like to propose the arrangement of business at outlined under M on the pink sheets is adopted, with the addition of P.54 on 17th July, with the addition of P.54 the Composition Election of the States Assembly: Election Date for Connétable, and P.79 the Draft Financial Services Amendment of Law (Jersey) Regulations; addition to the list on 17th July, and the withdrawal on 25th September of P.61.

11.3 Deputy S.C. Ferguson:

Can we also please add to 17th July P.77, the Code of Practice for Scrutiny Panels and Public Accounts Committee.

The Greffier of the States (in the Chair):

Are there any other issues arising on the list?

11.4 Deputy A. Breckon of St. Saviour:

A statement was made yesterday by Deputy Power, chairman of the Scrutiny Sub-Panel looking at the Social Housing Property Plan. It is just to advise Members that the Scrutiny Report hopefully will be with them on Monday or Tuesday, but I believe it will have an influence on how Members may feel about this particular debate. The reason I rise now is to say that, so that whether or not it is debated or deferred will be a matter for Members to decide. The reason the statement was made yesterday was to give some indication that we do have some very serious concerns about proceeding with the Plan in its present form. That information will be given to Members in full within 6 or 7 days and Members should then decide; but I am saying that, Sir, so that Members are aware of it and it is not a process to frustrate; it is a process to inform.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

12. Senator M.E. Vibert:

Could I just query about the Scrutiny Panel appointment.

The Greffier of the States (in the Chair):

That is a matter for the Assembly, are you proposing...

Senator M.E. Vibert

Well, I wondered if... I was looking to Scrutiny to see if there was any suggestion that it be dealt with today, or this afternoon, or whatever, Sir.

The Greffier of the States (in the Chair):

Well, it is a matter for the Assembly. The Standing Orders provide that when a Chairman resigns the States can either fill the vacancy at the same meeting or at the following meeting. I do not know if any Member wishes to propose that this is done today?

12.1 Deputy S. Pitman of St. Helier:

The Scrutiny Panel are meeting at lunchtime and I am sure we will discuss this subject.

The Greffier of the States (in the Chair):

Well, I think Members do need to have notice whether this is being done today. Standing Orders provide that any candidates will need to speak for 10 minutes; there will then be 20 minutes of questioning per candidate.

Deputy G.P. Southern:

We should not be rushing this.

12.2 Deputy S.C. Ferguson:

The general opinion, in fact, was that we would be grateful if this could be held over until the next sitting of the States to give us time to get ourselves organised.

12.3 Deputy D.W. Mezbourian:

As far as the Education and Home Affairs Scrutiny Panel is concerned, as Vice-Chairman I believe I stand in as Chairman for the next 2 weeks if the position is not filled at today's sitting. Before the Assembly decides upon whether or not to go ahead with filling the vacancy I would like to speak on behalf of the remaining members of the Panel to say that we do have some very important and serious work that needs to be completed on a timely basis. We would welcome the appointment of the new Chairman being decided by the Assembly at today's sitting.

12.4 Deputy P.V.F. Le Claire:

What I think is needed here then obviously is going to be an appeal on the decision as to whether or not we fill this extremely important position at today's meeting, having just been told out of the blue this morning that there was a resignation, and not knowing the circumstances behind that even. To then go to an election for a replacement Chairman, giving the position over until the next sitting of the Assembly, Sir, which is what I am now proposing, we will also allow the Vice-Chairman, who is currently left over in charge of that group to have the time in that 2 weeks to complete any necessary business that they are currently working on, which they have been working on, and they can seek approval for that with their newly appointed Chairman. It might be that the resigning Chairman might want to seek the position, or it might be that one of the existing members might want to seek a position, but it certainly does not afford ordinary Members of the Assembly an opportunity to prepare - should they wish to - for an election of this nature at the drop of a hat. So, I would formally propose, Sir, that there is not a filling of this position at this session and that it does occur at the next session.

The Greffier of the States (in the Chair):

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

12.5 Deputy P.N. Troy:

We heard from Deputy Ferguson, Sir, that there was a view from Scrutiny that it should be held over until the next sitting and then we have just heard from Deputy Mezbourian that there is a view that it should be held at this sitting. Can somebody decide which it is?

Deputy S.C. Ferguson:

Can I invite Deputy Mezbourian and the rest of the Education and Social Affairs Panel to meet with me at lunchtime?

The Greffier of the States (in the Chair):

Well there is a proposition of Deputy Le Claire that the matter be taken at the next meeting. It is a matter for the Assembly. We have spent a lot of time today discussing what we are and are not going to do, but ultimately that is the prerogative of the Assembly. I think that matter should be formally put to the vote.

The Deputy of St. Martin:

I would like to speak on the matter, Sir.

The Greffier of the States (in the Chair):

Briefly, yes, Deputy.

12.6 The Deputy of St. Martin:

I am a little bit surprised that Deputy Mezbourian should make the statement because although I do accept we have decisions to make, really what will happen in the next 2 weeks is that the Panel will continue to run as normal but will not make any major decisions. The major decision, if indeed we have any, is really whether we are going to move... well, we have already made a decision about what we are going to do with the Centenier's Report and again I have not had the opportunity to give explanations as to why I have resigned. Clearly we will not be making that decision within the next 2 weeks on the Centenier's Report and also, the only decision we have to make, in fairness to my Panel members, is the fact that we are going to appoint an adviser to the Early Years, and if so which one. At the moment, Sir, we have a list to go out again because we were not successful with the first trawl so really we will not be making any major decisions.

The Greffier of the States (in the Chair):

Could I just clarify from the Chair, Deputy, you are using the word "we" but your resignation has taken effect; you are no longer a member of that Panel.

The Deputy of St. Martin:

Yes, Sir. Could I just say that, as far as the former Panel went, there were no major decisions to be made.

The Greffier of the States (in the Chair):

Just to clarify from the Chair what continues in Standing Orders, the remaining members of the Panel - Deputy Mezbourian, the Deputy of St. Mary and Deputy Pitman - remain in office under the acting chairmanship of Deputy Mezbourian but your resignation has taken effect, Deputy, so you are no longer a member of the Panel.

12.7 Deputy G.P. Southern:

Can I make an appeal to Members that we do not rush into anything today? It is absolutely inconceivable to me that, having heard of the resignation not a matter of hours ago, we then vote in some way to replace that. That is a recipe for chaos; let us not go down there. Let us leave it. It is a fortnight: good grief in the timescale of things political that is not a long time in politics.

12.8 Senator W. Kinnard:

Of course I am not going to take part in any of the debates and just to let Members know that if there is a vote as to whether you decide to make the decision this week or at the next sitting, I will obviously be abstaining. I am happy to work with whoever takes on the chairmanship. I have always been happy to work constructively with the Panel and that continues to be my position, so I shall abstain on any vote. Thank you.

12.9 Senator M.E. Vibert:

Can I echo that as the other Minister involved? I have always wanted to use my A button, Sir.

12.10 Deputy R.G. Le Hérisier:

We are in the strange position of the ghost at the feast of the reasons for the resignation, and quite frankly until they are laid before the House in a professional fashion and the House is able to study them and come to a conclusion there should be no movement until 2 weeks.

12.11 Deputy P.J.D. Ryan:

I think Privileges and Procedures have already looked at the question of the procedures for electing chairmen of Scrutiny Panels and one of the conclusions I believe they have drawn is that the original process was somewhat hurried. I think if that was hurried then this would be even more hurried, Sir, so I would support the proposition.

12.12 Senator J.L. Perchard:

Can I just inform the Assembly that Senator Norman has just asked me if I had a razor blade on me and I am not quite sure what he wanted it for. **[Laughter]** Perhaps I could suggest we go to the vote.

The Greffier of the States (in the Chair):

Well, Deputy Le Claire has proposed that the appointment be deferred until the next meeting. If Members vote against that the operation of Standing Orders would mean that it would have to be held today. So, if Members support Deputy Le Claire they will defer the appointment to the next meeting. I ask the Greffier to open the voting on his proposition.

POUR: 39	CONTRE: 4	ABSTAIN: 4
Senator L. Norman	Senator J.L. Perchard	Senator W. Kinnard
Senator F.H. Walker	Deputy A. Breckon (S)	Senator M.E. Vibert
Senator T.A. Le Sueur	Deputy D.W. Mezbourian (L)	Deputy J.B. Fox (H)
Senator P.F. Routier	Deputy of St. Mary	Deputy of St. John
Senator P.F.C. Ozouf		
Senator T.J. Le Main		
Senator B.E. Shenton		

Senator F.E. Cohen			
Connétable of St. Ouen			
Connétable of St. Mary			
Connétable of St. Peter			
Connétable of St. Clement			
Connétable of Trinity			
Connétable of St. Lawrence			
Connétable of Grouville			
Connétable of St. Brelade			
Connétable of St. Martin			
Connétable of St. John			
Deputy R.C. Duhamel (S)			
Deputy of St. Martin			
Deputy G.C.L. Baudains (C)			
Deputy P.N. Troy (B)			
Deputy C.J. Scott Warren (S)			
Deputy R.G. Le Hérissier (S)			
Deputy J.A. Martin (H)			
Deputy G.P. Southern (H)			
Deputy S.C. Ferguson (B)			
Deputy P.J.D. Ryan (H)			
Deputy of Grouville			
Deputy of St. Peter			
Deputy J.A. Hilton (H)			
Deputy G.W.J. de Faye (H)			
Deputy P.V.F. Le Claire (H)			
Deputy J.A.N. Le Fondré (L)			

Deputy of Trinity			
Deputy S.S.P.A. Power (B)			
Deputy S. Pitman (H)			
Deputy A.J.D. Maclean (H)			
Deputy K.C. Lewis (S)			

LUNCHEON ADJOURNMENT

The Greffier of the States (in the Chair):

Very well, the time is now 12.40 p.m. and the Assembly will adjourn until 2.15 p.m.

PUBLIC BUSINESS (...continued)

13. La Pouquelaye Old School Site: Purchase (P.55/2007)

The Bailiff:

The remaining item of public business is Projet 55 - La Pouquelaye Old School Site: Purchase lodged by the Connétable of St. Helier and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion; (a) to authorise on behalf of the public the sale of the site of the former La Pouquelaye School, as shown on drawing no ASE1, to the Parish of St. Helier with a restricted use as a youth and community centre at a price to be agreed by the Minister for Treasury and Resources that reflects such restriction, together with an appropriate safeguard to protect and compensate the States should the site be sold or commercially re-developed at a later date, with each party to be responsible for their own legal fees; (b) to authorise the Attorney General and the Greffier of the States to pass, on behalf of the public, any contracts which might be found necessary to pass in connection with the said land and any interest therein; and (c) to authorise the Treasurer of the States to receive any payment in connection with the sale of the said land and any interest therein.

13.1 The Connétable of St. Helier:

Can I begin by thanking the Assembly for deciding, albeit on the narrowest of margins, to allow this proposition to be debated this afternoon having finished the business more quickly than was expected this morning. I want to begin by saying what this projet is not designed to do. It is not designed for the Parish to get a States' property into the Parish portfolio for a knock-down price. That is, I believe, the view that some people seem to have, that the Constable is - for the best of intentions - trying to do what Constables are generally expected to do for their Parishes, which is to husband and carefully look after the Parish finances and increase the value of what is owned by the Parish. There is no ulterior motive at all involved. What the Parish is trying to do is to ensure that what has been proven to be a very successful and much needed youth and community centre continues to operate and, indeed, increases the value that it gives to the people of St. Helier and the wider community. I want to say also at the outset that the Parish is not averse to a land swap and, indeed, we had a meeting, as agreed, with the Treasury and Resources Minister on 16th May when we met to consider whether there were any properties in the Parish portfolio which could have been swapped with La Pouquelaye Old School. As the meeting got under way we very quickly ran into an obstacle, a very simple obstacle. **[Interruption]** The obstacle that we ran into at the meeting was that the value of the land swap needed to be of the order of £1 million or so. I am sure the

Treasury and Resources Manager will not mind me saying that he was willing to come down from the valuation of £1.85 million or so for the La Pouquelaye School site as a maximum value, developed to maximum density, with maximum price homes. He was willing to come down from that to about £1 million, which is extremely generous of him, but I explained at the meeting that if I go to a Parish Assembly and say that I want the Parish ratepayers to come up with £1 million for a site which they will only ever be able to use as a community centre then I think I know what the Parish Assembly would say to me. Now, some of the supporters of the proposition have said - and one has to admire their cunning I suppose - why do you not take that deal because in the future the Parish might well want to maximise the value of the site and sneak a few properties, perhaps around the outside of the playground? Now, anyone who has visited La Pouquelaye School will know that it is a very valuable piece of open space and I am indebted to Deputy Fox for putting up in the Chamber a map showing the strategic location of the old school and surrounded as it is by approximately 1,600 properties, which are in green on the map, all within about 5 minutes walk of the site. The site, as Members will know if they have visited it, is not that big and I suspect that no Assembly in the future would be willing to compromise the size of the site, particularly not the playground. In fact, I would venture to suggest that, if the proposition is successful and if the community centre is developed, the footprint of the community centre may well shrink to allow more use of the outside area for games and such like. So, what the Parish Assembly would be asked to do if we pursued a land swap for about £1 million in value would be to pay 3 times or so more than the value of the site as a community centre. I honestly do not believe that any Parish Assembly in Jersey would approve that kind of deal. Why should the ratepayers of any Parish pay 3 times more than the value of a site for what they want to use it for? Possibly, if you are dealing with a hard-nosed property owner, a Parish would have to take a view about whether paying that kind of extra money was a good idea, but when you are dealing with the States of Jersey with whom I would hope you have a sense of partnership in the approach to the needs of the community, then surely one should not have to deal with the States of Jersey as one would with a hard-nosed property owner. In fact, of course, we all know property owners who are not at all hard-nosed and who indeed offer land to Parishes for the development of community centres for nothing at all. I am just going to mention in passing that the Clairvale Street old school does appear to be being offered for £10 for its use for community facilities. So, I say again, Sir, the Parish is not averse to a land swap but the land swap must be based on what the old La Pouquelaye site is valued as for community uses. It is simply unfair to ask the parishioners to pay the value of the site, whether in land or in hard currency, for the use of a site for expensive housing. As I say again, the Parish does not intend now, and I suspect will be even less likely in the future, to develop the site. It does not intend to cash in this particular pile of chips because we need a community centre there. I hope, Sir, that has removed the issue of the land swap; a land swap is fine. The purpose of today's debate is to give the Treasury Resources Minister a steer. Now, we all know that the Assembly can give Senator Le Sueur a rough ride if he brings forward a property for disposal from the portfolio of States' properties at less than the maximum value obtainable. I feel sympathy for him because he cannot win. If he tries to do that with a former school he is hauled over the coals. Today we are asking him to do precisely what we did not want him to do with the former J.C.G. (Jersey College for Girls). I would argue that the cases are extremely different. Here we have an old school which has already proved its value to the community. It is very clear, from what I believe I have just said about the way the Parish Assembly works, that if I go to the annual rates assembly on 11th July this year - which is when I am hoping the purchase will be completed - and ask for £1 million to buy a worn out school for a community centre when the parishioners ask me: "How much is it going to cost to run this as a community centre?" and I tell them, and my technical officers tell them, that we estimate probably £400,000 will be required to maintain the building in the near future, it was after all given up by the States as a potential school because the buildings were worn out. When I tell them that the revenue costs of running a youth club there and paying for a co-ordinator and paying for sessional youth workers will add on top of that another £30,000 to £50,000 revenue costs, I honestly do not think the Parish Assembly will back me. If, however, I can say to them on 11th

July the States, recognising a partnership exists between the Parishes and the States, have been willing to not sell this land to us at its maximum value but have sold it to us on the basis that it will only ever be used for community facilities, in recognition that the Parish will itself have to come up with all the money required to maintain the building and to develop the centre, then I believe the parishioners will probably still give me a rough time but, I think, with the help of the Deputies at the meeting, I believe that we will get that through the rates assembly in July. From July we will be able to give certainty to all of the many users who currently go up to the old school. I know that there is really not much argument about this but I am just going to spend a couple of minutes telling Members who currently uses the community centre because it may well not be fully appreciated. We have the One World Project; we have the Band of the Island of Jersey - rehearsing in a place where they cannot disturb people. We have the Nairobi Slum School Project, a charity shop which sells a great deal of goods for their particular purposes on a Sunday. Every week we have the La Pouquelaye Baby and Toddler Group, a new organisation. We have the La Pouquelaye Intermediate Youth Club which, as I referred to, has been started-up by the Parish in association with the Youth Service. We have the 5th St. Marks Girl Guides now meeting there; the Jersey Photographic Club; Slimming Together - I should probably start going to that. We have an aerobics group, we have Sizzling Salsa and then we have a range of dancing groups that use the main hall. There are probably some Members who went to La Pouquelaye as children but the main hall in the school does have, I think, one of the best sprung floors for dancing. So, we have tango, we have tap dancing and we have street dancing as well. So, it is well used and, of course, these are not just parishioners of St. Helier to come to these groups; they come from all over the Island. We have a new branch of the Womens' Institute, and I challenge any States' Member to face down the W.I; the La Pouquelaye W.I. now meets in the centre. The Caesarea Scrapaholics, which I understand is a craft group. We have the Jersey Amateur Dancing Association; Jersey Police Service training. We have birthday parties; the Liz Robinson School of Dance. We have a Christian youth organisation called Fresh; we have community football run by David Kennedy from E.S.C., and we have private hire as well. That is what is being able to be organised through the work of the co-ordinator, very much on the basis that you can come to this centre but you may well not be able to come here in a few months time. There has been no certainty offered to any of these groups because we have been in a process of discussion. There has been a lot of discussion with the States. We did originally ask if we could maintain the centre on a long, peppercorn lease. The Property Services Department were good enough to extend the lease so that we could continue to demonstrate the need for a centre, but basically time was called and we were told: "You have really got to buy this Centre off the States." So, I want to make no bones about it. There may be Members who say that all of the groups I have just listed can go somewhere else. Well, first of all some of those groups have only started because of the facilities made available in this densely populated part of St. Helier. Some of the groups have come to us because they found their existing premises were simply not conducive to the future of their club or society. So, I do not want Members to be in any doubt about it, if the Parish is prevented from acquiring this site then some of those groups will simply fold; they will not happen. I think that will be a tremendous shame at a time when the States are trying, for all strategic reasons that we have signed-up to, to encourage a greater sense of community and involvement. Now, Members will notice from the proposition - and I am shortly going to wind-up - that the magic figure of £300,000 is not referred to in the proposition. The proposition makes it very clear that what we are looking for from the States is a steer that will allow the Minister for Treasury and Resources to negotiate and agree a price with the Parish, based on the use of this site for its current uses. Based on the recognition that the Parish is not going to suddenly turn property developer and cram high-value dwellings on the site. Furthermore, what we have attempted to do is to offer the States some comfort. Should some future Connétable decide that this is rather a good idea to develop the site then what the Parish is proposing is to effectively covenant the site and say that if it is ever developed in future any increased value would be payable to the States. However, how the lawyers frame that agreement - there is a thing called a Le Brocq clause I believe which I know is not favoured by some lawyers -

as far as I am concerned if the expression is made in the Assembly that the Parish is not going to make a profit out of this site then I think that should be enough. As I say, what the proposition is seeking is a steer from the States to allow that negotiation to take place. The Parish has had an independent valuation of about a third of a million pounds but that is very much a matter that would have to be discussed. If that sale goes ahead and at any future time the property was to be developed then the States would benefit from that. So, one might say in conclusion, what is the problem for the States? The Parish is offering to run a much needed youth and community centre. The Parish is offering to take all the risk involved in maintaining effectively worn out buildings and in providing the staff to run the centre. The Parish is helping to achieve a strategic objective in making community facilities available to the public in a densely populated part of St. Helier and the Parish is offering to pay any profit if the land should one day be sold into the States' coffers. It seems to me the only thing the States is losing is the ability to make a little bit more money now in terms of hard cash than the Parish is offering. The Parish is offering, if we say about a third of a million pounds... the States could sell this property for more. I believe this is a short-sighted view. I think the long-term benefits of the community centre on the site are sufficient for the States to agree today to this proposition. It is not, as I say, about making a profit; it is about giving the dozen or more community facilities which have just started, and the many that will follow, a successful outcome to this proposition. It is about giving them a secure place from which to operate. Sir, I commend the proposition to the House.

The Bailiff:

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

13.2 Senator T.A. Le Sueur:

Can I begin by agreeing with the Constable of St. Helier that this site would make a very good community centre, and the facilities that are there at the present time should be encouraged to continue; maybe even to be developed. If the ownership of that site would give better certainty to that, then I am all for that. So, we are at one with that and I think probably the whole House is at one that it would be a good use for that site. I draw Members' attention to the comments which I made on this proposition 3 weeks ago where I said, in the third paragraph, that an alternative approach to the sale would be to enter into a land swap agreement, perhaps with a balancing cash adjustment if appropriate. The Parish owns land which is not in full use and which could support a better use by the States. I went on to say that, while I could not support the proposals as set out by the Constable, I would however strongly favour entry into further constructive discussions with the Constable with a view to reaching agreement on a land swap. Well, we have had discussions; I am pleased to say that the day following the previous debate I sat down with the Constable and his officers and we went through various sites. Sites which I thought were not being fully utilised by the Parish and could be of better use to the State, sites such as the Parish Yard in Lempriere Street. That did not find such favour with the Constable but he suggested a site at South Hill. Now, I think Members probably know the existing planning offices at South Hill; perhaps what they do not know is that that site is surrounded on 3 sides by land owned by the Parish of St. Helier. The fourth side is a public road. So that site is landlocked by land which is owned by the Parish of St. Helier, used partly as a playground, partly as public open space, partly as a car park - from which I am pleased to say that the States gets revenues - but it is effectively of little value to the Parish other than amenity value. Looking at it from the point of view of a marriage value with existing States' property at South Hill, I instructed valuers to come up with a valuation for that site and that valuation, with the usual ifs and buts that valuers tend to stick into these things, is about £1 million to £1.2 million. I was heartened by that because when I had discussions with the Constable of St. Helier, as he rightly said I indicated that I would be prepared to come down from the £2 million for La Pouquelaye School, which had been the official valuation. I was entering into constructive discussions, and I said that I might even come down as low as £1 million or £1.25 million, I just needed to be persuaded. So, when I saw the valuation come in from our professional valuers at

£1 million or thereabouts, I was heartened. I thought: “Right, here is the scope to do a constructive deal.” A deal whereby I, the hard-nosed States Treasury and Resources Minister, forego something like £0.75 million value, recognising that this is a community facility. On the other hand, it means that the Parish has to be constructive and to say: “Yes, we accept that it is unrealistic to pay a peppercorn price, whether it is a purchase price or rental price for that land, and we appreciate a constructive offer to meet us halfway.” So, I thought: “Right, this is a way to proceed.” There are still some details to be ironed out, and I accordingly emailed the Constable at the end of last week and said: “I think we have the bones of a deal here,” and we would discuss it and pursue it. I am sorry to say that we are back here this afternoon. I think perhaps I need to go into a little bit of background for some States Members. Not too long: I do not want to keep us here all afternoon if we do not need to. This goes back to 2001 when the Planning Minister of the day brought a plan to re-zone the playing fields of the Girls’ College at La Pouquelaye for a new primary school. As part of that report and proposition was the comment: “The existing school site is well within the built-up area and would lend itself to ‘Category A’ housing, and at the end of the day the existing school site is capable of providing a small number of residential units and a public open space.” So part of the proposals to re-zone La Pouquelaye playing fields for a new school was that, in exchange, the public would get back a site at the present La Pouquelaye School and reimburse some of the costs of that quite expensive but very nice new primary school. That of course was 6 years ago and memories dim with the passage of time, but I do think that at the time the States of the day had an expectation that it was not all bad news because we could get something back from the school site. Now, were I to be the hard-nosed Treasury and Resources Minister I would pursue that today and say that was the decision we made then, I would like £2 million for that site. But I am not; I am prepared, in this instance, to be constructive in my suggestion of what could be done but I am not prepared to give away the States’ assets to Parish authorities. Yes, I have been known to dispose of States’ properties to charities or so forth for less than the full price and on today’s Order Paper we have seen that we recently sold 2 properties at Trinity and 2 properties at La Mabonnerie for occupation by members of Les Amis at discount on the full price. A discount to that necessary, needy organisation. A reasonable discount: a discount amounting to something like 50 or 60 per cent. Now I do not think that it is in the public’s interest that I should give far larger discount, not to a charitable organisation but to one Parish because, in doing that, yes the parishioners of St. Helier and the people of La Pouquelaye will benefit, and the taxpayers in the rest of the Island will suffer in comparison. There is no free lunch here; there is no free community centre. So, what I urge the Constable to do is to join me in being reasonable because I still think that this site should be used as a community centre. I still think that there is scope for negotiating that price and I believe that, if the Constable is looking for a steer, I am happy to suggest to the Members of this House how we might give him that steer. We could say, and I think we already have by default almost, that we all support the idea of a community centre. We could say to the Constable of St. Helier: “Look, would you go away and come back and ask your parishioners to pay a more realistic price? Not the full market price, the Treasury Minister has been soft in the heart, soft in the head; he is prepared to set a lower price, but not at such a very low price.” I think the Constable maybe is being a bit disingenuous when he suggests that his proposition does not refer to a figure, but merely to a community value, when both his valuer and my valuer, and the rest of us around this Chamber know perfectly well that the community value price is between £250,000 and £300,000. Whether the figure in the proposition or not, that is the figure that I will be ending up morally, practically, effectively, committing this House to selling that land for. It is interesting for most Members, that if we wish to buy land at a holiday camp in Plémont and view that as open green fields, I could negotiate with those vendors to buy the land at its open green field value; I do not think they would sell. It is all right for the States; we can sell properties for peanuts but we would have to pay full price whenever we wanted to buy. It is heads we lose, tails they win. This is a not a commercial situation, this is a situation for the benefit of the community. It is a situation for give and take, where I will give a little bit and take a little bit less if the Parish of St. Helier is prepared to give a bit more. Now, that puts me, Sir, in a difficult position and I would like the Constable to have

agreed to defer and pursued negotiations because I am sure that, with goodwill on both sides - and I certainly have goodwill on my side - we could achieve a solution. This proposition, as it presently stands, I would have to reject and I would have to urge all Members to reject, but I will reject it with a positive suggestion. I have made the Constable an offer to put to his parishioners that we should do a straight swap between the La Pouquelaye School site and the green land around the States Offices at South Hill. I do not have a plan for Members in large scale but, Sir, that is what it looks like. It is the area all around the States' buildings, there. I am prepared to leave that offer on the table for 3 months for the Constable to go back to his parishioners, to go back to his procurers and say: "This is what is potentially available. This is something which will enable us to maintain that valuable community facility at La Pouquelaye. This is a deal we have been offered by the States at below market price. Parishioners, would you be interested in it?" That is the offer I suggest that the Constable takes away. It is perhaps too early for me, Sir, to suggest to the Constable that he withdraws his proposition at this stage but I do suggest to him that ultimately it would be better to go back and carry on negotiations, rather than pursue this debate and, I suspect, end up with the House rejecting it. I would just say to the House that, if Members do reject this proposition, my offer remains on the table. I hope the Parish would take it up.

Deputy G.P. Southern:

May I ask a point of clarification, Sir? You refer to the 2001 proposition in terms of the new school and saying that there was an indication that a small number of houses could be put on that La Pouquelaye site. Was that contained in the proposition, in which case you effectively made a decision, or was it in the report, in which case it means nothing?

Senator T.A. Le Sueur:

It was in the report, Sir; it was indicative.

13.3 Deputy J.A. Martin:

Well, I follow the Minister for the Treasury and I am quite upset to hear what he has planned. I think the Constable of St. Helier is being reasonable in asking for this as a community space and I shall go on to try and explain why. I am hearing, Sir, that everyone agrees with that; that they want a land swap. Now, firstly the Treasury Minister dealt with the land swap at South Hill - which is in my district and I could be accused of nimbyism in St. Helier - and he told us what was there. A nice park, some open space, amenity space and a car park that goes back to the States. Obviously, if we land swap this with the States it will have to replace the money; it will be built upon and we will lose some of these amenities. So I do not think this one floats, taking one community or open space from one area and taking it to another and then making that a more dense space. I want to deal with the comments from the Minister for Treasury and Resources. I will read the line, it says: "...the broader context of the States Strategic Plan and the need to put the resources of the States to the best use." No mention of money - the best use. "As Treasury Minister one key objective must be to realise a fair value for the site..." Well, a fair value; that is what the site is going to be used for. Now, is it a fairer value if we keep it as a community centre? Can we accept precedents in the past over social housing? We have foregone many millions of pounds for social benefit and they have been sold for £10. Now, the Constable of St. Helier is not even asking for that, he is willing to pay. Personally, I would not support it at a Parish Assembly and I would urge people that we could have this, but if that is the only way we are going to get it - the value of a community centre - so be it. But the Minister wants a steer. I find in his comments some threats as well which are not hard-headed Treasury Minister threats, but now if the States do this there are other things that we need to do we cannot do. Just let me... we did find... we have had a little windfall of £32 million from the Dwelling Houses Loan Fund. Now, I think if anyone researched where that money came from it would be paybacks from first-time buyers from loans who live up and around in probably this area, or if not in many other parts of St. Helier. Now, £32 million already invested from the people who

live in this very densely populated area. Now, I admit the Constable and I do not always agree that St. Helier is, and should be, the only place re-developed but that is where we are. I have heard a few comments from the Constable: "Well, St. Helier is already getting all of the rates and the welfare." No, they are going to Social Security for income support, but then if we do not get them maybe, as I have always said, the rest of the Parishes take more building in their Parishes. We have lots of talk about the Strategic Plan and the aims of the Strategic Plan, but what I would like to draw Members' attention to is this new plan. A policy - and I am glad the Chief Minister is back here because he presented it - and Senator Perchard, Sir, was so impressed with it. He had not even read a page of it but he knew it must be good because it set a social policy framework for Jersey and it must be excellent. Now, and he still agrees... well this is the test, Sir, the test we have for commitments. I agree they leave it to commitment 10: "Communities are integrated and inclusive; develop a co-ordinated support service that help neighbours and communities build social capital", and it goes on. Now, what is social capital? Well, I was going to ask but the usher has already put out some papers to the Ministers which were the last people I wanted to remind, but it was their document. Social capital and social capital indicators are social networks and social support. A number of close friends and relatives who live nearby; exchange of help; perceived control of satisfaction with life. Frequency of contact with family and friends; whether someone can be called on in times of need and sickness. Degree to which individuals know each other in their neighbourhood, frequency of doing favour to neighbours, trusting others who are like you, and it goes on. This is a community and what we are asking is for a community centre. We had the school and I know after me, Sir, there are going to be many Ministers or people who feel they cannot... of course they have to support a community centre but ... But nothing, Sir. I am saying "social capital"; is that social capital money value? Or is it really what this document, that took 18 months for the new Ministers to come up with, a social steering policy group... great stuff in it and even the Chief Minister said at the presentation it is going to be very hard getting departments, getting agreement, getting people to work together in the community; very hard. We come today at the first hurdle and I can see all the horses getting to it and refusing to jump, Sir. **[Laughter]** Most of them have chucked their jockeys over Beecher's because it is too high. That is basically what it is; we have so many policies and so many strategies, and I do not want to quote this, Sir, because every time I quote something I get it wrong, but I seem to think the people who get all the "buts" know the price of everything and, to me, the value of nothing. Senator Perchard says: "Rubbish" but, Sir, this is where we are. We need this community centre; there is a part in here that talks about participation for the elderly, encouraging them to go out in their communities in the evening. Do not think because you are over 60, 65, 70 you are not a useful part of your community. There are volunteers queuing-up to help the community in the area. What is the alternative if we sell it? We have more houses in a highly populated area. We are already building more, just up the road on the old Channel Television site, be it for first time buyers or sheltered housing. So, Sir, I will stop there because I will ask the usher, with your kind permission, if he can point out what social capital is, measured by the Chief Minister, Sir, and all the Ministers that were working on the policy - Scrutiny was not allowed to work on it but I agree with every single one - that this is the time when they stand up and say "strategic value" and everything else does not always come down to money. In fact, a good community area, community service, in this part of town - and it could also be South Hill because it is getting very densely populated, so do not even think that a land swap will go down there and you can build houses or recoup your money because the residents there will be fighting it as well. I would say to the Constables, it is about time... it is not only the residents round here, it is a lot of your youngsters. We could have meetings for the elderly, all different things in this community centre that will come from all over the Island. Now, it is not asking a lot. This document quotes the Bridge - the old St. Mark's School for anyone who does not know - not a penny has changed hands. It has got many different community uses there and it is open all different hours. It is a fantastic facility but it is at the cost of the States. All the revenue is at the cost of the States. The Parish of St. Helier are not asking for that, Sir. They are asking to be given a go, and I am asking for this House not to judge everything by the value of money because I

am telling you now - well, I am asking them now, Sir - if they really will think about it, long-term, what this could save the community in vandalism - get the kids working on the projects. There is a lot more to be done and I think our Constable, or my Constable of St. Helier, is very far-sighted in this. I really do not want this to be an argument of how much we have to pay. As I say, I think the Constable has been very fair in his summing-up about far he will go. It will not be profit, a peppercorn rent or whatever, but we cannot, as a Parish, run it on a revenue budget like the States does the Bridge, and we have no intention of it. So, basically today - and I can, as I say, Sir, already hear the “buts” and “I do not understand” and I am sorry, but I do - that we have many plans but are we ever going to get this one off the ground? The social policy framework for Jersey and social capital versus £1 million, Sir, or what the Treasury Minister says he is not being hard-nosed about. In fact, reading his comments, as a Treasury Minister I do not even think his own heart is behind this. He does want the community centre but he has to be seen to do his job. **[Laughter]** Sir, he is agreeing with me; I am trying to make the case for him that it is not just money, there is a wider community, there is a wider strategic... there are so much wider issues in this proposition and this community centre that I hope I have seen a way out for him, and that we do not have to withdraw, and he has got the steer from the States. I am sorry about his steer because, to me it was rather an “mm” steer and I am sorry - yes, an “mm” steer, Sir, I would not go that far. I will sit down now, Sir, I think I have tried to make my point very succinctly but if this is not passed, to me this is not worth the paper it is written on and we might as well all go and find your deep-buried copies of it and tear it up because you do mean nothing for the social policy framework for Jersey. Falls at the first hurdle; thank you, Sir.

13.4 Deputy K.C. Lewis:

I do support the principle, Sir, of converting this old school into a youth and community centre. My question is regarding the proposed land swap. The area around South Hill, as far as I can remember is several old quarry areas, a playground, and to the top end - if I can recall - there is an outpost of Fort Regent there I believe, the name escapes me, with part of an old fortress - German bunkers - and there are, I think 3 or 4 bungalows there. My question is, is this area included in the proposed land swap and are the tenants there secure? Thank you, Sir.

The Bailiff:

I was going to call Deputy Ferguson but she has gone. Deputy Pitman?

13.5 Deputy S. Pitman:

A few weeks ago some States Members were invited to a tour around La Pouquelaye School and I was one of them who attended. I was given a tour around the school by a passionate, young youth worker who is paid by the Parish and who is very keen to use the old school to develop youth projects. I was very impressed as to how the school could be used in part as a youth centre and understand the passion of the youth worker because I was one myself for 4 years as the Assembly knows. So, I know how important it is for the young people who need that type of contact with adults, and how much the community at large benefits from it. For this reason, Sir, I am very disappointed that the Treasury are considering a land swap. When I hear of Ministers talking about tight budgets and cuts at the same time that we are losing millions of money in subsidies to housing trusts to pay their loans, I have to ask the Treasury Minister, is that in the interests of the community? Sir, whatever the deal is made as to the sale of the school, the Parish will be saving the States money as the Education Department will be paying nothing for the provision of youth workers. Although I acknowledge the small grants they have given for infrastructure, and they will be providing training, I think it very sad that the States are seemingly not valuing the important work the Parish is trying to do for its community. So, Sir, I will be voting for this proposition.

13.6 Deputy G.W.J. de Faye:

I think it is pretty clear that no-one in the House today is going to debate the value, or not, of a community and youth centre. I was quite moved by Deputy Martin's approach to that. This is about investing in the social fabric of the Island. If we want to make those long-term savings and cut down on youth crime, cut down on vandalism, re-establishing a sense of community then this is precisely the sort of amenity project that we should not just be supporting; as responsible Members we should be championing this type of cause. So, what on earth are we doing here having an argument about it? As usual, it falls down to money and what a timely phrase Deputy Martin used: "Knowing the price of everything and the value of nothing." That is one of the demons that sits on the back of most of my fellow Ministers in the Council of Ministers. It is not really their fault; it is just that they either used to be on the Finance and Economics Committee or something similar and they have developed a level of obsession about what I would simply describe as the bottom line. I do not blame all the Ministers but the culprits know who they are. **[Laughter]** There comes a time when you have to step back from looking simply at the numbers and have a look at the practicality, the commonsense and the creativity in any one situation. Let us, just for a moment, indulge all the accounting fans among my colleagues and take a slightly closer look at the figures. As usual, we are talking creative accounting because are these values of any relevance at all. They are all gauged for a start; it could be £1.85 million, it might be £2.1 million; it is there, or thereabouts. Yes, that is assuming that you have planning permission. Now, I do not know how many Members are familiar with La Pouquelaye as an area. It happens to be my constituency so I will declare all the interest at this stage. I am the chairman of the steering group behind the La Pouquelaye community and youth centre, and that is where all of my voters live; so, hands up to that. Nevertheless, if you are not familiar with the area, it is densely populated, and I am not just using a random phrase there. You really could not pack in many more houses if you tried, and if you did try La Pouquelaye School would be about the last place you could pack any more in. I have to say, quite bluntly, if any Planning Minister zoned and allowed development of more houses on that site in that area he should resign because it would be an utter disgrace. All the amenity value that La Pouquelaye residents have are a couple of corner shops, B&Q, the various bits and pieces that go on in the old J.E.C. (Jersey Electricity Company) building, and Pet Cabin. While a mixed community, they are to a very large extent cut off from the rest of St. Helier by the natural geography of the location. They live up a relatively steep hill on a plateau. There are no serious amenities up there, not even a fish and chip shop. The nearest leisure locations are three-quarters of a mile away at the bare minimum. There really is not anything of an amenity centre to talk of, and this is a desperately needed site. But here we are putting valuations on it as though it is going to be 'Class A' or 'Class B' housing when frankly, in my opinion, it would never be that. The steer that we need to send to the Treasury Minister, who ultimately will have the say-so whether the House likes it or not, is that there are times when you have to apply different types of valuation. We are doing this all the time. I am very happy to support some of the Housing Minister's sell-off. There are some properties that simply do not fit realistically into his portfolio and it is absolutely right that he sells them into private ownership at the highest price he can acquire for it. Nothing wrong with that, but I have to remind Members that the highly successful Fortifications Holiday Lets Programme would have bitten the dust at the first hurdle if we had sold every bunker to Heritage Trust. What, incidentally, is the realisable value of a 5-storey German bunker? Who knows? But the properties were simply transferred into different management, effectively, and we know this goes on all the time. I do not think the Connétable of St. Helier is making an unreasonable approach here. What he is saying is this is the deal that I think my parishioners would accept. Members will recall Deputy Martin said: "Look, we are going to be funding this community centre from now on in." In fact, the Parish has been funding it already and has been repairing elements of it which otherwise would have fallen into other areas of responsibility. Deputy Martin said: "Hang on a minute, we are taking on a liability here. The Parish is going to be paying for this year in, year out on a revenue basis and the Constable is offering £250,000 to £300,000." She thinks that we should get it for nothing. I think the Constable has been more than reasonable to put up several hundred thousand pounds. But as for a million, it is a million pounds; being generous on the basis

of a valuation that does not really exist. The Treasury Minister is being very clever here. He is discounting on a notional price. He should give up accounting and go into retail. **[Laughter]** Because is this really a discounted sale? I do not see it that way. So, the point of principle here is what is it really worth? I think we should plumb in a few other values. The Constable has pointed out that this is a worn-out, tired building; that is why it is no longer a school. His officials have already done work to establish that to keep it running in its current form over the next few years, hopefully up to 5, even 8 or 10, there is going to have to be an additional input of cash in the order of quarter of a million to £400,000. That is just to keep the current building operational. That is aside from the existing running costs, heating, lighting, water, *et cetera*. Then, in due course of time, I certainly would hope and I am sure it is the vision of the Constable that the Parish would ultimately demolish the by then extremely weary and worn-out old school and build a brand new, purpose-built, properly designed community and youth centre for what would undoubtedly by then be an extremely flourishing project. So for every extra £100,000 that we feel that, due to our obligations in another slightly variant area of public interest, we claw-back from the Parish, that is more money that the Parish will not have to spend on the project over time, and that is less money to spend on proper redevelopment. Now, it seems to me that the exceptions to the rule are so many that I will not bore Members with going into all the details. We are all well aware of them. This is an exception to the rule of achieving best value and maximum return. This is, as Deputy Martin says quite rightly, an opportunity to invest in social value. I do hope that, given the current offers on the table, we can come to a deal that is acceptable to the Treasury Minister, that he understands that we are sending him a steer that says in some cases you have got to come well down below the price that you are being advised you might get if you were allowed 'Category A' or 'Category B' housing, should the Planning Minister survive that type of decision. I urge Members to give the Treasury Minister that steer. This is an exceptional one-off opportunity and I think that all Members - those that have not seen the benefit already - will live to see the benefit in future.

13.7 The Deputy of St. John:

I know the La Pouquelaye area reasonably well. My in-laws lived there for many years. My wife was one of the first intakes to the school when it first opened, so clearly it has perhaps come to the end of its useful life. I am sure she will thank me for saying that. **[Laughter]** I hope she is not listening today. I just wanted to throw an idea into the debate that maybe has not been considered as yet. Clearly the site has some value, and I do not necessarily agree with Deputy de Faye's suggestion that planning may not consider it as such, but it clearly has some value, maybe £2 million. Now, what if that site was sold and a site in the immediate vicinity - because there is no doubt the area does require community facilities and I think it should have them - but if that money was realised and ring-fenced, you could build a wonderful community centre for £2 million in the immediate area. I cannot believe there is not somewhere in that immediate area that could be used for a community centre, another site, shall I say, and that £2 million ring-fenced and spent on a state-of-the-art centre for the parishioners of that locality. Has that idea been considered? In other words, what feasibility study has been done into that area to provide community facilities? It does not sound to me like much has been done at all. This sounds like it is a bit of a back-of-a-fag-packet job. I think it is a great idea to have facilities in the area. I think they are much needed, but there is an asset there that has some value that could be made to work a bit harder. With £2 million in that immediate area, I believe you could build a wonderful facility for the parishioners that live in that locality. I would like to know if the Constable has given that any thought and maybe the Treasury Minister may want to comment on that as well, rather than trying to use some buildings that have clearly come to the end of their useful working life and spending hundreds of thousands of pounds on them, which Deputy de Faye then suggests in a few years time you may demolish anyway and build what I am suggesting you could build now. I just wondered if the Constable had considered that as an idea. Thank you, Sir.

13.8 Deputy S.C. Ferguson:

There has been a lot of talk this afternoon about fairness and principles and so on. In the finance industry under Trust Law, there is a concept of looking after beneficiaries and remaindermen. I am sorry if my legal language is a bit attenuated, Sir, but I am trying to explain it in simple terms. It is a concept of recognising separate parties both with an interest in an asset. In this case, I think the beneficiaries could be likened to the parishioners and the remaindermen, the taxpayers who have paid for the school. I just wonder why different principles should be applied to country Parishes and to St. Helier. Is that fair? Do all the Parishes expect the States to pay for their community centres? Perhaps the Connétables would like to comment on that. Deputy Martin mentions objections to building at South Hill. Forgive me, but from my days of trying to teach my son hill starts and reversing, it is my impression that there are some very big lumps of granite up there which are totally unsuitable for building on and there would, no doubt, be conditions placed on any scheme by Planning to retain the green pockets. Yes, I do support the concept of a community centre in La Pouquelaye, but there should be a realistic land swap in order to pay attention to the interests of the taxpayers who have, after all, put the money into the original school. I would like to recommend that the discussions between the Constable and the Treasury Minister should continue and that the Assembly should thoroughly reject this proposition which is rather one-sided and takes no account of all the interests.

13.9 Senator M.E. Vibert:

I probably should accept responsibility for causing this debate because if we had not moved the school out, we would not be having the debate. But we did move the school out because the buildings were no longer in the state where they were fit for purpose and we needed a new school. I do not think there is anybody in this House - at least I hope there is nobody in this House - who would disagree with the concept of having a community centre in that area based on the old La Pouquelaye School. Great support of community centres; we have developed one in St. Helier for the residents of St. Helier and others at the Bridge, and I would love to see another one up at La Pouquelaye. I found a very interesting experience quite recently in this debate... and I am sorry he has left the Chamber, my fellow Minister, Deputy de Faye. It is the first time I have been lectured on social responsibility by Deputy de Faye. I found it quite unnerving. I will remind him of it if ever he has the temerity to object to any social good that I am trying to achieve with my budget in the future. What I would really like to hear from the Connétable is why the land swap is no longer acceptable. I have seen in the correspondence it was originally thought to be acceptable to the Parish. Because I believe that everybody could vote with a clear conscience in favour of that and that we could all get on and concentrate - and we should be concentrating instead of quibbling about values and so on - on the fact that we would all like to see and would support St. Helier in developing a community centre in that area. The States have helped many Parishes with their community centres in the past and I hope will always continue to do so. I regret very much that we are having this debate at this time. I believe that there should have been more time allowed and there still should be more time allowed for the Connétable and the Parish to talk with the Treasury and Resources Minister and to come up with a sensible solution that is acceptable to all parties. I do not think we are doing ourselves as a States any favours at all by having this debate when we are all in favour of the community centre and we should not be haggling in public over negotiations of how it gets there. Sir, I would urge the Constable to carry on with more negotiations so that we can come to an acceptable solution because I will find it very difficult, though I am a great supporter of the community centre, to support the proposition as currently worded.

13.10 Deputy C.J. Scott Warren:

I, too, support the long-term prospect of this site being retained and used as a community centre. There has to be a realistic price asked for and agreed regarding this site; not too high a price, nor too high a land swap value. I am a member of the Safer St. Helier Group. This community centre will improve the future social wellbeing of our people. This will inevitably mean less crime and better social wellbeing. So I think we have to be looking for a reasonable price, as was said by the

Connétable, one that his ratepayers will be able definitely to support. I do agree with some of the comments made by Deputy Martin and today we have the opportunity to sign-up to the many social policy documents that we so readily gave agreement to in principle in recent years: building a safer society, many parts of the Strategic Plan, and the recent social policy framework document. If these things matter, we have to agree to keep this for a community centre. Thank you.

13.11 Connétable M.K. Jackson of St. Brelade:

I have experience of being on a management committee of the community centre or one of the community centres in St. Brelade in the west of the Island. Now, I do not know if Members realise that community centres in accountancy terms really would have to be considered a liability. While the Treasury Minister is responsible for the public purse and quite rightly - in true accountancy terms, as Deputy de Faye has indicated - looks at the bottom line, quite rightly I think it is for this House to guide him in his approach to this projet. Clearly, as has been fully agreed by all Members here, there is a need for a community centre up at La Pouquelaye. I think the Constable of St. Helier has made a very reasonable offer for what I consider could be in financial terms a liability, and I would urge the Treasury Minister, Sir, to snatch his hand off immediately because I do not think we will get a better offer than that probably. Thank you.

13.12 Senator P.F. Routier:

There has been a lot of comment about how we should be able to sign-up to the social policy framework and put our money where our mouth is, and Deputy Martin and Deputy de Faye and others are all saying this is a test of our ability to say whether we are going to match up to those views of bringing forward the social policy framework. I certainly was one of the Ministers who helped to formulate that, so I want to ensure that we do do that. Everybody is saying it, and it just seems with regard to this projet about the community centre being at La Pouquelaye it is what should happen and that is what we will achieve. I am sure at the end of the day that is what we will achieve. It is how we get there that is the important bit. I think it was Senator Vibert who said he had seen some communication regarding the possibility of a land swap at South Hill in the last week or so. I have seen that as well and I do not understand why the Constable has suddenly decided that that is not a goer. To me, if he was to put that to the Parish Assembly, South Hill to the Parish is a liability. It is a liability to keep the playground in order. It is a liability. It is what happens with regard to social amenity spaces. I certainly would not want to see the playground altered in any way, shape or form because the playground itself is a public amenity which is really well used. To my mind, a straight swap of those 2 pieces of land, one a public amenity space for another public amenity space, is a good deal. It is a good deal for the Parish, it is a good deal for the public, and I believe we can achieve what is needed by the Island and by the Parish itself. So, there is no money that needs to change hands. The offer is on the table for a straight swap of land. I think that is a very good deal for the public and for the Parish. The opportunity which is there on the table, which the Treasury Minister has put before us, I would hope that the Constable would consider that and it would give an opportunity for him to put that to an Assembly and relieve the Parish of the responsibility of maintaining the South Hill land. I think there are wins on both sides for this. I think it is a deal which could happen, but I still have not heard a reason from the Constable why it is suddenly not favoured by him and his Parish officials. I will be unfortunately rejecting the proposition but, in doing so, I would do everything that was possible to ensure that the community centre does happen.

13.13 Senator B.E. Shenton:

I will be brief. To be honest with you, I am not quite sure why we are debating this. We are all, I think, pretty much agreed that the property would make an excellent community centre and that the residents of La Pouquelaye do need the facilities. However, if you read the proposition, it says it is to authorise on behalf of the public the sale of the former La Pouquelaye School for the restricted use as a youth and community centre at a price to be agreed by the Minister for Treasury and

Resources. So the price has to be agreed by the Minister for Treasury and Resources anyway, so would it not be better if he just went off and negotiated with the Constable and agreed the price because it seems to me that whether you vote for or against this proposition, the Minister for Treasury and Resources has had the lead from the House that the House would like to see it as a community centre. So I would prefer him just to go off and reach agreement with the Constable and, as I say, I am not quite sure what we are voting for but we do seem to be fairly unanimous that a community centre would be a good use for the property.

13.14 Deputy J.B. Fox:

First of all, I ought to declare that I used to be originally the Chairman of the old school's Parent Teacher Association and have been involved in this particular area through various organisations from Scouts clubs to Duke of Edinburgh Awards and Education Committees and now I temporarily - while it is starting up - Chair the Youth Management Committee that is running at the moment and Vice-Chair the steering group that is chaired by Deputy de Faye. I will be quite honest with you. I am very encouraged about the 100 per cent support for a community centre in the area, but the problem is it is all down to this one aspect of money. As has just been pointed out by Senator Shenton, a figure is not put on it; a solution is required to be found. The thing about communities is that when you are in government or you are in a Parish, the purpose of running a government or the purpose of running a community is for the sake and the benefit of the community in which we all serve. This particular community has been built on and built on for so many years that nobody has put anything back in the way of community space. There is no one thing that provides a solution. Let us think about it in a little more depth than what has come out. Nearly 1,600 residences in a 5-minute walk. Field 1218: we have just had about 129 family units built there, right next door to Haute Vallee School which is just across the road. We also built d'Auvergne School, which was a replacement for the old La Pouquelaye School and also for St. Mark's School. But what has not been mentioned is that, in fact, the States saved potentially £4.5 million for not building the planned school on the Waterfront, but they diverted the 19 bus service up there for those children. Now, I do not care where people live, the experience is - as one of my responsibilities for youth and the youth of the Island - whether you have a community centre in St. Mary or at Grouville or at St. Clement, St. Brelade or anywhere else for that matter, young people will not necessarily gather where they live. They will gather where they have got friends and where they get support and they will also gather in areas where there are amenities for them to enjoy with their friends. There are 1,600 homes. I cannot tell you how many young people live there because there is no way of me telling that. I can tell you that there is roughly 700 on any occasion going to school in Haute Vallee. That is 12 to 16 year-olds. I can tell you that d'Auvergne School has been built for 350 children. It has a nursery class as well. So that is over 1,000 children; that is 1,050 children that potentially would be using this site, give or take a few. I would also go back to when the plans went in, as the Treasury Minister has already talked about, in Projet 117/2001 using the playing fields at d'Auvergne to build a new school. If we continued the discussion on the paragraph, if he had continued to read out the paragraph: "It would lend itself to 'Category A' housing development providing equivalent of approximately 10 three-bedroom dwellings and an area of public open space for about one vergée (half an acre) and this might be linked to an adjacent landlocked site and receive additional units and more open space." Well, the landlocked site they are talking about is covered by a covenant and there is very little hope of that ever being part of a development. It might very well be part of a community space, but I think the people that own it are probably only likely in real terms to want to even consider opening it up for public use if it is part of a public space. Now, the other thing is that when the residents of the area all through the years have looked at amenities and the lack of them, they have always said that this particular school site is the only practical facility for the community and a youth facility in the area because of where it is situated. It is right in the heart of the community. However, the community keeps growing and we have heard all these new estates being built for first-time houses. We have got the new estate, as I have just said, at Field 1218, which is 45 per cent social rented. We have

the traditional places like Les Jardins des Carreaux and Fairfield Avenue and Manor Park Road, which is 3 lots of roads altogether, *et cetera*. This makes up this huge number of nearly 1,600 residences. But now we also have still under the Island Plan - which is agreed, it is a living document and it is a moveable document - under the H3 item 8, the Channel Television site with Field 1248. Field 1248 cannot be developed on because it is right behind the Channel Television site, and the only place it can be accessed is through the Channel Television site. Now, in the Island Plan of 2002, it was stated that it could provide approximately 71 homes. Well, we have been listening to all the arguments at Goose Green Marsh, at Field 1218, at St. Clement and all the other places as to what various developers have managed to put on their sites, which is a great deal more than what was specified in the Island Plan. So potentially you have got a huge number of families that would be in addition to that if this site is developed. Now, in recent times you have got increased demands for houses for sheltered housing of one form or other for our elderly residents. The density might be less, but in any event when you have a site that is 5.6 acres, like Field 1218 you are talking about having to have a site that also has a community facility and community space, which is in planning terms a necessity by all the rules. But in planning terms I would suggest to you that if the States in their partnership with the Parish - and I put it that way deliberately - have a site as in this old La Pouquelaye School site, right in the middle, that becomes a transferable asset. In other words, you do not have to have lots of little community centres dotted around on every major housing estate. You only need one in the central area that would provide better amenities and facilities and activities than could ever be achieved on small sites, although small sites and immediate facilities are important, as every housing estate will be testament to. But on the other hand, you have also got the fact that someone has got to pay for them, you have got to administer them, but the other main thing is these sites do not run just like that. They have a community that runs it and, all right, people like us as Deputies and others start them off, but La Pouquelaye in the last 6 months or so has got already a tremendous backbone of support of volunteers that are running the community centre. We put the co-ordinators there to progress in making sure that all the health and safety and all the work and the training and everything else is going on. That is part of it, and making sure the doors are open when they should be open or you can delegate when you have got people properly trained and resourced in allocation, *et cetera*, to be able to do it, but it is extremely important that all these are done with joined-up thinking. Now, if we are running a business and you work out what a commercial site... and I believe that, in fact, the previous Minister or President of Public Services and Planning had worked on 'Category B' housing, if I am correct, as a value on that site of £2 million. It was never intended to be 'Category B' housing. It was intended to be an example of 10 three-bedroom homes with a vergée of recreational space. Not a lot you can do with a vergée, especially when people are trying to use this resource and you have got people living so densely nearby. On the other hand, it has been suggested also that you could sell it for 'Category B' housing and put the £2 million into a ring-fenced pot where you could look at a site elsewhere. Well, it is a bit like the reason why the school on the Waterfront was not desirable. In fact, I was on Planning at the time when there was every effort being made to remove the requirements for a police station, school and a youth facility. Why? Because the Waterfront is an extremely valuable site and it eats up a lot of land as it is usually horizontal as opposed to vertical, and so consequently realistic alternatives have been examined and a school was provided. Likewise here. We are talking about a community that is potentially going to expand. If you look at the green areas that are on the map on the wall in the Chamber here, you will see the expansion over the last 20 years is huge. I will guarantee as people are starting - as they inevitably do - to try to conserve the countryside, I can see areas around this green area and infilling bits of it, which there will be demand to utilise because it is in a built-up area, it has a bus service and it has schools, and there will be a demand. But the only thing that people do not tell us is where is the amenity space because the old standards were totally inadequate. People have extended their properties or built in gardens, this is happening all over the place, and there are less and less amenities for our people, our older people, our young people and, indeed, our family units. Therefore, I would suggest to you that we cannot look at this in purely

business terms. Government is not here to do things purely in business terms, nor is the Parish. It is there to provide the best that can be achieved in realistic terms to have a healthy and content community in providing the facilities that are needed for the Island to flourish and to be successful. Part of that success is coming down to having the proper amenities. Therefore, Sir, I am not going into what a lot of others have said. It is very important that we look at this site as the only practical site. The projet allows for discussion but the Parish and the people of La Pouquelaye want the vote of confidence from the Members of this House today to move this forward so there is certainty that they and all their efforts are being channelled into something that is going to benefit their community and, indeed, help to support the safer St. Helier that has already been mentioned and all the other appropriate things. Thank you, Sir.

13.15 Deputy J.A. Hilton:

Just very briefly, I wanted to address the speech of the Deputy of St. John who rather confused me, saying why did we not sell the site, ring-fence the £2 million and build a community centre somewhere else. Well, the fact of the matter is there is nowhere else. The reason that the Parish have put this proposition forward is that we require the old La Pouquelaye School as a community centre. I accept that everybody here in the Assembly agrees that it would be a very, very good use of the site, but the difficulty would appear to be around the value attributed to the old school and what was put up for the Parish in the way of, I understand, land and buildings at South Hill. Senator Routier said he believed it was a good deal. I am not so sure about that. Strategically, I should imagine South Hill is very important to the States of Jersey. I am not absolutely sure but I would suspect that the location that we are talking about is probably in the built-up area, and so I would like to know, for instance, is the open space which is currently provided as a playground for children in the Havre des Pas area designated as an important open space and so, therefore, protected? I suspect it probably is not. I have seen the value in correspondence put on those buildings and the land and I understand quite rightly why the Constable was not prepared to put that deal to the Parish Assembly. Deputy Fox mentioned about the Channel Television site. Members may be aware that recently we had a public meeting in the Town Hall about that site and various other sites to do with the rezoning proposition. Although no firm arrangements were made that evening, the Planning Department were asked to go away and do a consultation exercise with regard to the Channel Television site with a view to possibly having either sheltered housing or first-time buyers on it. Well, as has been pointed out, regardless of what happens, that means that there will be more homes in the area. I have spent quite a lot of time up at the La Pouquelaye community centre and agree with Deputy Pitman who remarked on the energy and vitality of the lady that we have up there who is currently running it for us and developing it as a community centre. Sometimes I just feel that the States of Jersey on the one hand say one thing... people have talked about the social policy framework and we are being encouraged to grow the economy by using the people that we already have in the Island rather than encouraging immigration, which entails more women going out to work. Strategically that site is important. There are an enormous amount of children living in and around that area, and if you are going to encourage mothers back into work, it needs to be a 2-way thing here. As Deputy Martin has pointed out, some people know the price of everything but the value of nothing, and sometimes I feel that that is where we are with the Council of Ministers. I really would like to see the Council of Ministers put their money where their mouth is and start supporting those people in the community who are assisting in making Jersey the successful place that it is and stop looking at the bottom line. Thank you.

13.16 Deputy P.V.F. Le Claire:

It is rather disappointing, Sir, that we have a divided House this afternoon in this proposition, yet we are unanimous in agreeing that a community facility in this area would be something we could all support. I think it is scandalous that the land swap issue has entered into this debate and has skewed the debate to such a degree that Members feel that they cannot support and get behind the obvious benefits of a community centre. I for one as a Deputy of St. Helier No. 1 have not been

informed as to what the current or future plans regarding South Hill are, and I am concerned, as Deputy Martin has said today, about the issue of the sudden beady eyes upon this lovely little piece of land overlooking the harbour, where you can still see a piece of the castle and it is not obscured by 2 blocks of cheddar cheese. It is a good deal for the Parish, Senator Routier tells us, and it gets us away from having to maintain the playground there. Well, it is swings and roundabouts. It is 6 swings, a slide and a seesaw. They have even taken the roundabout away: health and safety. The States needs to get around the fact about providing facilities for people. In these areas we have seen in recent history the demise of the Fort Regent swimming pool because allegedly it was costing us too much money to maintain: £120,000 a year, £98,000 of that was for lifeguards. We have seen the demise of the numbers attending Fort Regent because of primarily the removal of the cable cars, which resulted in 160,000 fewer visitors at the time they were removed and have resulted in that number at least every year since. The inability for the States to get some money out of its pocket and put in some decent access facilities for people in St. Helier, in these cramped areas, to access the more than sufficient areas...

The Bailiff:

I am sorry to interrupt you, but you are speaking to an inquorate House. I ask Members to return to the Assembly in sufficient numbers to make it quorate. Please continue, Deputy.

Deputy P.V.F. Le Claire:

The point is that we are talking about providing the ever-increasing numbers of people in St. Helier and Jersey in particular with facilities and amenities that are appropriate for them, in proximity to them. Now, not one Member of the Assembly is against the idea of a community centre in this location. Not one. I have not heard of one Member who is against this notion of what we do with this old school. So how ridiculous is it and how dishonest does it appear to be when we are saying that it cannot be done unless we have a land swap. If the land swap is of that much of a strategic importance to the Council of Ministers and the Treasury Minister, then surely that should be looked at separately for what it is they want for it, what it is they think they can get out of it, and why they think that nothing can be done at La Pouquelaye unless they have it. Well, there we are, we have heard it from the directors. If there is such a strong desire for the Ministers to get their hands on some of the Parish's land, then why can they not just bring it separately and talk about it as a strategic Island need? Why can they not approach the Constable? Why can they not ask the Constable to hold a Parish meeting and make their case then? Why can they not be open and honest about it? No, they have got to use the pressure of forcing us to think that we cannot have a community centre unless we give them the land. There is not a lot to do around No. 1 district in certain areas when it is the wintertime. There is not a lot to do arguably in St. Helier for many children, who do not have places with covered facilities that they feel they can go to. It is becoming more and more evident day by day and night by night that young people are gathering in places where we would rather they did not gather. So, whether I convince any other Member of the Assembly of what I am saying is the case, I have just had enough of a personal history of how this place works to be convinced that this is an old tactic being used on some new Members, pressuring them into denying what we all see is a commonsense move. I have never heard anything more ridiculous than saying it will stop the Parish having to be responsible for the liability of maintaining the playground. Why do we not get rid of them all? Absolutely disgraceful. The Senator lives not so far from there himself and should know and has been a Deputy of that area and does know of the need in No. 1 district for more facilities for young people. Nos. 3 and 4 district Deputies have quite rightly championed this with the Constable, and having visited La Pouquelaye School only recently for the first time - I had never been there - having been there and looked at it and seen the close proximity to the buildings and how those buildings are in close proximity to other buildings, I could not believe that there was a school there in the first place. It is extremely, extremely dense by urban standards and we are currently looking on the Environment Scrutiny Panel at the issue of sizes of rooms and the effects that we are having on people when you cramp them in too tightly.

That is what is going on in Jersey. You are cramping more and more people into smaller and smaller places with smaller and smaller windows that look like prisons, and you as States Members are telling us in St. Helier that we cannot have what is a defunct, old, dilapidated building for a community centre unless we give you some more of our open space. We do not have that much open space left in St. Helier and maybe there are better uses for the area of land that the Ministers are talking about, but I think we should look at that on its own, individually, and with a clear focus rather than being skewed by some community pressure. If we do get into the land swap and we do agree that they need the community facility - which nobody disagrees with, everybody agrees we need the facility - then it will only come down to haunt us later on when they say: "Oh, yes, but you wanted the community centre, so now you are going to have to have this because you agreed." It is all about money and unfortunately while a great many Members do bring certain levels of acumen to this Assembly, they bring very little in their way of understanding of what it is like to have nothing and need something that only a community can provide you. Some of these people cannot go on holiday. Some of these people cannot go to St. Ouen. Some of these people cannot go to St. Brelade. Some of these people need something near them, and we need to give it to them. St. Helier is under-developed in amenity space, in my view, with more than enough if we were to invest in some access to it, which is what we are not doing. We are deliberately letting it run down so that we can sell it off to the developers who will come charging over the hill and save us all from ourselves.

13.17 Senator P.F.C. Ozouf:

Like Deputies Hilton, Fox, de Faye, Huet, Senator Le Sueur and Senator Walker, I also have my original political roots in St. Helier Nos. 3 and 4. I would like to think that I have never forgotten my responsibilities. In fact, in the Senatorial election one of my proudest achievements was getting more votes in the Senatorial election in 3 and 4 than I did as a Deputy. I would like to think that I have not forgotten my responsibilities to the people of 3 and 4. I would like to think - and I am going to say this because I am going on to explain why - that I also have not forgotten the important requirements of St. Helier. I have helped the Constable of St. Helier deal with the unfair rates burden. I have helped deal with some important sharing of resources issues between public services in the Parish of St. Helier, and I think that there is a lot more to be done in respect of the States and the Parish working together, using assets and using expenses. At the moment, by the way, I am also dealing with an unfairness concerning Jersey Water rates and the way that Jersey Water rates are unfairly being charged to people in St. Helier and the other urban Parishes, but I will leave that for people to ask me afterwards about that. I just say that because I am not able, despite all of that, to support the proposition, and I do not want the Constable in his summing-up, with respect, to berate those Members who are not going to support that and somehow to scold us because we are not supporting St. Helier. Because nothing could be further from the truth from where I am standing and from where other people are standing. I do not understand. There has been criticism of this land swap and I have tried to understand from the Treasury Minister... and it is interesting that Deputy de Faye says "they" when he is on that side of the Assembly. I thought he was part of us **[Laughter]** but never mind, and Deputy Hilton is an Assistant Minister, too. It is very easy for people to say "they", I am quite sure. It is "we" and it is "we, this Assembly" and we have a responsibility as people representing St. Helier and people looking after the interests of taxpayers. It is "we"; "we" in all senses of the word. Now, what is being proposed in this land swap? A land swap, as I understand it, is going to mean that the Parish will not have to pay for this La Pouquelaye site. I am going to be a bit critical of the Parish. I do not think the Parish are great in looking after some of their assets. We have given over the Magistrates Court. I got lost in the Constable's Town Hall the other day and I could not get out of the building because he has obviously put some new security system in. I found myself in the old Magistrates Court. I think the Magistrates Court has now been moved for a number of months, and I stood there and I wondered whether or not this was a very good use of financial resources and assets of the Parish. I am not saying there is an economic requirement for it, but was that asset that we have released from

the Parish being used? The land swap that we are talking about is some land that is not being used. It is not only the playground; it is the area, I think, above the South Hill area. I want to see South Hill developed. I have sat in offices up there on a windy day and it is not very nice, and we need to move that out and we need to use that asset and use that land for better housing purposes, in my view, and move those offices to the centre of town. But the land swap, I do not understand what the issue is here. The land swap is just that: a land swap so that the Parish does not have to pay for La Pouquelaye site. I would have thought that that is a better deal for the Parish. I would have thought that a marriage value between the States-owned land at South Hill and the Parish is a one plus one equals 3. It is a one plus one equals 3 in terms of using the land value, which helps the Parish and the States, but it also has one other advantage. It means that the Parish can use those £300,000 or so that they were going to have to pay for the site and invest in the La Pouquelaye site to make that community centre work. I am standing here and I just cannot understand why the Parish is going to be wanting to do that. Maybe they think that they can get more money out of South Hill by holding the States to ransom. Well, I want to have a proper relationship with the Parish of St. Helier. I want a fair relationship with the Parish of St. Helier. I want an efficient allocation of assets with the Parish of St. Helier, not an unfair one. So I support, for the avoidance of any doubt... and I will admit I changed my mind. I was originally on the F and E (Finance and Economics) Committee that was, I think, persuaded by the Education Committee to fast-track the d'Auvergne School capital because we were going to get the money from St. Mark's School and La Pouquelaye and I thought that we were going to use that for housing purposes. We have moved away from that now. As Deputy Fox rightly said, I thought that should have been used for 'Category B' housing, but I think that was wrong. I think it should be used for community purposes and there is a clear view in this Assembly that that should be done. But it should be done on a fair basis between the ratepayers of St. Helier and taxpayers, not on an unfair basis. So I want to send the message and I am in a desperately difficult position. I do not think I have ever used my 'A' button. I am tempted to think of some procedural way that we can avoid making a decision so that I can send a message to send back this issue so that the Constable and the Treasury Minister can find a solution which solves and creates the community centre but does not create this, I think, unfair deal between the Parish of St. Helier and the taxpayers, to which we all have a responsibility as well as looking after individual Parishes. So I do not know what I am going to do, how I am going to vote. I am certainly not voting in favour because it is an unfair deal and it is not right for taxpayers, but I do not want to vote against it because I want to see a community centre there. There is a one plus one equals 3 plus a free £300,000 available to invest in this community centre. So I do not know where we are going to end up with this, but I am not voting in favour of this. Before I sit down, I would ask the Constable - he is very good at speaking and he is a good emotional speaker - not to cast aspersions on those people who will be wanting to vote against this particular thing but not vote against the community centre.

13.18 Connétable J.Le.S. Gallichan of Trinity:

I wonder why a parishioner in the Parish of Trinity is making a decision on the ratepayers for the Parish of St. Helier. I have heard 2 deals discussed this afternoon: one, the purchase of land for £300,000, and the other on the land swap. Where have the parishioners or the ratepayers had a chance to vote on either of these deals? Certainly if it was in my patch I would discuss these 2 deals with my Procureurs and then I would call a Parish Assembly to decide which deal the parishioners or the ratepayers would prefer. Therefore, I would suggest that in the 2 deals that I have heard of there are pros and cons. There is no question that we all know what we all want; we all want to get a community centre at La Pouquelaye. That is beyond doubt. But it is up to the Connétable to get the deals on the table, take them to a Parish Assembly and let his ratepayers decide. The Connétable is not the only person in this, or the Procureurs. It is the parishioners and the ratepayers of the Parish of St. Helier at the end of the day who will foot the bill, and community centres do not come cheap. The ongoing cost to the Parish will also be a burden. I am not getting

into the deals at all, but I think it is time that we draw this to a close, get the deals on the table, take it to the Parish Assembly and let the parishioners decide. Thank you, Sir.

13.19 Deputy J.J. Huet:

Well, I was going to say, Sir, shall we try and bring some commonsense to this. We have now been here an hour and three-quarters and what have we achieved? As the Connétable of Trinity has said, nothing. In a nutshell, what do we want? We want a community centre at La Pouquelaye. Is it possible for us in this Chamber to make the decision how much we are going to pay for it? No, it is not. It is the Treasury Minister. So, Sir, I am asking you if you can advise me if it is possible, as I am standing on my feet, can we not make an adjournment, can we bring forward a policy saying: “Right, we want the community centre. Send them away and let them sort it out”? Is that possible to do in this Chamber, Sir, because this is going on and on and we are getting nowhere.

The Bailiff:

Deputy, I am not sure that I can help the Assembly in that way. It does seem to me that all Members are agreed on the proposition that the land should be used as a youth and community centre, all but a few, and the only difference is the question of the price. As I understand it, the Treasury Minister is concerned about the words that reflect such restriction in the proposition, which refers back to the restricted use of the site as a youth and community centre. But it is a matter obviously for the Treasury Minister to decide how he interprets those words. For my part, it seems to me that if the use of the site is agreed, that is the basis upon which value can be assessed, negotiated and agreed. That is a matter for the Assembly.

Senator P.F.C. Ozouf:

Can I just ask how he would deal with a land swap in terms of alternatively to a sale?

The Bailiff:

Well, the Treasury Minister assesses his value of the site on the basis of the use which is agreed and that is the value which is used for any land swap which is going to be negotiated with the Parish. The answer to your question, Deputy, is the only way in which the Member can bring the debate to a close without reaching a conclusion is to move that the Assembly moves to the next item on the Order Paper.

Deputy J.J. Huet:

Well, Sir, I have never done it before but there is always a first time for everything. Can we please move to the next item? I know there is not one but, in other words, can we go home in that case?
[Laughter]

The Bailiff:

Well, if that proposition is seconded I will put it to the Assembly. **[Seconded]** It does not seem to me that it is either an abuse of the procedure of the Assembly or an infringement of the rights of a minority, so I will put the proposition to the Assembly. I ask all Members who wish to vote on the proposition of Deputy Huet to return to the Assembly. I ask the Greffier to open the voting, which is for or against the proposition of Deputy Huet that the Assembly moves to the next item on the Order Paper.

POUR: 34	CONTRE: 13	ABSTAIN: 0
Senator L. Norman	Connétable of St. Helier	

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

Deputy of St. Peter			
Deputy J.A.N. Le Fondré (L)			
Deputy of Trinity			
Deputy A.J.D. Maclean (H)			
Deputy of St. John			
Deputy of St. Mary			

The Bailiff:

That concludes the matters of Public Business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS (...continued)

14. The Bailiff:

I understand that Members have already dealt with arrangements for future business, unless there is a matter you wish to raise.

14.1 Senator M.E. Vibert:

I do not think we did, unless I am mistaken. We seemed to get somewhat off-track towards the end of the morning sitting, with no blame at all attached to who was in the chair. It just got very confusing. Certainly, I was not aware that all the arrangement of public business had been heard because Deputy Southern suggests that P.68 - which is Electoral Registration: link to population register, which has not been lodged very long - be put back at least for some time. As a member of the Privileges and Procedures Committee, I would be asking the Committee to prepare a report to the States on how comparable jurisdictions deal with such issues. P.P.C. (Privileges and Procedures Committee) has been very busy with preparing the proposition that was lodged yesterday and have not had time to deal with this in any detail yet. I would hope the Deputy would agree that States' Members should be informed as fully as possible before having that debate, which I think is on a very important issue. So I would like P.68 not taken at the next sitting, Sir.

14.1.1 Deputy G.P. Southern:

May I suggest, Sir, my understanding of this morning was that we dealt with the order of business for coming sessions, and that was done and dusted. I am sorry that the Minister was not aware that we were doing it, but it was perfectly clear, I believe, to 52 Members - the remaining Members - that that is what we were doing and that has been done.

The Bailiff:

I obviously was not here this morning and the Greffier was in the chair. The Greffier tells me that he thinks that some Members might have been misled into thinking that they had taken a decision on the arrangement of public business when the discussion moved on to consider the appointment of the Chairman of the Scrutiny Panel. So I think it would be in order, therefore, for me to accept a proposition from Senator Vibert if he wishes to move a proposition that Projet 68 be not debated on 19th June but some other date.

14.1.2 Senator M.E. Vibert:

Yes, I want to debate it. I just would like it debated with as much information as possible. I think it is an important proposition and we seem to be taking all the things to do with the composition of the States and elections and so on in bits and pieces because not long after we have got lowering the voting age on the 1st July meeting. I would have thought that would be a far better time to take Projet 68 about the link to the population register so we are dealing with matters *en bloc*, and it would give P.P.C. time to prepare a report for Members on the link to the population register, including what other jurisdictions do.

The Bailiff:

Alright. You want to move that Projet 68 be moved from 19th June to 3rd July?

Senator M.E. Vibert:

Yes, please, Sir.

The Bailiff:

Is that seconded? **[Seconded]**

14.1.3 Deputy G.P. Southern:

If I may, Sir, since this is not the first time this has been messed around, the proposition is identical to the previously lodged proposition which was done away with on a motion to move to the next item. I believe that it is a time-critical matter that the group that is involved in doing the population register is working away, has its own time scale and that we need to give it a clear steer as to whether this responsibility should also be attached to the population register in good time for them to draw up their Law and Regulations and to make sure we have an audit progression. I am sorry that the Minister has not had time to put in his comments. He has a further 2 weeks to make sure that he brings that to the attention. I see absolutely no reason why we should not debate this issue. It stands apart from any other reforms. Whatever reforms we adopt in whatever shape or form, this stands separate to and can be debated entirely separately to any further reforms. It is a matter which is time critical. The sooner we get on to debate it the sooner, if necessary, I can bring the plan B, which is if it does not go through I have a plan B to come which might do the same thing. **[Interruption]** I thank the Minister for his contribution but I do believe it is important to get it debated as soon as possible.

The Bailiff:

I do hope we are not going to have a long debate...

14.1.4 Deputy G.W.J. de Faye:

I am really not sure how much mental torture Members can stand in any one session and to pile everything that looks remotely related to electoral reform into one long, devastating, cerebral onslaught I do not think would be at all helpful. It is quite clear to me that Members will have quite clear, strong views on this particular projet. It is very much a standalone item. It is entirely different from scrapping Senators, re-jigging constitutions, *et cetera*...

Senator M.E. Vibert:

On a point of order, he is misleading the House, Sir, because he...

Deputy G.W.J. de Faye:

I may be misleading the House but you can bring that up later when I have finished, please. **[Laughter]**

Senator M.E. Vibert:

I was trying to help the Deputy, Sir, but obviously he does not need it.

Deputy G.W.J. de Faye:

I really think that Deputy Southern is absolutely right. This is to all intents and purposes standalone. It is not serious constitutional reform, with great respect to the Deputy, and I think we should deal with it in a meeting when we really do not have a lot of other business on our plate anyway.

14.1.5 Senator P.F.C. Ozouf:

Very briefly, frankly normal propositions have to lay before this Assembly for 6 weeks. Private Members have 2. This will have been lodged for a very short period of time. Deputy Gorst is not in the Assembly at the moment to speak, but I am a member of the Migration Working Party and I think that we - members of the Migration Working Party who are ultimately responsible for putting in place the population register - do need to properly be able to inform the Assembly as to whether or not we can do the job that has been requested. Really, 2 weeks is not really asking too much. So I would have thought this Assembly would want to be properly informed in respect of the population register. I certainly have not thought about it. I have not spoken to Deputy Gorst or Senator Le Main about it and I would have thought that it is a perfectly reasonable proposition to ask for it to be taken on 3rd July.

Deputy G.P. Southern:

On a point of clarification...

Senator P.F.C. Ozouf:

I am willing to give way to the Deputy because I may wish to respond.

Deputy G.P. Southern:

On a point of clarification, this is an identical proposition that has been lodged - I do not have it in front of me - for a substantial amount of time. It has been lodged for at least 6 weeks. Members have had plenty of time to consider the options.

Senator P.F.C. Ozouf:

The population register responsibilities fall between Deputy Gorst, Senator Le Main and myself. These propositions have not been discussed. If the Assembly wishes to be properly informed as to whether or not this is properly able to be done, then I would respectfully suggest that this is taken on 3rd July, not rushed in 2 weeks' time when we will not be properly able to inform Members. I would have thought that Members would want to be properly informed and not take something on the hoof.

The Bailiff:

Is there anything new that any Member wishes to say?

14.1.6 The Connétable of St. Peter:

I think something glaringly obvious: might we please move on to the vote without any further debate?

The Bailiff:

Senator Vibert, do you wish to respond?

Senator M.E. Vibert:

Only, Sir, that Deputy de Faye would not take an intervention where I was trying to stop him putting his foot even further in it, because he was referring to lumping everything to do with

elections on the same day, including composition of the States which, of course, would not be on the same day. The composition of the States is down for debate on 17th July. I am suggesting that this projet is moved to 3rd July and the only other thing remotely in connection with the same subject is Public Elections: reduction in voting age to 16. So the Deputy was, unfortunately, misleading the House; I just wish to point that out.

Deputy G.W.J. de Faye:

I apologise for misleading the House, Sir.

Senator M.E. Vibert:

I was hoping that Deputy Southern would agree. I just think it would be a better debate if we had more information and people can make a more informed debate on 3rd July. Appel, please.

The Bailiff:

Very well, the vote is for or against the proposition of Senator Vibert that Projet 68 be moved from 19th June to 3rd July. I ask the Greffier to open the voting.

POUR: 23	CONTRE: 21	ABSTAIN: 0
Senator F.H. Walker	Senator L. Norman	
Senator T.A. Le Sueur	Senator B.E. Shenton	
Senator P.F. Routier	Connétable of St. Ouen	
Senator M.E. Vibert	Connétable of St. Peter	
Senator P.F.C. Ozouf	Connétable of St. Clement	
Senator F.E. Cohen	Connétable of St. Martin	
Senator J.L. Perchard	Deputy A. Breckon (S)	
Connétable of St. Mary	Deputy of St. Martin	
Connétable of St. Lawrence	Deputy G.C.L. Baudains (C)	
Connétable of Grouville	Deputy C.J. Scott Warren (S)	
Connétable of St. Brelade	Deputy R.G. Le Hérisier (S)	
Deputy R.C. Duhamel (S)	Deputy J.A. Martin (H)	
Deputy J.J. Huet (H)	Deputy G.P. Southern (H)	
Deputy P.N. Troy (B)	Deputy S.C. Ferguson (B)	
Deputy J.B. Fox (H)	Deputy of Grouville	
Deputy P.J.D. Ryan (H)	Deputy of St. Peter	
Deputy J.A. Hilton (H)	Deputy G.W.J. de Faye (H)	

Deputy P.V.F. Le Claire (H)		Deputy D.W. Mezbourian (L)		
Deputy J.A.N. Le Fondré (L)		Deputy of Trinity		
Deputy S.S.P.A. Power (B)		Deputy S. Pitman (H)		
Deputy A.J.D. Maclean (H)		Deputy K.C. Lewis (S)		
Deputy of St. John				
Deputy of St. Mary				

The Bailiff:

So that matter is deferred until 3rd July. Subject to that amendment, are Members content with the arrangement of public business?

ADJOURNMENT

The Bailiff:

Very well, the States meeting is closed and we reconvene in 2 weeks time.