

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 22nd NOVEMBER 2011

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[9:30]

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Appointment of the Chairman of the Privileges and Procedures Committee

The Bailiff:

We now begin by welcoming His Excellency to this formal sitting. **[Approbation]** We come to F, Appointment of Ministers, Committees and Panels and the first matter for the Assembly is the appointment of the chairman of the Privileges and Procedures Committee. I invite nominations.

Senator P.M. Bailhache:

May I nominate the Constable of St. Helier?

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations?

Senator F. du H. Le Gresley:

I would like to nominate Deputy Tadier.

The Bailiff:

Is that seconded? **[Seconded]**

Deputy A.E. Pryke of Trinity:

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

The Bailiff:

Is that seconded? **[Seconded]**

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

I would like to nominate Deputy Baudains of St. Clement.

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations? Very well, that concludes the nominations so we have 4 candidates therefore I request that Deputy Tadier, the Connétable of St. Mary and Deputy Baudains retire with the Assistant Greffier to a secure location and we will begin with the Connétable of St. Helier in a moment. Very well, I invite the Connétable of St. Helier to address the Assembly.

1.1 Connétable A.S. Crowcroft of St. Helier:

I am going to spend most of these precious 10 minutes speaking not about constitutional reform as I think a clear way forward has already been agreed by the Assembly with the sensible suggestion from the new Chief Minister about the charring of the Electoral Commission. Instead I am going to speak about States reform, that is, reforming the experience of being in this place, a Member of one of the oldest legislatures in the world; not just our experience but the public who switch on their radios and switch them off again, the media who report on what happens here and the experience of the Presiding Officer of the Assembly who, of course, has no choice but to listen. Marvell wrote: "But at my back I always hear time's winged chariot hurrying near." Time, Sir, as you must appreciate with your other responsibilities as a judge, is a precious commodity. The older we get, the less time we seem to be able to find for our jobs, our careers, our home lives, our pastimes and so it is time surely that this Assembly placed a higher priority on the effective management of its time. The statistics speak for themselves. We are spending an increasing number of days in debate. It was a Tuesday every fortnight when I started as a Deputy in 1996 with the occasional

Wednesday if matters overran. Now we spend the better part of every other week in here, often overrunning into the following week. Now, let me be the first to interject that there are those who do not agree with me. There are some States Members who appear to have nothing better to do than to sit in these uncomfortable seats and stand to make long speeches, to repeat others and themselves, make spurious points of order and generally do all they can to ensure States sittings occupy the better part of each week we are sent. These Members believe that time spent in the Assembly, whatever the subject of debate, however frequently it has already been debated, however slender its chances of success, is quite simply the best way that they can exercise their function of being a Member of the States. The right of the Back-Bencher to bring projects or Private Members' Bills is sacrosanct. I use it myself sparingly, sparingly, because if everyone presented, as one Deputy boasted he did last week, more than 20 projects in the life of the last Government which under our present system must be debated without limit of time, it would bring the system to a standstill. It is precisely because I value the individual Member's right to bring forward propositions that I believe we must find a better way of managing our business. I am not sure it should be left to the President to approve propositions but to a committee of elected Members chaired by the President perhaps and including Back-Benchers as well as Scrutiny and Members of the Executive and the Greffier, of course, who perhaps, more than anyone, knows about States time as he produces the statistics at the end of each year. People are surprised in particular when I describe our system to them by its lack of co-ordination. A Member may be working on a proposition quite unaware that a fellow Member is well advanced on the same or similar theme. Questions are regularly submitted on the same subject as Members do not regularly get together or even make use of some kind of notice board in order to better co-ordinate our work. P.P.C. (Privileges and Procedures Committee) needs to facilitate the closer working together of Members so that outside the Chamber we can discuss matters of common interest and concern. Perhaps it is too much to hope that we in this Assembly will all become bosom friends but being a States Member can be made a more enjoyable profession than it is today. We must have the opportunity to sit down and eat together at least one day in every States sitting. To that end, the demise of States Members' lunches was a backward step for this Assembly and I would seek to restore them subject to a rescindment motion [**Approbation**] as soon as possible and to fund them from within the spending envelope of the committee. But as with all of the reforms I would like to see us embrace, these must begin with meaningful consultation with States Members by the new P.P.C. in order that any proposals brought forward have a good chance of being adopted. After all, my views about any of the subjects that fall within the remit of the committee are less important than achieving a consensus in the committee and within the Assembly: my views on holding P.P.C. meetings in public in the interests of greater transparency; on the limitation of States debates and States days so that Members can plan their lives better and serve their constituents better; on the reduction of the quorum; on the need for an elected speaker; on the position of the Dean; on the introduction of web cameras in the Chamber; on the creation of a press room; on the introduction of a pension scheme for States Members.

[9:45]

Yes, I have views on all these subjects and, in fact, I support some of them but my views are irrelevant unless there is consensus that reforms of this sort will create a more efficient and transparent States Assembly. States Members' facilities do need improvement. The previous P.P.C. responded to the tendency of a minority of Members to put the photocopier to private use by putting a lock on it. The lock needs to come off the photocopier. Members need to have a proper range of publications so that they are better informed with better research tools at their disposal and better use made of the rooms in this building, some of which are largely wasted. Members need training so that even the most dyed in the wool Constable can be taught to speak through the Chair. [**Laughter**] I believe we need to forge closer links as an Assembly with our fellow parliamentarians in Guernsey, perhaps in the form of an annual summit held before the cricket

match, I would suggest, rather than after it, inter-Island rivalry being what it is. **[Laughter]** Speaking of publications, States Members need worry no longer about finding a suitable Christmas present for their spouses or partners. Elect me chair of P.P.C. and there will be a States Members Yearbook produced in time for Christmas, not only with those key statistics produced by the Greffe, but providing a record of the highs and lows of the political year, the best speech, the worst speech. I imagine the page: “Did he or she really say that?” will be of particular interest and amusement. We should also mark the passing of former States Members with photographs and obituaries. **[Approbation]** The previous P.P.C. supported by the Greffe has done sterling work in involving greater numbers of schoolchildren in the affairs of the States. These school visits, added to the Youth Parliament, will, I am sure, have a growing role in increasing the understanding of young people in the way their Government operates and will encourage more of them, perhaps, to stand for election. But I believe that this involvement of our community in the proceedings of the States can go further. It is perhaps understandable why the visitors’ gallery is usually empty but it is not inevitable. I would like P.P.C. to build on the work done by the former committee to encourage locals and visitors alike to visit our Government and observe what we do. I would say more but as brevity is my watchword, I would like to finish by saying that as I have a previously arranged trip off Island later this week, if elected chair of P.P.C. I will not be able to present the proposed list of Members to the States until 6th December. I will, however, be back in plenty of time to organise the States Members’ Christmas lunch **[Laughter]** and I would ask Members to place this in their diaries for Thursday, 8th December. There will be no charge for this but Members will be asked to dip into their pockets for the Jersey Cheshire Home and I would finish by saying that that offer is not conditional on my becoming chair of P.P.C.

The Bailiff:

Very well. So we turn then to questions. Deputy Le Hérissier?

1.1.1 Deputy R.G. Le Hérissier:

Notwithstanding that excellent speech, I wonder if the Constable could comment on the role of P.P.C. in relation to disciplinary procedures, having myself just experienced a totally unsatisfactory example of an alleged disciplinary procedure which was a highly contentious and personal kind of affair?

The Connétable of St. Helier:

Yes, I recognise from looking at the list of matters that occupied the previous committee, it is quite clear that discipline occupied a lot of the time. I think the system needs changing. I myself have been subject to what I thought was an unsatisfactory disciplinary hearing by a former P.P.C. and I think it does need changing. But that, I think, is something that must be done by consulting first of all with Members in the Chamber and Members who have left who have been in these courts held by P.P.C. and who feel that we could manage our disciplinary affairs much better.

1.1.2 Senator P.F. Routier:

The candidate gave a list of things that he thought needed to be addressed and he was very enticing. He was talking about web cameras and those sorts of things but he then went on to say he supported some of them. I would just like to know which ones he does support.

The Connétable of St. Helier:

I did not want to be too radical. I support them all. **[Laughter]**

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

It was 28 propositions over 2 years. I think the number for the 3-year period was probably nearer 40. How does this candidate intend to limit my ability to lodge propositions, all of which I will back to the hilt?

The Connétable of St. Helier:

I think the first thing I would say is that I believe that someone like Deputy Southern with his impressive track record in bringing Back-Benchers' propositions needs to be involved in any committee that is set up to manage the affairs of the States better. However, I think there is a problem where the proportion of work being brought forward by the Executive and by Scrutiny is being simply swamped by Back-Benchers' propositions, some of which, as I have said, probably would not need to be brought if there had been greater co-ordination and communication between Members of the States.

1.1.4 Connétable M.J. Paddock of St. Ouen:

Does the Constable consider that the process that we went through last week to appoint Ministers is the ideal system and if not, does the candidate have any initial thoughts on how it might be improved?

The Connétable of St. Helier:

It was, I think, nearly 3 days last week, 2 full days to appoint the Council of Ministers and certainly eyebrows were raised and I believe some new Members were beginning to ask themselves what precisely they were letting themselves in for. I do think it could be improved. Having said that, I was very impressed and I think it was impressive how close the results were and that the Chief Minister has got most of his candidates. Possibly some system of weeding out the weaker candidates before we meet in here would have been useful because at least that would reduce the amount of time that we spend but, again, this is a matter for discussion among States Members.

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

Following on from Deputy Southern really, a key fundamental part of Government is that it is democratic and I am afraid we do have now Senators who want to dumb down the level of politics, the key areas of things that are debated and discussed. How will the Constable, if he is successful, ensure that politics just does not get dumbed down towards a sort of autocratic maybe sort of totalitarian state eventually?

The Connétable of St. Helier:

I think that these are different considerations. The dumbing down of the States, it could be argued, has got not a lot to do with autocracy. I think part of the problem we have is, as I have said in my speech, that there is so little co-ordination and communication that Members are spending increasing amounts of their time in the Assembly and there is a risk that the matters of States are being dumbed down. How we achieve a better managed States, whether we sit later in the evenings, whether we have time-limited debates, is a matter for the States to decide but I think we are all agreed that we cannot go on like this.

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

The candidate mentioned that he would like to see consensus, I think, and it has been mentioned in the past by the Chief Minister that he wants to see a more consensual States Chamber. Would the candidate, if he is appointed chairman, be selecting people who do reflect the views of this States rather than just a narrow minority?

The Connétable of St. Helier:

Absolutely I would. I think the Chief Minister has led the way to some extent in doing that and I think certainly I would want to have some of the people in the States who have voiced the strongest opposition to any changes involved in the committee so that we could try and get them on board.

1.1.7 Senator L.J. Farnham:

Could the candidate give us his views briefly, please, on the constitutional makeup of the Assembly and, in particular, does he believe that the Island-wide mandate should be retained?

The Connétable of St. Helier:

Yes, thank you to the Senator. I deliberately kept off the magic formulae of how we can slim down the States. I think the need to slim down the States is probably the only thing that would receive general support, both in the Assembly and in the community. My experience in recent years has taught me that the Island-wide mandate is very important to the public but how we find a way of electing people on an Island-wide mandate at a general election is clearly going to test the abilities of not only P.P.C. but also the States. I do myself support the Island-wide mandate but whether that has to be expressed in large constituencies as was brought forward by the previous P.P.C., that may be the only practical way of doing it.

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

The candidate, as Constable of St. Helier, is responsible for probably one of the biggest budgets, well, almost equivalent to some of the Ministerial budgets and certainly responsible for large chunks of the population, et cetera. In other words, it is a very large role already. How is he going to ensure with all the various things that will be on the agenda of P.P.C. going forward that he is going to have the time to devote to this properly?

The Connétable of St. Helier:

Of course, part of the answer is effective delegation and having a committee with Members who are willing to take on different roles within the committee. I do not believe that the chair of any committee should seek to do everything, that they should find people in the group who have particular interests they want to advance. It is true that I have a busy time in St. Helier. What the Deputy did not mention is that I do it all without a chief officer but, again, as Constable, I do try to delegate to Deputies so that if necessary I would delegate some work, if I could do, to Deputies in St. Helier to take the pressure off the P.P.C. role.

Deputy J.G. Reed of St. Ouen:

My question has just been answered.

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

What is the candidate's opinion of yes, we sat for 2 days last week electing Ministers and we will be sitting for probably 2 days this week electing chairs of Scrutiny Panels and P.P.C. What does he feel about the process, now we are in the third term, of the way Assistant Ministers are just put into jobs? Would he look to be changing this?

The Connétable of St. Helier:

Again, I think this is a matter for the Assembly but having recently had my offer to be an Assistant Minister turned down, I think there probably does need to be some reform here. If the role of the Assistant Minister is to be meaningful and accountable, then it does seem to me that States Members should have some say in it. Having said that, again, if we do not adopt some kind of procedure to avoid it, we are going to have a very lengthy process in 3 and a half years' time if we have to have a contested election for Assistant Ministers as well as everybody else.

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

Would the candidate support time-limited speeches?

The Connétable of St. Helier:

I think it could probably be inferred from my speech that I do support some kind of limitation to the amount of time we spend in the Chamber, whether that is through time-limited speeches or by addressing the quorum. I do not, for example, believe that we need to have a full quorum for question time but these are personal views and I think they need to be discussed with Members. If there is consensus in the Assembly that we want to spend a limit of our time, barring crises ... and let me remind Members that the Oath that we have recently sworn requiring us to be here was

written in the days when the States were only convened when there was a problem, whether it was oysters or the price of corn. The States were convened for that purpose and now, because we meet so often, I think there is a risk that we are overlooking serious business that should be being discussed.

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

What are the benefits of P.P.C. in public and what would be restricted?

The Connétable of St. Helier:

In general, I think committee meetings should be held in public. St. Helier has held its Roads Committee in public now on more than 100 occasions. We have not yet been followed by any of the other Parishes but I am sure we will in time. The public has a right to know. Unless there are matters which really belong on the B agenda, then I do not see why these meetings should not be in public and, indeed, I supported the proposition that the Council of Ministers' meetings should also be held in public, which did not get a lot of support in the Chamber. I suppose if I formed a P.P.C. who turned on me and said that they did not wish to be heard in public, then I would have no choice but to go with their views however.

1.1.12 Deputy R.G. Le Hérisier:

Pressing the candidate on the discipline issue, would the candidate care to comment on the fact that if Members are disciplining Members, very often the experience has been it degenerates into personal spats or it degenerates into: "You are picking on me" type accusations. How would the candidate get around that and come up with a system that was credible and where people felt they were getting a fair hearing?

The Connétable of St. Helier:

I think first of all we need to review the various reports that have been produced by former P.P.C. Committees and, indeed, the experience that is available when we can see how Members have been treated. I do not think it is that difficult to learn lessons from those, things that really should not happen, things that should not be said. As I said in my earlier answer, having been myself the subject of what I thought was an unfair process, I would certainly support the tightening up of the procedures. It is always going to be a difficult process but I do not think we have any alternative. I do not think we can bring in outsiders to judge on us, so I think we have to find ways as an Assembly of elected Members of organising ourselves and behaving in a way that is appropriate when we pass judgment on other Members.

[10:00]

1.1.13 Deputy S. Power of St. Brelade:

Does the candidate feel that there is an issue in the continuing debate of States business in the period between the calling of an election and the swearing in of new Members and would he promise to do something about it, irrespective of the date of the next election in 2014?

The Connétable of St. Helier:

Yes.

1.1.14 Senator S.C. Ferguson:

There have been complaints recently that certain items of business have come back to the States again and again and again and are debated several times during one session. Has the candidate any views on these and would he put a bar on it?

The Connétable of St. Helier:

I think I revealed my frustration with that exact situation in my opening speech. I think part of the problem is the fact that we are operating as individual units much of the time, particularly as Back-Benchers. Sometimes there is almost a race to see who can get the proposition in first so as to garner the credit that may come from bringing it to the Assembly. I think we have to be, dare I say, more grownup about things. As I said, we need to meet more often, we need to share information, we need to say: "Well, if Deputy so and so is dealing with it, then I do not need to, happy days." But certainly if there is to be a committee which manages the business of the States and perhaps avoids us having to sit through a period at the end of what may be a late evening discussing the following sitting, I think that committee should be empowered by the States to organise the business and to set time limits.

1.1.15 Deputy M.R. Higgins:

Could the candidate elaborate on his views about the Electoral Commission which was approved by the last Assembly, and whether he thinks it should be chaired or populated by any Members of this Assembly?

The Connétable of St. Helier:

My view at the moment is that it could certainly include States Members. I know the Chief Minister has suggested Sir Philip Bailhache should be the Chairman of it. Clearly, that Member was elected on a mandate for constitutional reform so there is an appropriateness about that. But, again, I think that P.P.C. will be in the hands of Members. I do not think P.P.C. would be wise to come forward with the composition of the Electoral Commission before it had consulted States Members so if there was clearly a majority of Members who wanted an external chair who wanted, for example, a local chair rather than one brought in from the U.K. (United Kingdom), then I think those views would be reflected by P.P.C. if they wanted to get off to a good start.

1.1.16 Deputy G.P. Southern:

The role of the chairman of P.P.C. is a very time-demanding and onerous one. When the candidate was serving on my Scrutiny Panel some 5 years ago, he managed to turn up for the first meeting and 2 years later for the final meeting. What technique has the candidate discovered in the last 5 years which is going to make him expand time to run the Parish of St. Helier and the P.P.C. Committee?

The Connétable of St. Helier:

I think one could take that question in different ways but the last part of it, what have I learned in 5 years, I think I have learned better time management. I have learned better delegation and certainly if one judges me on some of the meetings I attend such as the Parish Roads Committee, which is an open meeting and accessible to the media and so on, that is not a problem. So I accept the Deputy's criticism but all I can say is that if Members have confidence in the approach I am taking, they will see improvements.

1.1.17 Deputy J.A.N. Le Fondré:

The candidate seems to be suggesting that politicians will have a say in what other politicians can bring to this Assembly. How is he going to ensure independence of that process and that it does not just turn into a mechanism dominated by one power block or another to just block the ability of Members to bring something to this Assembly?

The Connétable of St. Helier:

I think I mentioned the sacrosanct right of the Back-Bencher to bring propositions. I have one tabled for the next sitting myself. It is incredibly important and whatever we do to manage our business better, it must allow Members to bring Private Members' Bills. So I do not know the answer to the question in a sense but I think to repeat a previous answer, we are all agreed that if we go on like this, in the end we will not do anything else but meet here every week when the

States are in session from Monday to Friday. I think Members have to decide whether they feel enough is enough and they want to have lives outside the Assembly.

1.1.18 Deputy T.M. Pitman:

Senator Farnham mentioned Senators. During the debate to save the 2 Senators, we had Senator Le Main who was pulled up for snoring, Senator Shenton, as he was then, who disappeared, his average time being one hour and 37 minutes in the States last year. Would the candidate support some kind of fine or whatever for the Senators particularly who just do not really do their job?

The Connétable of St. Helier:

No, Sir.

1.1.19 Deputy G.P. Southern:

The candidate was proposed by a Member who has fixed views on States reform, including the giving of greater power to the Constables in the States. Does the candidate support that?

The Connétable of St. Helier:

I cannot comment on whether my proposer has fixed views on anything. The role of the Constables is, of course, contentious. The last time it was brought to the Assembly by the questioner, I think, it received 4 votes. I must say I have batted on both sides of this argument. When I was elected, I thought the Constables should be elected separately as Members of the States of Jersey but then I looked at the situation in Guernsey where the Constables have very little effective influence in the States of Guernsey and I thought perhaps we tamper with the role of the Constable at our peril. I do incidentally believe that Constables as individuals should be able to answer questions and one should be able to question them in the States. My colleagues are shaking my heads at this point but certain increased accountability for Constables, I think, is important if we are to have a seat in the States.

1.1.20 Deputy J.A. Martin:

My question was I was not happy with his answer re Assistant Ministers because he said with responsibility comes accountability. Firstly, to cut the time down, here is a suggestion if you get the job. You elect the Minister with the Assistants already and we know who we are electing as a package. Secondly, in oral questions, and if the P.P.C. do not bring it, would he agree that with the accountability, you can direct your question to the Assistant Minister to ask if it is a written oral so they already know what it is. That is where the accountability should be. So I have given the candidate 2 suggestions there.

The Connétable of St. Helier:

Thank you, 2 really good suggestions, in my view, and I think which more than demonstrate why Deputy Martin is an important member of any P.P.C. Committee. **[Laughter]**

1.1.21 Deputy R.G. Le Hérisier:

If the Electoral Commission recommendations are derailed and it cannot move to referendum, how will the candidate deal with it on P.P.C.?

The Connétable of St. Helier:

I am not sure quite what the questioner means by “derailed”. I think this has happened before when proposals were brought to the States to reduce the number of Members and to have super constituencies.

The Bailiff:

Very well, Connétable, I have to stop you there, I am afraid. So that brings questions to the Connétable to an end. I ask the Connétable to retire with the Assistant Greffier and we will ask for

Deputy Tadier to be brought up. Very well, then, Deputy Tadier is now with us and so when you are ready, Deputy Tadier, I invite you to address the Assembly.

1.2 Deputy M. Tadier of St. Brelade:

I am happy to be here again making a speech for a different position in a different capacity perhaps. First of all, I would like to say that clearly the job of P.P.C. is a complex one. It is made up of a broad section of States Members which includes also a broad view of political propensities which can both be a complicated thing to manage, but I think essentially it is something which is vital for a healthy democracy, not simply because it represents a divergence and a multiplicity of views but also of political responsibility. So I think what is essential is to have somebody leading that who has got the energy, has the diplomacy, who is fair-minded and is also good at listening and has got the capacity to work with Members from all parts of the Chamber and that is something which I believe I can do. Now, I want to just outline what I think the priorities will be for P.P.C. going forward. Before that, I think it is necessary to first of all address what the previous P.P.C. has done well and perhaps also look at some of the areas in which there is room for improvement. I think credit has to be given to the last P.P.C. because first of all, it has brought through some very important work. The F.O.I. (Freedom of Information) Law I think was a vast piece of work which the credit has to go first of all to the clerks, the Greffier and the Deputy Greffier, who helped with all that work. I know from my time on P.P.C. that there were times when we were often just quorate with 4 working Members on there. That is why I think it is also essential that whoever chairs the next P.P.C. is not somebody who already has a big portfolio. I think there were probably a limited amount of roles and positions in the Assembly which would be apt for the chair of P.P.C. and what I can give now today is a commitment that if I do become elected and get the confidence of this Assembly is that I would dedicate my full time to this position. I will not be working on Scrutiny, nor will I be taking up any Assistant Ministership post if offered. I think also P.P.C. has to be given credit for the vast perseverance that it has had when coming to electoral reform. The cynics among us, and I was probably one of them at the beginning of the last Assembly, thought that any kind of reform was dead in the water. Surely the States Assembly had debated it too many times and I think what is essential again is that all of those members of P.P.C., including myself, each had their own different opinions on whether reform was essential and what kind of reforms were to be pushed through or were required for the Assembly. Nonetheless, we did not let those personal views get in the way. I, for example, had particular views about whether or not the Constables should be in the States. I still hold those views but I think I have mellowed somewhat in the sense I would say that it is not for any individual States Member to try and dictate what his or her view is of any future Assembly and I think the States Assembly is also showing that it is incapable of reforming itself which leads us to the Electoral Commission. Now, what I would say about the Electoral Commission is that it must be kept on track and, as I said in my personal manifesto when standing for election in St. Brelade last month, is that it must be kept free from political and judicial interference. That means that States Members should not be seeking to unduly interfere with that process. Nonetheless, there will be a point at which we can legitimately make comments and that is through submitting comments to that Commission. P.P.C.'s job will first of all be to get on to facilitate the Electoral Commission and also I would remind Members that we also passed P.61/2011 earlier this year.

[10:15]

P.61/2011 was a proposition that I successfully brought to the Assembly. It was passed 24 votes to 19 and it asked to look at a whole series of issues which I think have been rumbling under the surface in this Assembly and just to remind Members, P.P.C. have already been asked to look at the issue, for example, of the selection of Scrutiny Panels. The Deputy of St. John, who unfortunately is not with us today, quite rightly pointed out the fact that there are inherent complications, if not to say contradictions, in the way we select Scrutiny. We are doing this before we even know who the

Assistant Ministers are. That is clearly an issue because it sends out a message, perhaps one way or the other, that Scrutiny may be more important than Assistant Ministers or does it send the other message out, that I am not going to put myself forward to become a Scrutiny chairman, I am not going to put myself forward for P.P.C. or P.A.C. because I want to hold on to see if there is a job going for an Assistant Minister. Although it may not be more important, it does definitely come with a BlackBerry so that denotes that it may be a more senior position **[Laughter]** and it would certainly save me a few pounds on my phone bill every year if I did not have to pay for the high rental. But joking aside, these are serious issues. Also about whether Assistant Ministers should be appointed by the Assembly. Now, it may well be that an individual who has made a speech for a particular ministry who is not successful then goes on to become an Assistant Minister and that person has already been tried and tested, he or she has given a speech in front of the Assembly and we know what that person's policies are. We know generally if they are going in the right direction. Perhaps it is an idea to have Assistant Ministers who all have to do that, especially if they are going to be given political responsibility. But the point is this has already been referred to P.P.C. to look at so when people stand up and say: "I think this should happen" we should not be trying to reinvent the wheel. I think we have to acknowledge the limited progress that has been made. Also remember that P.P.C. have done a great job. I think the Greffier's Department again deserves thanks for the successful elections that we have just had where we have seen an increase in voter turnout. So just to reiterate what I think I can offer for the position of P.P.C. First of all, I have given my strengths. I think having linguistic training gives me the ability not simply to be able to communicate with others and listen but looking and studying languages helps you think in a different way. It helps you think outside the box. It helps you engage with those who have different cognitive processes to your own and that is something that is important when dealing with the complex issues of the States. I also believe that I am a pragmatist. So I can put aside my own personal views to try and work with other Members in the States for what is best for the Assembly. Also, I just like that kind of thing. The Greffier might tell you that in the past whenever I go on holiday ... and when I go on holiday to Egypt this year I am going to go and visit the Cairo Assembly and I do that when I go abroad because I am a bit of an Anorak. I think what you need in this kind of position is somebody who holds their hands up and says: "I am interested in this kind of thing." It is quite sad, but also I feel I have got the energy, charisma and the people skills to be able to take this very important area forward. I would also like to draw to Members' attention what I have done already. Some of it goes on behind the radar. Members will be aware of P.61, which I just mentioned. Earlier on in my 3-year term previously I brought a successful proposition which was unanimous. Simply a bit of housekeeping to say that when you ask questions during question time you get 2 questions and it is only right that you should be able to prioritise your questions number 1 and 2. What we saw in the past, because it was a random process, was sometimes you would put 2 questions in. Both of your questions would be towards the end, it would get timed-out and you could not ask your question; where, similarly, somebody who had been ... the luck of the draw meant they got their 2 questions at the beginning and they got to ask their 2. So at least that makes it fairer. It is not a great amendment but it is something that shows that I can be pragmatic and it is something that makes the workings of the Assembly much easier. Other priorities that I would favour would be a modernisation programme. Now, I talked about some of the things that P.P.C. previously did not do too well and I think it is also true for the States and for Scrutiny. We did not handle the whole filming of Scrutiny meetings, whether that is by the accredited or unaccredited media, very well. I thought we could have done that better. A simpler and more pragmatic approach would have simply been to say that that anybody who wants to film States meetings in the Scrutiny function should simply sign up to an agreement to say that they will agree to do X, Y and Z and not to do these things. Then any individual, whether they are from Channel TV, from the BBC or a blogger, if they break those they get a warning or they get simply told that they are not allowed to turn up and film. That would have been a much straighter way forward. But I think the global issue here is that we need to modernise in such a way that we have television screens in the Chamber so we can see who is speaking. We need to make accessibility for the

public much easier. We should consider streaming in the future so we do not get issues to do with blogging. So we do our own in-house coverage and this is something that I would like to pursue. I think, just to sum up, there are other things, of course, I have done; for example I.D. (identification) for States Members. That was my idea. You can now go down to St. Brelard's Parish Hall and get an I.D. card issued no matter which States Member you are. I also got the sign outside, which is in English and French, to direct people to the States Assembly. I believe engagement is necessary for States Members and for the public, and that is something I hope to offer if I am given the chance to work in an area in which I feel passionate.

The Bailiff:

So now we come to questions to Deputy Tadier.

1.2.1 The Connétable of St. Lawrence:

The Deputy referred to the necessity for diplomacy as chairman of the P.P.C. and I would like to ask him what examples he can give us of his diplomatic skills within this Chamber.

Deputy M. Tadier:

I thank the Constable for that question. I must have some diplomacy skills. I did win these propositions. The first one I talked about I won 24:19 and that is not an easy thing to do when you know States Members, a section of which are inherently against you from the beginning. That is on a political basis, not necessarily a personal basis. I have also looked at the Constable's voting record and noticed for that particular one she did not support me. I know it has been very difficult to gain the support of the Constable of St. Lawrence in general, but I think I have mellowed Members. I think, in turn, I have mellowed in the way I approach people. In terms of diplomacy skills, I am a member of the Commonwealth Parliamentary Association. It was seen fit by the Assembly to send me over on a 2-week course to London. I had no problem engaging with high-level diplomats from all over the world. I think it is all about respect at the end of the day. It is perfectly valid for one to make robust political statements which one believes in but I think my upbringing has taught me one key lesson is to treat people you would like to be treated. That is what I hope I do and those who have worked with me on Scrutiny and on P.P.C. in the past and on other committees - the Electoral Working Party, which I did not mention - will know that I do know how to engage and make a valid contribution but, similarly, it is also about listening and holding your hand up when you are wrong.

1.2.2 Deputy T.M. Pitman:

The candidate talked about the Electoral Commission. Now, I was on P.P.C. We agreed it was absolutely essential that that should be independent of States Members. However, I have been elected twice on a platform of governmental reform and social justice. Is it not a case perhaps that I should be leading this Electoral Commission?

Deputy M. Tadier:

I think the point is nobody in this Assembly should be leading this Electoral Commission, no States Member, and the States Assembly in the past has shown that it is incapable of reforming itself. That is not a criticism of the States Assembly. It is because we are so diverse. We all have such different views about what the composition of the States should be that we have decided to hand this over to somebody else. It seems completely ridiculous - and I am not afraid to say this on record - that anybody from the States Assembly should be on that Commission, let alone chairing that Commission. None of us in this Assembly has the mandate or the legitimacy to do that. Nonetheless, as I have said in the past, there is an appropriate avenue for us to take. We should be engaging with the public and we can make submissions to this Commission and that is the valid way for us to try and influence, correctly, the outcome of the commission.

1.2.3 Deputy R.G. Le Hérissier:

Can the candidate give his views of the strengths and weaknesses of Scrutiny and how he would move to make it more effective?

Deputy M. Tadier:

Scrutiny is a good idea in theory. I think we have seen some pragmatic, practical limitations for Scrutiny for 2 reasons, I think, primarily. The first reason is due to the makeup of Scrutiny. Now, I've talked about the Select Committee system in the past in the U.K. which takes a cross-section from across the Parliament and it represents the proportional makeup of their Government. For example, if the Tories in the U.K. have a two-thirds majority, there will be a two-thirds presence of the Tories on Select Committees, et cetera. In the States it is only those who do not serve as a Minister or as an Assistant Minister who can be on Scrutiny and that is why I think it is essential to revisit who can serve on Scrutiny. I would probably favour letting Assistant Ministers serve on Scrutiny so long as it does not conflict with their own area of Ministerial responsibility. I think the other issue is that we have all got lots of lessons to learn about the relationship between Scrutiny Panels and Ministerial departments. That is probably quite natural because Scrutiny is relatively young. We have only been in this Ministerial game for almost 6 years. So I think there are lots of lessons to be learnt. But the question is - and it is not one I can answer today - is there primarily a systemic and structural problem to Scrutiny or is it just a pragmatic one in the sense that we are not always getting the information that we are privy to. I think some Scrutiny Panels and departments work very well and we would do well to learn from those, but I think it is not a simple answer that I can give today.

1.2.4 Senator L.J. Farnham:

In relation to the constitution of the States Assembly, does the candidate think that the Island-wide mandate should be retained?

Deputy M. Tadier:

I think that the Island-wide mandate is clearly something that strikes a chord with members of the public because they feel, for some reason, that it is more democratic. Now, I think there are 2 ways to analyse this. I think you could say that the smaller constituencies are more democratic because you have more influence over who you elect. I think the practical way forward, in my personal opinion, is to have super-constituencies because it gives the best of both worlds. You are able to vote for a larger amount of candidates. It will, hopefully, attract a better calibre of candidate. In my opinion, the single-seat constituencies are responsible for uncontested elections. That is nobody's fault but it is a practical consequence of that. I do not have a philosophical problem with the seat of Senator for the Island-wide mandate but I think, practically, I would like to see - and I have stood on this platform before - one type of States Member elected in one way with one title and, I think, possibly just abolish all of the titles and give us the name "Member of the States of Jersey" or something similar.

1.2.5 Deputy G.P. Southern:

Several Members of the Assembly recently have expressed some misgivings, to put it mildly, about the efficiency of this Assembly. Does he share these misgivings and if so, what would he do to address it?

Deputy M. Tadier:

I do have some misgivings about the efficiency but not necessarily for the same reasons. I forgot to say earlier in my speech, there are practical steps we could take. There are certain practices in the Assembly which are archaic. For example, why do we have 2 roll calls in the morning? I think, historically, it is because when there used to be train times in Jersey some of the trains would run 2 or 3 minutes late and it was to give people enough time to get into the Assembly for those purposes. That is one inefficiency we can get rid of. You do not need 2 roll calls in the morning. What we have is we have prayers, then you have a roll call and then the States is constituted, as they say in

French. I know I am going off topic slightly but the other thing is how on earth can we decide who should or should not be excused until the States is properly constituted? There are little anomalies like this that need to be resolved. But I think the question about efficiency that Deputy Southern has asked is a philosophical one about if you agree with a proposition then that is going to be a great proposition; that is a good use of States time. If you are fundamentally opposed to a Back-Bencher's proposition because you do not agree with it, that is called time-wasting. So I think we have to, at the moment, say every States Member has an ability to bring a proposition. I think the individual should do more research and make sure he or she has got support before bringing propositions which clearly even their comrades sometimes cannot support.

1.2.6 The Deputy of St. Ouen:

Within Standing Orders a number of terms of reference are highlighted and one such term is that Privileges and Procedures should take the necessary steps for the enforcement of the Code of Conduct for Members of the States and, in this context, to promote high standards among Members. Could the candidate explain how he proposes to address this particular term of reference?

Deputy M. Tadier:

It is a very good question; something I did not have time to address in my speech perhaps. I am of the opinion that we do have quite a few tools available already when it comes to disciplinary matters for States Members. We do not always use them. That is the problem. I think also, sometimes, there are certain types of behaviour which, depending who you are in the Assembly, seem to go unaccounted for. It seems to me that there have been instances where certain Members can do something that pretty much goes unpunished; where, if another Member did it, they would probably find that they are being caught for it. I think we have to be careful as a States body. It is very difficult and this is one of the inherent problems of disciplining what is essentially a private club. I do not say that disparagingly. That is essentially what we are.

[10:30]

To discipline our own Members when it is another States Member or body of Members doing that is delicate. So I think we need to look at the tools we have already got for disciplinary, such as censure motions perhaps. They should be used more often to give people a slap on the wrist, rather than necessarily inventing new draconian measures that would be difficult to implement. But, in principle, I do not have a problem looking at anything the Assembly would want me to look at with the committee.

1.2.7 Senator P.F. Routier:

During the last year the candidate resigned from P.P.C. and gave, as one of the reasons, that there was the inability of the P.P.C. to deal with a matter that related to staffing. P.P.C. did not, I understand, undertake looking into that because it was clearly not something to do with P.P.C. Can the candidate reassure Members that he would use the P.P.C. confined to its terms of reference rather than taking it wider than that?

Deputy M. Tadier:

I am glad to answer this question. There were 2 reasons fundamentally for which I resigned. The first one not enough to make me resign and it was not the fact that P.P.C. could not deal with a particular area. It was to do with a former chief police officer who had made a complaint to P.P.C. It was the fact that none of the other members, apart from the chairman, were informed about this and when we got back home from holiday after Christmas members of the public and the media were asking us: "What happened? Why has this happened?" We said: "We do not know anything about this." It is the fact that that information was not shared to us and it was fundamental for the credibility, both for us as individual politicians and for the committee, that the information be

shared. I quite agree in the long-term it is probably nothing that should have been dealt with. The second issue, if I can just beg for the indulgence of the Assembly, is that we were dealing with disciplinary matters that we should not have been dealing with in the first place. There were things that were referred to P.P.C. vexatiously. There was clearly no case to answer. P.P.C. unanimously agreed that there was no case to answer but we still insisted on dragging somebody in to answer themselves and to defend the case for which there was clearly nothing to answer. That is not a good use of States Members' time and that is also not a good way to deal with individuals. We should decide, first of all, whether there is a case to answer and then get somebody in, because it can be quite a harrowing experience for many Members, especially if there is a presumption of innocence until proven guilty.

1.2.8 Deputy J.A. Martin:

In the candidate's speech he mentioned where the fit in of Assistant Ministers comes as they are very quiet on the Standing Orders. Would the candidate pursue looking into this? Would he pursue, possibly, that when a Minister is elected he names his Assistant Ministers and basically sells them to the Assembly? Then, with that responsibility, in question time a Member asking an oral question can direct it to any Assistant Minister, a written oral question.

Deputy M. Tadier:

I think the answer is yes to that. I would be happy to look at any of these areas because they sound like things that are sensible to look at. I would just add again, whoever is chairing the next P.P.C. is bound by this Assembly or the previous Assembly to look at P.61 which looks broadly at all these issues. These are issues which are not being dealt with by the Electoral Commission but will need to slide in alongside them so we can look at things in the round. So, to reassure Deputy Martin, these issues should be considered in the round, whether it is me who is chairing up the committee or whether it is somebody else.

1.2.9 Senator P.M. Bailhache:

I was sorry to hear the candidate speak about Members who were inherently against him. I think he is wrong about that. I think Members judge issues on their merits. But if he does have that view, how does he feel that he would be able to act impartially in relation to any complaint about a breach of the Code of Conduct if such a Member appeared before a panel on which he was sitting?

Deputy M. Tadier:

I do not have any problem acting impartially and if there was ever a situation in which I thought I might be conflicted I would excuse myself, but let us get back to the point. What I was talking about earlier, I was talking about politically being at a disadvantage because, of course, somebody from the minority party ... and let us not think that after this week we are under any illusions that we have party politics operating in this Assembly. If I have a minority political view in the Assembly that is not shared by majority, of course I am at an immediate disadvantage. That is not a criticism of anyone else. That is simply a statement of fact. But that does not mean that I cannot get on well with other Members of the Assembly and that is why I think it is important that we do look to have meetings where we socialise more. We do make sure that the Guernsey cricket match, which is just one example, is kept going because we have lost a number of the veterans for that. I think these are all the ways that we can ensure that, although there are valid political differences, we make sure that when it comes to a personal level these things do not cloud our judgment. I have absolutely no problem with that.

1.2.10 Senator S.C. Ferguson:

During the past 2 sessions of the Assembly there are matters which have been brought back to the States on numerous occasions. What is the candidate's opinion of this and what steps would he take in relation to this?

Deputy M. Tadier:

This is interesting because there have been various examples. The first thing I debated, probably, in the States was the rescindment of the incinerator. Now, I felt I was able to do that. It was not a decision that I had made and I thought it was of such fundamental important Island that we should correct what was a big mistake. We have also seen examples where many Members who usually would say: "This is terrible, we are debating the same things again," changed their opinion when it came to the debate about Senators, which it feels like we debated 10 times although it was probably only 3. We also went to the Privy Council to try and get a decision made by our Assembly overturned by somebody in the U.K. I think that is not healthy and I think it is also unhealthy when an individual gets elected and says: "I do not care that the States have opted for an Electoral Commission, I think we should do it this way and my opinion seems to be more valid than anybody else's." I do not think that is a valid position to start from either. So, hopefully, we will not try and reinvent the wheel and when it comes to electoral reform we will not be seeing propositions from individual States Members on their own particular hobby horses.

1.2.11 The Connétable of Trinity:

Would the candidate support time-limited speeches?

Deputy M. Tadier:

In principle I do not have a problem with that. I think it would depend on how they are set. Now, I think we have already made an in-principle decision to have time-limited speeches. The devil is always in the detail because we have not had anything come forward from that. I think we charged P.P.C. to look into it and they have not been able to progress it. I think it is more imperative that we become educated as States Members and we become realistic and learn that it is not beneficial for anyone to talk longer than necessary because you alienate people by doing that. I think lessons have been learnt. So I would favour, initially, light touch and voluntary compliance but I think if it became an recurrent problem in this Assembly we should need to look at that, as long as it was fairly across the board.

1.2.12 The Connétable of St. Lawrence:

The candidate has referred to Members having a particular hobby horse. Does he have them and what are his views on the need for the chairman to be impartial?

Deputy M. Tadier:

Of course I have my own hobby horses. That is why I am politician, I think. We go into politics as there are issues about which we feel passionate. But when it comes to P.P.C. ... and I gave the example earlier. I brought a proposition not to remove the Constables but to have a referendum on whether the public thought the Constables should be in the States. Now, that has been done. It was not approved and that is not something I would seek to bring back because when you separate your roles, it is important to ... and it works for other Members in this Assembly. It is important that you separate your roles; that you know when you are the chairman of P.P.C. your job and your opinion does not count. It is about the other 6 people and your opinion or, rather, I should say your opinion is no more valuable or no less valuable than any other Member either on your committee or in the Assembly. That is, I think, a position which is fairly clear.

1.2.13 Senator F. du H. Le Gresley:

What would the candidate do to improve the facilities for research for non-executive Members?

Deputy M. Tadier:

This is an area which I am fairly keen to pursue. I think, in the absence of official party politics in Jersey, you do not have the backing of a party which you might get in the U.K., but also the facilities, it has to be said, although they have improved very significantly in the last 10 years, are not quite what they should be. So I think we should look seriously to having a library. I think the

coffee room downstairs is probably not used sufficiently. We should have maybe one dedicated member of staff. But I think that essentially we should be looking to educate our Members and provide facilities for them so that we can all do our jobs to the best of our abilities.

1.2.14 Deputy T.M. Pitman:

The average length of speech for most Members is just over 6 minutes. Does the candidate agree that, far better than limiting speeches - although I would do that within reason - is to try and get a more inclusive Government, such as the Chief Minister has alluded to, but has not really done anything about? Then there would not be so many propositions. Does he think that is anything to think about?

Deputy M. Tadier:

Clearly, as I said, there are valid political differences and I think, to some extent, inclusion is a bit of a myth because you have to have a Council of Ministers that works cohesively together. What I would say is that it is incumbent on both sides. We have got to learn to test the water. There is no point in bringing propositions if you cannot even get 3 or 4 people to sign up to that. That does not mean we should change the Standing Orders. It means simply that Back-Benchers and Ministers should communicate better to make sure that, if stuff does not really need to come to the Assembly, it is resolved in other ways. But, of course, it must always be the right of any Member of this Assembly to bring propositions and also it is a valid way to raise concerns and to give them publicity, similar to an early day motion might be in the U.K.

The Bailiff:

Very well, that concludes questions for Deputy Tadier. So I will ask Deputy Tadier to withdraw again and we invite the Connétable of St. Mary to come to the Chamber. Very well, I invite the Connétable of St. Mary to address the Chamber.

1.3 Connétable J. Gallichan of St. Mary:

There is a certain saying that it is a woman's prerogative to change her mind. Until very recently, I did not think that I would be putting my name forward again for a further term as P.P.C. chairman. But, for various reasons, here I am again, doing that very thing. Having already served 3 years on the committee, I stood for the position of chairman 3 years ago because I said there was unfinished business to attend to. Certainly there was. In 3 years I consider that the last P.P.C. achieved an incredible amount; I would almost say an unprecedented amount. But, once again, I stand before the Assembly and say there is more to do. The preparation of the Draft Freedom of Information (Jersey) Law was already on the agenda before I joined the committee in 2005 but still, 3 years ago, this needed more work before it could be finalised for debate. In fact, as it turned out, it needed a great deal more work but, following the sterling assistance of the Deputy Greffier and the law draftsman, I was pleased to be able to propose the draft law in May this year on behalf of the committee and I was delighted when it was adopted almost unanimously in third reading. There is, of course, still work to do on the part of the Executive in implementing the law and it will be necessary to monitor this closely.

[10:45]

Furthermore, while the law deals with public access to official information, the matter of States Members' own access needs further clarification. When I last stood for this position all, but 9 Members of the Assembly had just been sworn in at once. Of course, that was following 2 separate election periods when the 2 bites at the cherry was still possible and had drawn the familiar criticisms from the public. Following States debates on various aspects of reform of the composition and election of the States, P.P.C. carried through various changes in legislation, resulting in a single election day for all but 6 States Members and paving the way for the first 2 general elections to take place in 2014. Further reform of the States featured prominently during

the recent election campaign and there is a public expectation that this will be achieved in the lifetime of this Assembly. The changes achieved by the previous P.P.C. will facilitate the timely implementation of those recommendations of any Electoral Commission that receive public endorsement. There is, however, more to be done. The way in which a great deal of business was debated by the old Assembly following the election must be reviewed. The single election day brought many challenges and was, on the whole, very successful. However, in the light of the experience gained during the course of the election, there can certainly be further enhancements and these must be collated and legislative changes brought while the experience is still fresh in our minds. I also know that many Members would like our procedures and the timings for electing Ministers and panel chairmen, among others, to be reviewed. This had been considered previously and was revisited followed a proposition brought by Deputy Tadier. It was anticipated that this would be included in a wider Machinery of Government Review proposed by the Council of Ministers but, due to time pressures, this was withdrawn before it could be debated. The experience of the past few days has reinforced my belief that this matter must be dealt with before the next elections. The investigation of complaints is probably the least satisfying aspect of service on P.P.C. and yet the standard of States Members' behaviour was also a hot topic during the elections. I personally have been saddened that already in the new Assembly there have been acrimonious exchanges in the Chamber and instances of misuse of proceedings. This must be remedied before it becomes entrenched behaviour and this Assembly must aspire to better conduct and we must raise the bar now. Members must be mindful of the fact that the Code of Conduct is one that we have adopted for ourselves and that adherence is not option but an obligation. Three years ago I spoke of making enforcement of the Code of Conduct more meaningful and indeed P.P.C. brought amendments to Standing Orders which extended the range of sanctions available for serious breaches of the Code and introduced financial penalties to accompany serial suspensions. I would always hope that breaches of the Code would be rare, but there will inevitably be complaints which require investigation. The 2 previous P.P.C.s had different approaches to these investigations and, if re-elected, I would be inviting the new P.P.C. to consider at the outset how it would propose to handle any complaints within the parameters set by Standing Orders. The provision and use of States Members' facilities has been raised from time to time in the past and it is important to know how Members use the facilities, and also how they would like to use them, to ensure that we make the best and fairest use of what we have available to us. Past research led to various changes and also to trialling of a number of options. I would propose to invite comments from Members again early in the New Year once the newly elected Members have had the opportunity to establish their preferred working patterns. One important aspect, though, will be the use of technology, especially in the Chamber. The Greffe have recently asked Members to confirm their requirements for hard copies of propositions and reports to be mailed to them. However, even Members, like myself, who prefer to work from electronic versions need to have those hard copies of propositions to take into the Chamber. The previous P.P.C. wanted to establish a trial of the use of silent hand-held devices in the Chamber which would allow Members to bring in and use their own preferred equipment. It was not possible to bring this back for debate soon enough to have a meaningful trial period before the new Assembly was sworn in. I believe, for many reasons, that this matter should be brought back in early course and that we need to be mindful of what has been adopted by other Assemblies to ascertain any effects on the special nature of parliamentary debate. I have had discussions with the Information Services Department who have themselves been conducting trials on various devices to see how they interface with the States' operating platforms and standards. This is an area of rapid change and there is a real potential to increase efficiency if we handle it correctly. The terms of reference of the P.P.C. are clearly set out in Standing Orders and the topics I have mentioned so far cover only some aspects of the remit. I said that there was much work to be done and at the last meeting of P.P.C. we considered a legacy paper which will take forward many other matters which have been under consideration and which are in various stages of preparation. These range from relatively minor matters to more far-reaching reviews and will certainly give the new P.P.C. a starting point for consideration of its own work programme.

The nature of P.P.C., though, is to continually receive directions from the Assembly following the outcome of debates and so the committee is not always the master of its own destiny. This can be frustrating but it is in the nature of the beast. It means that P.P.C. must continually reprioritise work to ensure that legislative deadlines are met and sometimes worthwhile projects that are not time-critical are delayed, but these must not be allowed to fall from the work programme. I believe it is essential that some subjects are progressed by P.P.C. working parties in order to maximise the amount of work that can be taken forward by the committee as a whole and also to make use of individual Members' key skills and interests. I have spoken previously of the need for a new perspective on the committee but, of course, the chairman is only the first among equals. So this rejuvenation can come from the wider committee membership. If elected, I will be responsible for nominating 3 non-executive Members for the Assembly's consideration. Although it is, of course, necessary to wait until after the appointment of Assistant Ministers before making any suggestions, I am already encouraged that a number of new and experienced States Members have indicated their willingness to be on the committee. I consider that the combination of the fresh approach of Members new to the committee and my experience of steering complex committee legislation successfully through this Assembly would make for an extremely effective P.P.C. So I have said there is much to do and certainly some of it is bound to be controversial. Well, I have not shied away from controversy before and have been critical where it has been necessary to be so. I realise that this will not endear me to some Members of the Assembly, but then the chairmanship of P.P.C. is not to be undertaken lightly and might vie with the role of the Minister for Planning and Environment for the title of "poison chalice". There is, however, much about the role that is enjoyable and, as the role evolves, there have been some unexpected duties such as delivering various key speeches, which have presented new challenges that I have enjoyed meeting. I hope the Assembly will place its confidence in me to lead the committee for a further 3 years to take forward the work already in hand and to deliver the changes that the public are expecting this Assembly to make.

The Bailiff:

Then we come to questions to the Connétable of St. Mary.

1.3.1 Deputy T.M. Pitman:

If elected, how would the chairman ensure consistency? We have heard about the Code of Conduct, very important. Yet just a few weeks ago we saw the new Senator Bailhache tell us about the need to respect each other; then the next paragraph he was quoted as implying that Senator Syvret was mentally ill, lost the plot. Will she be strong enough to make sure everyone is treated the same?

The Connétable of St. Mary:

I am certainly strong enough to make sure Members are treated the same. Of course, P.P.C. chairmanship is just one person on a 7-person committee. It is essential that, if I am elected, this Assembly gives me a strong committee to work with.

1.3.2 Deputy R.G. Le Hérisier:

Building on that question, the candidate mentioned acrimonious behaviour and the fact that she was determined to come down hard upon it, so to speak, through the committee. Could she give us her precise ideas as to how she would propose breaches of the Code be handled?

The Connétable of St. Mary:

Let me be quite clear to begin with. I talked about acrimonious behaviour so far in this Assembly. Within the Assembly, of course, it is the President of the Assembly who deals with that and I think perhaps we need to have dialogue and, as States Members, we need to agree for ourselves to set ourselves high standards so that we do not continually call on the Chair to make what are very difficult interventions. As regards how I would deal with serious breaches of the Code, as I have

said, I intend to invite the new committee to discuss how it will deal with incidents. There are parameters set within Standing Orders, but there are different approaches that can be taken. For example, there is room to have a subcommittee and to invite Members who are not on the P.P.C. or States Members to sit in that committee. It has not been done recently and I would invite the new committee to discuss that particularly.

1.3.3 The Connétable of St. Lawrence:

The candidate spoke about there being much work to do and she also told us that some of it would be controversial. If elected then, what would be her priority and what would be those controversial issues?

The Connétable of St. Mary:

Well, obviously a lot depends now on how this Assembly decides to take forward the work of the Electoral Commission that we have already agreed in principle because, depending on the parameters that we set for that, there will be more or less work for the P.P.C. to do in the short term until that Commission has reported on the subject of electoral reform. I think reform has got to be one of the key issues that the committee needs to deal with, but there may be a delay in the way we can take that up, depending on how the Commission shapes up. Controversy probably stems from the fact that there is a fine balance between ensuring that Members have the right to act in such a free way that their duties to their constituents are not kerbed but, at the same time, behaving within the bounds of acceptable behaviour. I think we need to strike a balance there and we need to ensure that we find the right path so that the public maintain respect in us, which in my experience in the last 3 years they have certainly lost.

1.3.4 Senator S.C. Ferguson:

During the past 2 sessions there have been matters that have been brought back to the States on numerous occasions. What is the candidate's opinion of this and what steps would she take in relation to this?

The Connétable of St. Mary:

Well, Standing Orders, as the Senator knows, already impose time limits during which it is not possible to bring matters back. We had one particular aspect that came back several times. I think that was, unfortunately, because at the end the outcome did not change. It is a very fine line, again, between allowing the Assembly to flex its muscles and to rethink and to thwarting the progress that is made after a decision. Certainly, from my own personal experience, when the P.P.C. has been charged by a very, very strong majority to get on with work and has engaged an awful lot of its own time and, importantly, that of officers into building propositions to take forward, it is extremely unfortunate when they are challenged at the last moment. I think probably the views of the Assembly are quite widespread on that. But we have tightened some procedures already and I think there will be a need to have a holistic view at the way we tackle this.

1.3.5 Deputy M.R. Higgins:

Could the candidate give her views on the independent Electoral Commission that was approved in the last Assembly and whether it should be chaired by or populated by any Members of this Assembly?

The Connétable of St. Mary:

That is an interesting question because obviously we had a recent huge public mandate put behind one Member of this Assembly who had very strong views on that Commission. My own fear on the Commission is that we have not focused it enough to deal with the really important issues. It has got much too much of a wide remit and I think we run a danger that in fact all that will do is push reform out into such a far-flung field that it cannot be accomplished. I am hopeful that this Assembly will review that and put a great deal of focus behind the Commission. As to who should

chair it, the previous P.P.C. did do a position paper on that for States Members' consideration and we held public consultation. We only had 2 responses to that, one from a States Member. It was in fact the States Member who proposed the Commission and he had fundamentally changed his views since that time. So I think really it is a matter this Assembly needs to give long hard debate to and it will be a very difficult thing to resolve.

1.3.6 Senator L.J. Farnham:

In relation to constitutional reform of the States Assembly, could I ask the candidate if she is in favour of retaining the Island-wide mandate?

[11:00]

The Connétable of St. Mary:

That will be a matter that will form a pillar of the Electoral Commission's report I am sure, but what I am sure about is that the reforms that we have put through so far, reducing the number of Senators to 8 from 2014 - in the absence, I stress, of any further alternative reform - has ensured that the position remains viable on a single election day, which previously it was not. So what we have done so far is to ensure that that is still a question that can validly be left on the table.

1.3.7 The Connétable of Trinity:

Would the candidate support time-limited speeches?

The Connétable of St. Mary:

The Constable is aware that this was brought up and put to P.P.C. previously and it was impossible to find any kind of consensus on what the limit should be. I feel that, following the loss of that proposition, we hoped that people would regulate themselves, having had the matter brought to the attention of the Assembly, and it really did not happen. So I think that is something that must be revisited.

1.3.8 The Connétable of St. Lawrence:

What are the candidate's views on the need for the chairman to be impartial?

The Connétable of St. Mary:

I take it the Constable means the chairman of P.P.C. Well, that is very important in fact and there are many times when I was chairman of the previous P.P.C. when I really felt I wanted to say something and I held back because I did not think that was wise. There have been occasions when, because of the fact that I thought something important was going to be referred to P.P.C., that in the actual vote that followed I abstained so that I did not show preference for or against. So I think it is very important and it is very clear that the chairman of P.P.C. is neither in the Executive nor on the Scrutiny function and that the committees supporting the chairman are drawn from across the Assembly. That is vital and that is something that Standing Orders is very firm on. Impartiality, I think, is very important and I would observe impartiality wherever it is possible. Where it is not possible to do, on a matter of conscience, I would then probably stand down from any further debate on that subject.

1.3.9 Deputy J.P.G. Baker of St. Helier:

We will have spent in excess of 250 man days appointing Ministers, committees and panels. Does the candidate share the view that we would struggle to make this process any less efficient and what would the candidate suggest by way of meaningful reform of this process?

The Connétable of St. Mary:

As I alluded to in my speech, this has been looked at several times before. I was on a Machinery of Government Review in 2005-2008 P.P.C. that was concerned by this. My experience over the last

couple of days, as I have said, has reinforced the view that this must be tackled. I think what we need to do fundamentally is decide where we want to go with the Machinery of Government to find out how we want it to function. Deputy Vallois, Senator Breckon, the former Chief Minister and myself worked very hard on bringing together proposals from across the Assembly which would have radically changed the way this Assembly functions and, in doing so, one of the by-products would have been a completely revamped appointments process. It is a chicken and egg situation. I think we need to know where we are going and then we need to get there.

1.3.10 Deputy R.G. Le Hérisier:

What has the candidate, in her previous incarnation as chairman, found the most challenging and difficult issue to deal with?

The Connétable of St. Mary:

Well, the least rewarding is certainly the complaints procedure. Members will realise that a complaint, because it is received, it not necessarily a valid complaint and until P.P.C. has met to consider it they are unable to say whether it needs to be answered or not. When the media gets hold of issues of complaints, often from States Members or the complainant, they hype them up to such a degree before the committee has even met, then the States Members have been reticent to come before the committee and then the whole thing has got hyped out of all control; when in fact a simple attendant on committee and a simple discussion can often alleviate the situation without any further intervention. So really I do not regard the way that we handle complaints and the way Standing Orders probably makes us handle them is efficient and I would really like to have that reviewed.

1.3.11 Deputy M.R. Higgins:

The candidate stated that she wanted a strong P.P.C. Does she think, however, that its composition should reflect, in a balanced way, the different views of the Assembly?

The Connétable of St. Mary:

Absolutely and we have had a very diverse P.P.C. over the last 3 years and all the better for it. But, if I am elected, what I would be looking for from my committee members is a resolve to attend the meetings well-briefed, to work hard and to look at the issues in an objective way rather than in partisan way, so that we can do something to enhance the credibility of the Assembly.

1.3.12 The Connétable of St. Lawrence:

Some time ago the Greffier prepared a paper on the timing of States sittings. Was it considered by P.P.C. and if so, why was it not brought to the Chamber for debate?

The Connétable of St. Mary:

I am not sure of the specific paper that the Constable is referring to because the Greffier prepares many such documents for consideration of P.P.C., depending on the aspects we are looking at. The Constable has just reminded me she is talking about the 3-year cycle. If she will look back at the report that the last committee lodged, we suggested that, although it was too short notice to bring the 3-year cycle into operation for 2012, the implementation should be considered for the next years of the Assembly.

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

I believe the Constable of St. Lawrence meant the possible move to a 5-day-every-3-week cycle. Could the chairman advise whether the previous committee did sit and why a proposition was not presented to the Assembly?

The Connétable of St. Mary:

I think the Deputy must have misheard my answer. As I have said, that was included in the report that the committee gave in setting the States sittings for the following year, 2012, with a recommendation that we look to bringing that in from 2013 and for the following years.

The Bailiff:

Does any other Member wish to ask any questions? Very well, question time to the Connétable of St. Mary closes. So I invite the Connétable of St. Mary to retire again with the Assistant Greffier and we will ask Deputy Baudains to come to the Assembly. Deputy Baudains is now with us and so I invite him to address the Assembly.

1.4 Deputy G.C. Baudains of St. Helier:

Most people, I am sure, both inside and out this Assembly, want reform of our present Government. I have to say, after last week, who can blame them? Indeed this reform was the basis of my election campaign but the point is: what do we change and who makes that change? Well, the Privileges and Procedures Committee has responsibility for a number of areas and that includes behaviour in this Assembly and the Machinery of Government. I would like to clarify for a moment the distinction between Machinery of Government and the constitution, because they do get confused at times. The constitution is the number of Members in this Assembly. It is whether Constables should remain, how many Senators there should be and issues of that kind. That has been debated in the Assembly time and again with no success, which is why a commission has been set up to progress the matter. Well, I agree with that approach but with one caveat. I believe it is premature. You cannot decide how many States Members are appropriate until you have decided what form the Machinery of Government should take because the latter dictates the workload and, consequently, the number of Members required, which is why I disagree with those who call for a reduction in the number of Members at this time. In the present climate I believe it would make matters worse because you would not be reducing the number of Ministers. You would be reducing Scrutiny. I think then that if you wanted things to degenerate even further in the short term that is probably as good a way to go about it as any. So what is wrong with the Machinery of Government and how could I make a difference? Well, during my previous 10 years in this Assembly I spent, I think, 6 years in the Executive and 4 in Scrutiny under the old committee system and under the Ministerial system. I also served as a member of the Privileges and Procedures Committee for 3 years, which is why I believe I am well placed to understand the problems and to give the committee the leadership it needs to resolve those problems, of which we have many. But the important thing to understand is that they are all merely symptoms of a more fundamental underlying problem. Trying to resolve one in isolation - for example, the increased animosity in this Chamber - would solve nothing. The major problem is the Machinery of Government itself. It was designed for jurisdictions with a party political system and a second chamber, of which we have neither. Without political parties there is no shadow government, no opposing parties, each with its own manifesto and its own code of conduct to which its members are beholden. That is why controlling Members' behaviour in this Assembly is somewhat difficult. Instead of political parties we have a fudge called Scrutiny. "The critical friend," as Ministers like to call it; of course, with the emphasis on friendly and not on the critical part. Scrutiny Panels put tremendous effort into their work. I know; I have been on some. Sadly, it is often a waste of time and resources. A panel could spend up to a year producing a comprehensive report, only for it to be dismissed by a Minister in a matter of moments. Then there is impossible scheduling. The first we may know of a Minister's plans is when he lodges a proposition. If Members are concerned, Scrutiny may call it in but the Assembly will not want delay. They will expect Scrutiny to produce a report in a matter of weeks, whereas the Minister might have been working on his policy and proposition for 2 or 3 years. The system simply does not work. Now, if we compare that with the old committee system, each committee had 7 members who were their own scrutiny, starting from day one of a policy. By the time a proposition came to this Assembly it had already had 7 pairs of eyes on it and passed a majority vote. Another issue: under the old committee system all Members were involved in the

Executive. One day you might be opposing a Member across the floor of this Assembly and a few days later you would be working with him or her on a different committee. Now Members do not mix as before and the Chamber has become polarised as a result. Worse still, everyone except Ministers is excluded from decision-making or even really knowing what is going on, furthering the “them and us” divide. Also, when we changed to Ministerial government many of the Executive decisions previously made by politicians, that is the committee members, were delegated to civil servants and, in the process, we lost a degree of accountability. It is no wonder this Government fails to deliver. I have often thought going back to the old committee system might be a good idea. The committee system certainly was not perfect, but I believe it was better than what we have at the present time. In fact I am curious as to why we changed. It was not by public request. Perhaps it was the U.K. Government or local businesses find it easier to persuade one Chief Minister than 53 individuals, or now 51. However, am I proposing we go back to the old committee system? No, I am not.

[11:15]

Politics is the art of the possible and I do not believe such a proposition would succeed. What I want to do is lead a team examining more inclusive options, involving more Members in decision-making and streamlining Scrutiny. We simply have to overcome the divide, the “them and us” that currently prevails. I believe this Assembly will continue to decline in both standard and competency until we change the system of 10 Ministers running the Island and the other 43, or now 41, basically running around trying to find out what is going on. As to how we achieve that, my personal thoughts are to leave ministries basically as they are but increase the number of Assistant Ministers to perhaps between 4 and 6, depending obviously on the ministries involved and their workload. Ultimately, however, the resolution to our problem will be a consensus of the Privileges and Procedures Committee. I offer leadership backed up by 10 years’ experience of both types of Machinery of Government and I would insist that P.P.C. remains focused on the major issues instead of getting bogged down in minutiae as has been the case previously. When I was on the P.P.C. - that was from 2005 to 2008 - we looked at the Machinery of Government but were told there was no point in looking too deeply as the system was still bedding in. Well, I think the bedding in process is long past and it is clear major changes are needed. I believe it is a pity that the previous Privileges and Procedures Committee let things drift without rising to the challenge and sorting it out. Finally, whether it is true or not I am not sure but I am told that Ministers want to run their own review of the Machinery of Government. If they do I believe that would be unwise because I think that would be seen as trying to consolidate the position rather than acting in the best interests of Jersey. The Privileges and Procedures Committee, on the other hand, is the only body with responsibility for this area and, as a broad church, its constitution includes both Ministers or Assistant Ministers and Back-Benchers. It has many duties but I believe reviewing the Machinery of Government and bringing forward solutions for debate is the most urgent, and with my 10 years of experience of both types of government I believe I am well placed to lead the committee doing just that. I thank Members for their attention and do my best to answer any questions.

The Bailiff:

Thank you, Deputy. So now we have questions to Deputy Baudains.

1.4.1 Senator S.C. Ferguson:

During the past 2 sessions of the Assembly there were matters such as G.S.T. (Goods and Services Tax) and the Island-wide vote which have been brought back to the States on numerous occasions. What is the candidate’s opinion of this and what steps would he take in relation to this?

Deputy G.C. Baudains:

I believe that a lot of things have been ... presumably the Senator refers to those matters brought to the Assembly by the previous Privileges and Procedures Committees. The problems have been that

the committees have not looked deeply enough as to what the problem really is. I referred in my speech to the Machinery of Government Review (R.105/2007) that was undertaken when I was a member of the Privileges and Procedures Committee and I know that the late Mike Vibert and myself want to start from fundamentals. But the view was taken at the time that the machinery of government was really bedding in, the Ministerial system needed time to adjust and we were only really looking at peripheral matters. He and I wanted to start from the fundamental question of does it work, but we were told there was no point because things were still bedding in. As I said, I think we have certainly reached a stage now where bedding in is not an excuse any more and we really need to get to grips with the problem and look at the problem from the very beginning. As I said, I believe ...

The Bailiff:

I think a reasonably concise answer if you would.

Deputy G.C. Baudains:

More concise, sorry. Yes, I think the answer is probably at the halfway house between what we had and what we have.

1.4.2 Senator L.J. Farnham:

In relation to the constitution of the States Assembly, can I ask the candidate whether he thinks the Island-wide mandate should be retained?

Deputy G.C. Baudains:

I do.

The Bailiff:

That was indeed concise.

Deputy G.C. Baudains:

It is a concise question.

1.4.3 Deputy M.R. Higgins:

Although the candidate would like to increase the number of Assistant Ministers, how does he deal with a situation where Ministers do not involve their Assistants in decision-making or legally delegate powers to them and in law they are corporations - this is the Ministers - are corporations sole and thus empowered to make decisions on their own?

Deputy G.C. Baudains:

I thank the Member for that question. Yes, I am familiar with the situation and clearly a resolution along the lines that I was suggesting - and I make it clear that it is only my personal opinion and it would need to be a committee decision - would require ancillary changes. What I was envisaging was almost a mini-committee where the Assistant Ministers would be fully involved in what the Minister was doing. I am aware that some Ministers do not fully involve the Assistant Ministers, and also that the Assistant Ministers do not have the legal authority that the Minister has.

1.4.4 Deputy R.G. Le Hérissier:

One of the difficult issues other than reform that the committee has had to deal with is discipline of Members. Could the candidate put forward his views as to how this process could be improved?

Deputy G.C. Baudains:

The process of bringing changes to the Assembly I presume is what the ...

Deputy R.G. Le Hérissier:

No, sir. The breaches of the code and how they are dealt with when individual Members have transgressed.

Deputy G.C. Baudains:

This has always been a difficult issue. I know some Members have suggested there should be fines. I do not agree with that. Well, it would be nice to be able to do so. But to whom does one appeal? Presumably it would be a court and then it would all be bringing the legislature and courts together which is probably not a wise thing. It is a difficult situation that Privileges and Procedures Committee has had problems in the past. All I think it can really do is come to a conclusion and then, as it has done in the past, bring its decision to this Assembly so that peers make the final judgment on what should happen. If a Member is seriously out of order, I think suspension together with suspension of salary is probably the best thing.

1.4.5 The Connétable of St. Lawrence:

The candidate seemed to speak at length about reviewing the machinery of government and the constitution, but I would like to hear from him what other issues he thinks should be addressed by P.P.C.

Deputy G.C. Baudains:

Unfortunately I am confined to concise answers and the remit of the P.P.C., the terms of reference are quite substantial. Obviously the committee will look at things that need to be looked at as they occur. What I am saying is my main focus, I think the most important piece of work that is the most urgent, is the machinery of government because everything flows from that. If this Assembly does not work efficiently and get the public behind it then practically everything we do thereafter is irrelevant.

1.4.6 The Connétable of Trinity:

Would the candidate support time-limited speeches?

Deputy G.C. Baudains:

I have thought about this quite a lot and I do not think it would be appropriate. There needs to be discipline and I think the way forward ... the reason I do not agree with that is because it depends on the subject. Some subjects you could probably explain in 2 or 3 minutes; if it is a complicated subject it can take quite a lot longer. It will also be unfair: Back-Benchers would have a disadvantage. A Minister could spend 10 minutes if that is his limit on a speech, and then his Assistant Minister can add a bit more and so on and so forth. I know the previous Presiding Officer certainly did not like to use the powers that they have of stopping Members because of repetition and that sort of thing, but maybe direction from the Privileges and Procedures Committee to the Presiding Officer that we would like him to be more firm in these areas so that you do not get people standing up repeating what everybody else has said and that sort of thing would be a way forward.

1.4.7 Deputy G.P. Southern:

This Assembly has voted previously for an independent Electoral Commission to examine how we structure ourselves. Would the candidate agree that this must be completely free from political influence in Jersey and should certainly not be chaired by a politician?

Deputy G.C. Baudains:

As I said during my opening speech, I believe the way forward to agree the constitution should be put up for Members. The previous Privileges and Procedures Committee has brought many propositions to this Assembly and we have gone round and round in circles and got absolutely nowhere. As far as the constitution is concerned I am not overly bothered who sits on it as long as they are obviously competent people. I think as far as the machinery of government is concerned, it

needs people involved in the machinery of government and who understand what the problems are to be working on that. The constitution obviously is a separate issue.

1.4.8 Deputy M.R. Higgins:

Does the candidate agree that the composition of P.P.C. should reflect in a balanced way the different views of the Assembly?

Deputy G.C. Baudains:

In fact it does by its constitution consist of 3 members proposed by the chairman and then the chairman seeks the assistance of the Chief Minister who will nominate 2 Ministers or 2 Assistant Ministers. "Standing Order 122 provides that the chairman of Privileges and Procedures Committee shall nominate 3 elected Members who are neither Ministers nor Assistant Ministers as members of the committee. The chairman, after consultation with the Chief Minister, will also nominate 2 elected Members who are each a Minister or an Assistant Minister as members and he or she will also nominate one member of the Chairmen's Committee." So I believe it is a broad chair.

1.4.9 Deputy J.A. Martin:

I was interested to hear the candidate's way forward, back to sort of small committees. Is he aware of the proposition that Senator Breckon brought and would he really go back and look at that because I think that is the only way forward, the question being how would you get people who already have a lot of power, the 23 Ministers and Assistant Ministers agree with the way forward is going backwards? But I agree. I have done 2 sides: I have done the 5 years in the committees and 5 years in Ministerial and I would agree there is something seriously wrong.

Deputy G.C. Baudains:

I agree with the Deputy. Nobody wants to be going backwards, which is why I said that a proposition to revert to the previous committee system would probably be my preference, but a proposition on those lines would have no chance. We need to move forwards, and what we need to do is to look at innovative ideas, ways that we could harness the best of both worlds, because the previous committee system had its advantages and disadvantages, the present Ministerial system has advantages and disadvantages. What we want to do is to take the best of both, amalgamate that and come up with a completely new system - well, not completely new, but one that is certainly functional.

The Bailiff:

Does any other Member wish to ask any questions? Very well; I declare questions closed. So could we invite the 3 other candidates back to the Assembly prior to a vote?

[11:30]

Very well. I think all candidates are returned and therefore we will move to the ballot. So I will ask that ballot papers be distributed. Yes. So could the ballot papers now be collected, please? Very well. All ballot papers have now been collected. I ask the Attorney General and the Deputy Viscount to act as scrutineers.

2. Appointment of the Chairman of the Public Accounts Committee:

The Bailiff:

Could I perhaps test Members' wishes as to whether we should take nominations for the chairman of Public Accounts Committee before we know the result of the ballot or not? I think that rather depends on whether any of the 4 candidates would wish to consider the position of chairman of the Public Accounts Committee if they are unsuccessful. Any candidate wish to object to us moving to

take nominations? Very well. Then if the Assembly agrees we may as well move to take nominations for the chairmanship of the Public Accounts Committee. So I invite nominations.

2.1 Senator S.C. Ferguson:

I would like to propose Deputy Vallois.

The Bailiff:

Is that seconded? **[Seconded]** Any other nominations? No other nominations. Very well. There are no other nominations, in which case I can declare Deputy Vallois elected. **[Approbation]**

Deputy T.A. Vallois of St. Saviour:

I am not sure whether I should be thanking the Assembly or not, but thank you anyway for the support.

Deputy M. Tadier:

Can we hear the speech anyway? **[Laughter]**

3. Appointment of the Chairman of the Corporate Services Scrutiny Panel:

The Bailiff:

Very well. Now, in the light of that do Members want to move to nomination for the first Scrutiny Panel which is Corporate Services? All Members happy to agree to that. No one objects. Very well then, I invite nominations for the chairmanship of the Corporate Services Scrutiny Panel. Any nominations?

3.1 Deputy J.A.N. Le Fondré:

Can I nominate Senator Ferguson, please?

The Bailiff:

Is that seconded? **[Seconded]** Any other nominations. No other nominations. Very well. Then I declare that Senator Ferguson is elected as Chairman of the Corporate Services Scrutiny Panel. **[Approbation]**

Senator S.C. Ferguson:

I would just like to thank the Assembly for the confidence they put in me and I assure them that I shall continue to give the Minister for Treasury and Resources and the Chief Minister the hardest time possible.

4. Appointment of the Chairman of the Economic Affairs Scrutiny Panel:

The Bailiff:

Very well. Are Members content then to move to the Economic Affairs Scrutiny Panel? No objections from any one. Very well. Then I invite nominations for the chairmanship of the Economic Affairs Scrutiny Panel.

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

I would like to nominate the Deputy of St. Martin.

The Bailiff:

The Deputy of St. Martin. Is that seconded? **[Seconded]** Any other nominations? No other nominations. Very well. Then I declare that the Deputy of St. Martin is elected chairman of the Economic Affairs Scrutiny Panel. **[Approbation]**

Deputy S.G. Lucas of St. Martin:

Could I thank my proposer and seconder and inform Members that I will be circulating a speech.

The Bailiff:

Very well. So Education and Home Affairs. Are Members content we move to nominations for that?

Deputy M. Tadier:

Can I just say that until we know ... in my understanding if you are chair of P.P.C. you cannot be also the chair of a Scrutiny Panel. I think certainly I would like to reserve my position until I know the results.

The Bailiff:

Very well. So you would prefer us not to move ahead on this one. No; well, that is perfectly understandable. So we will not to move to that one until we know the result of the ballot previous.

Senator S.C. Ferguson:

While we are waiting, may I make a request that anybody who is interested in joining the Corporate Services Scrutiny Panel have a word with me either at lunchtime or send me an email?

The Bailiff:

Very well. I am sure that probably applies to all the Scrutiny Panels and all the chairmen would value Members who have an interest in contacting them. Very well. I am now able to announce the result of the first ballot for chairmanship of Privileges and Procedures Committee. The votes cast were as follows: the Connétable of St. Helier, 12 votes; Deputy Tadier, 8 votes; the Connétable of St. Mary, 20 votes; and Deputy Baudains 7 votes. That means that no candidate has an absolute majority and therefore the candidate with the lowest number will drop out; that is Deputy Baudains. So we move then to a ballot for the remaining 3 members. So I invite the usher and the Deputy Viscount to distribute ballot papers please. Yes, thank you. So the ballot papers please be collected. All Members handed in their ballot papers? Then I ask the Attorney General and the Deputy Viscount to count the votes.

[11:45]

Very well. I am now in a position to announce the result of the second ballot, the result of which was as follows: The Connétable of St. Helier, 14 votes; the Connétable of St. Mary, 20 votes; Deputy Tadier, 13 votes. It follows that Deputy Tadier now falls out and we go one final ballot between the Connétable of St. Helier and the Connétable of St. Mary and I invite the usher to distribute ballot papers please. Could the ballot papers now be collected? Have all the ballot papers now been collected? Then I ask the Deputy Viscount and the Attorney General to act as scrutineers.

Senator F. du H. Le Gresley:

Do you think we could move on to the next item now?

The Bailiff:

Now that we are down to 2 candidates it is up to the Connétable of St. Mary and the Connétable of St. Helier. Does either of them wish to put their names forward? In which case perhaps we can then move ... Deputy Tadier, are you happy now to go forward then to the next one?

5. Appointment of the Chairman of the Education and Home Affairs Scrutiny Panel:

The Bailiff:

I therefore invite nominations for the chairmanship of the Education and Home Affairs Scrutiny Panel. Any nominations.

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

I would like to propose Deputy Maçon.

The Bailiff:

Deputy Maçon. Is that seconded? **[Seconded]** Any other nominations. No other nominations. Very well then, I declare that Deputy Maçon is elected as Chairman. **[Approbation]**

Deputy J.M. Maçon:

May I thank my proposer and seconder and I look forward to working with the new Ministers. Thank you.

The Bailiff:

Then are Members content we move on to the Environment Scrutiny Panel?

The Connétable of St. Helier:

I may have an interest in that position.

The Bailiff:

You may. Very well. So we will then await the result of the ballot. In the meantime I can inform Members that a proposition has been lodged, Projet 183, Minimum Wage: revised hourly rate from 1st April 2012 lodged by Deputy Southern. For the benefit of new Members they are reminded that these papers which are lodged are placed in their pigeonholes. Very well. I am now able to announce the result of the chairman of P.P.C. Votes cast were as follows: the Connétable of St. Helier 22 votes, the Connétable of St. Mary 21 votes, and there are 2 spoilt papers. I therefore declare the Connétable of St. Helier has been elected. **[Approbation]**

The Connétable of St. Mary:

Could I be the first to congratulate the Constable of St. Helier and wish him well, especially with M?

The Connétable of St. Helier:

I would like to thank Members for their confidence in me and I thank the Constable of St. Mary. I hope she will be interested in being on the committee.

Deputy M. Tadier:

Could I just thank the Assembly also for enduring with my speech and be one of the first to congratulate the Constable in his new role.

Deputy G.C. Baudains:

May I also add my congratulations to the Connétable of St. Helier?

6. Appointment of the Chairman of the Environment Scrutiny Panel:

The Bailiff:

Then we move next to the chairman of the Environment Scrutiny Panel and I invite nominations. Any nominations for the chairman of the Environment Panel?

6.1 The Deputy of St. Martin:

Could I propose Deputy Young?

The Bailiff:

Deputy Young. Is that seconded? **[Seconded]** Are there any other nominations? No other nominations. Very well. Then I declare that Deputy Young is elected as chairman of the Scrutiny Panel. **[Approbation]**

Deputy J.H. Young of St. Brelade:

I want to thank the Assembly for their confidence in me. It is the first time I have been elected unopposed and I am rather taken aback. It is not ... I was looking forward to making my speech but at least you have saved me the job of making it polished and more presentable over the lunch recess. I will make sure this is circulated round to you during the day so you can have a flavour of the thoughts and way I am hoping that we can run the Scrutiny with the Minister and the Council of Ministers.

The Bailiff:

Very well. Then we move next to the Health, Social Security and Housing Scrutiny Panel and I invite nominations for chairman of that panel. Any nominations. It is a post that has to be filled. Any nominations. No; we have no nominations. Well, I suggest that this matter ... we have one other matter to deal with today. I would suggest this is put off until the next sitting as the first item and I do urge Members to discuss matters and make sure there are some nominations on Thursday. Do Members agree that is the sensible way forward? Very well.

7. Appointment of the Chairman of the Jersey Overseas Aid Commission:

The Bailiff:

So we come to the final matter to be dealt with today which is chairman of the Jersey Overseas Aid Commission and I invite nominations.

7.1 Senator I.J. Gorst:

I would like to propose Senator Routier.

The Bailiff:

Is that seconded? **[Seconded]** Any other nominations?

7.2 Deputy T.A. Vallois:

I would like to nominate Deputy T. Pitman for Jersey Overseas Aid in the spirit of inclusion.

The Bailiff:

Is that seconded? **[Seconded]**

Deputy M. Tadier:

On a point of order, can I just ask that surely it may be the case that once the candidate has been found for the Housing and Health Scrutiny Panel that candidate if they were unsuccessful may wish to stand for the post of Overseas Aid and I do not think we should be proceeding with this election because it is not really in good order.

The Bailiff:

It is a matter for Members. We cannot ask anyone at the moment because no one is willing to come forward for the Health, Social Security and Housing.

Deputy M. Tadier:

Could I propose the adjournment then until we ...?

[12:00]

I think clearly it would be preferable if we could adjourn for lunch and then perhaps the powers that be could talk to themselves and find a last minute candidate for this position.

The Bailiff:

It is clearly a matter for Members as to how they wish to proceed. Do you wish to propose the adjournment now, Deputy?

Deputy M. Tadier:

I think that is the sensible way forward.

The Bailiff:

Until when?

Deputy M. Tadier:

Until 1.15 p.m.

The Bailiff:

Please let the Deputy speak. He is entitled to make the proposition.

Deputy M. Tadier:

Clearly this is an anomalous situation, because there has not been a candidate willing to put themselves forward. It would give everyone time to regroup and I think it would provide an apt time to break for lunch.

The Bailiff:

Very well. The proposition from Deputy Tadier is that we break now and reconvene at 1.15 p.m. at which time you are suggesting, Deputy, that I invite nominations for the Health, Social Security and Housing Scrutiny Panel.

Deputy M. Tadier:

That is correct.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to say anything?

The Connétable of St. Helier:

If I could just say that this is the last item on the Order Paper and it does seem unnecessary for us to break in order to satisfy a procedural point raised by the Deputy. It does seem that there are very few Members at the moment willing to come forward for the remaining Scrutiny Panel. It would be better to give that discussion time to be had before Thursday's sitting and I would certainly not want to support the Deputy. I think we should get on with appointing the Chairman of Overseas Aid.

The Bailiff:

Very well. Does anyone want to say anything briefly on this matter?

Deputy J.H. Young:

Adding to the debate on the proposition, I do think we need to resolve this chairmanship at the beginning of the next session, otherwise I think it is going to cause problems for the members of the Scrutiny Panels and indeed it must, given the problems we have got with the Assistant Ministers' appointment. That must confuse the picture. So I think we really do need to clear this question of the chairmanship as soon as possible. I would personally favour an adjournment to decide that, but if there is not we should do it first thing on the next sitting.

The Bailiff:

Well, that at the moment is what the Assembly has decided to do, but it is subject to the vote now of Deputy Tadier. Does anyone else wish to say anything?

Deputy E.J. Noel:

I would just like to ...

The Bailiff:

Just a moment, I was looking at Deputy Martin.

Deputy J.A. Martin:

Yes, I am asking a question here because reading on from where we are today, Standing Order 135 says: "There shall be" and then it goes on to list the 5 Scrutiny Panels after P.P.C. and P.A.C. (Public Accounts Committee). What happens if there should not be 5 Scrutiny Panels elected? The Standing Orders are just silent on that. I think we are in a bit of a dilemma. I personally do not agree with Deputy Tadier. I think a couple of days may be preferable to see if we can persuade someone's arm up their back to do the job, I do not know. But I would like to know, maybe even in the next hour, from the Attorney General, 135 says: "There shall be."

The Bailiff:

I do not think it is a matter for the Attorney General. If Standing Orders say: "There shall be" it is up to Members to make sure there is.

Deputy M. Tadier:

Sir, can I just respond? I do also think that whether the adjournment is for one hour ...

The Bailiff:

One moment, Deputy, sorry. I am only going to call you if you want to respond, when everyone else has had a chance to speak. We do not need many speeches but, Deputy Noel, do you wish to say anything?

Deputy E.J. Noel:

Yes, Sir, it is just to point out that we have got 3 Members currently attending a funeral and at least 2 of those are potential candidates for the place of the head of Scrutiny for Health and Social Services. It would only seem sensible that we allow time for them to consider maybe becoming candidates on Thursday.

The Bailiff:

Very well. Yes, Senator Breckon?

Senator A. Breckon:

I think I will support the adjournment. The reason I say that is because there will be a dilemma if the Assembly puts this over until Thursday. How does the person, who is the chair of the panel, get the membership if others are actively seeking Members now? So, to have a level playing field, although it might be inconvenient for some Members to come back for what would be a short period this afternoon, I think it is the right thing to do.

Senator P.F.C. Ozouf:

Sir, may I just ask a question? It seems to me that the Overseas Aid Commission could proceed, provided that both candidates for that are confirming that they are not prepared to let their name go forward for the Scrutiny Panel that does not have a chair. If that is then not the case then we can proceed with Overseas Aid and reconvene this afternoon to perhaps complete the other Scrutiny Panel.

The Bailiff:

Very well. Well, that relates to the second proposition but ... Deputy?

Deputy M.R. Higgins:

Thursday was not an official continuation day and I have got arrangements where I am flying out to the U.K. and I would very much like to be able to take part in the vote and therefore I urge Members to adjourn and let us try and resolve the day of the election.

The Bailiff:

Very well. Deputy Tadier, do you wish to respond briefly?

The Connétable of St. Lawrence:

Sir, may I just ask a point of clarification? I am not clear whether there is anything in Standing Orders which says that the chairman of the Jersey Overseas Aid Commission cannot be a chairman of a Scrutiny Panel because it seems to me that that is what is being implied here and I would like you to clarify, Sir.

The Bailiff:

No, there is nothing in Standing Orders which prevents that but obviously people might not wish to do both but they might wish to put their name forward for one or other. But, as I understand it, at the moment, neither Senator Routier nor Deputy Trevor Pitman have put their names forward for the Scrutiny Panel. Deputy Tadier.

Deputy M. Tadier:

I think it is simply to say that I agree that we should adjourn. The other question is for how long we should adjourn and so I think there is merit to say that we should adjourn either for an hour or we should adjourn for longer, so it would seem sensible. I do not think it is necessarily possible, under Standing Orders, but we could have 2 votes; one on whether to adjourn or not, so we can decide whether we want to and the second on how to adjourn for. Is that viable?

The Bailiff:

But your proposition is later today.

Deputy M. Tadier:

That is right, Sir. I am quite confident, because this causes embarrassment for our system, that an hour will be quite sufficient for certain Senators to be able to get somebody to do this post, to save face.

The Bailiff:

Very well. The proposition is that we adjourn now, to reconvene at say, I think 1.15 p.m. it was originally; that no doubt can be adjusted if necessary but to adjourn later this afternoon to see if we have any nominations at that stage for Health, Social Security and Housing and the proposition from Deputy Tadier is that therefore we defer further consideration on the Jersey Overseas Aid Commission. Now, if you wish to do that you vote pour. If you do not, and want to continue to deal with the Overseas ... yes, I know, I am still speaking, thank you, Deputy. If you wish to proceed and deal with the Overseas Aid Commission now and then come back for a moment on Thursday to deal with the Health Panel and you vote contre. The appel is called for and I invite Members to return to their seats and the Greffier will open the voting.

POUR: 22

Senator A. Breckon
Senator F. du H. Le Gresley
Connétable of Trinity
Connétable of St. Clement
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Martin

CONTRE: 24

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator I.J. Gorst
Senator L.J. Farnham
Senator P.M. Bailhache

ABSTAIN: 0

Deputy R.C. Duhamel (S)	Connétable of St. Helier
Deputy J.A. Martin (H)	Connétable of Grouville
Deputy G.P. Southern (H)	Connétable of St. Peter
Deputy of St. Ouen	Connétable of St. Lawrence
Deputy J.A.N. Le Fondré (L)	Connétable of St. Mary
Deputy M. Tadier (B)	Connétable of St. Saviour
Deputy T.M. Pitman (H)	Deputy R.G. Le Hérisssier (S)
Deputy M.R. Higgins (H)	Deputy of Grouville
Deputy A.K.F. Green (H)	Deputy J.A. Hilton (H)
Deputy J.M. Maçon (S)	Deputy of Trinity
Deputy J.H. Young (B)	Deputy S. Pitman (H)
Deputy of St. Martin	Deputy K.C. Lewis (S)
Deputy R.G. Bryans (H)	Deputy E.J. Noel (L)
Deputy of St. Peter	Deputy T.A. Vallois (S)
Deputy R.J. Rondel (H)	Deputy G.C.L. Baudains (C)
	Deputy S.J. Pinel (C)
	Deputy of St. Mary

Deputy J.A. Martin:

Sir, sorry to indulge the Assembly. I did not quite understand what was in ... I voted the right way but I wanted to amend that. I think we should, while we are here now, appoint the Overseas Aid, then adjourn and make sure that we appoint this afternoon because, as the Deputy says, we need to come back Thursday, knowing for certainty we have a Chair who can look in the ... If it is going to be hard enough to get a chair I think it is going to be hard enough to get 2 or 3 people to sit on that panel and it gives them a couple of days to do it, so you need certainty.

The Bailiff:

What I suggest, Deputy, the Assembly is master of its own procedure and it can change its mind. We will proceed now to deal with the Jersey Overseas Aid Commission and then if you propose it we will take a specific vote on whether to come back this afternoon at a certain time or maintain the position to come back on Thursday and Members can take a simple decision on that. No other nominations for Jersey Overseas Aid Commission? Then we move straight to a ballot on that, so I ask that ballot papers be distributed. We have 2 candidates, Senator Routier and Deputy Trevor Pitman. Yes, then could the ballot papers please be collected. All ballot papers have been collected, then I ask the Attorney General and the Deputy Viscount to act as scrutineers. Now, just so we can take a final decision on where we are going to go, Deputy Martin, at the moment the Assembly has decided following this to adjourn until Thursday, at which time the first item of business will be the appointment of a chairman of the Health, Social Security and Housing Scrutiny Panel but if a Member wishes to propose that for that limited purpose to be adjourned until 2.00 p.m. this afternoon, so the chairman can ...

8. Appointment of the Chairman of the Health, Social Security and Housing Scrutiny Panel:

8.1 Deputy S. Pinel of St. Clement:

Sir, the Deputy of St. Peter, may I propose her for the job of Scrutiny Chairman of Housing, Health and Social Security? **[Approbation]**

The Bailiff:

Very well, is that seconded? **[Seconded]** Are there any other nominations for the Health, Social Security and Housing Scrutiny Panel? Very well, then I declare the Deputy of St. Peter is elected as Chairman. **[Approbation]**

Deputy S. Pitman of St. Helier:

Sir, while we are waiting for the ballot, can I ask who we should submit if we are interested in joining the States Employment Board?

The Bailiff:

Well, I would imagine it is the Chief Minister.

Senator I.J. Gorst:

Yes, indeed, Sir, that would be me.

Deputy S. Pitman:

Can I make my submission now then?

Connétable J.M. Refault of St. Peter:

Excuse me, Sir. If I may, while we are waiting, could I ...

The Bailiff:

Please, could we have quiet, please?

The Connétable of St. Peter:

Could I just make a suggestion, if possible, to the new Chairman of P.P.C. to look at ways of bringing forward a measure of interest of openness and transparency that identifies each individual's ballot paper so we know who is doing the spoilt papers to try and stop that from happening in the future?

[12:15]

Deputy J.A. Martin:

Which way did the Constable vote on the Chief Minister being open? I do not think he would want it open though in there.

The Connétable of St. Peter:

It is not a matter of openness. **[Members: Oh!]** It is matter of identifying who is disenfranchising their electorate.

Deputy J.A. Martin:

Then everything has to be open. We would like at that at P.P.C. if I was elected to ...

The Bailiff:

Let us not have a discussion on this on the floor now. It is every Member's right to vote or not vote, as they think best.

Senator L.J. Farnham:

Can the other person who spoilt their paper, please, make themselves known?

The Bailiff:

Very well. I am now able to announce the result of the ballot for the chairman of the Overseas Aid Commission: Senator Routier, 33 votes; Deputy Pitman, 13 votes. I therefore declare that Senator Routier is elected as Chairman. **[Approbation]**

Senator P.F. Routier:

Thank you, Sir, and I would like to thank those people who have shown their confidence in me in carrying out the task. I will be looking for 2 other Members to serve on the Overseas Aid Commission, so if Members would like to contact me.

Deputy T.M. Pitman:

Can I warmly congratulate the Senator and say I will be happy to give him some of my contacts in Latin America, should he require them.

The Bailiff:

Very well, that then concludes the business listed for today. The Assembly will reconvene therefore ...

The Connétable of St. Helier:

Sir, sorry. As I mentioned in my speech earlier, I will not be here for the next unscheduled sitting on the 24th. I will not be able to put forward the arrangement of Public Business for 6th December, which is a matter perhaps I need to discuss with the Greffier.

The Bailiff:

Very well.

Deputy M.R. Higgins:

Could I just draw the Assembly's attention to the next set meeting; I want to put back the *ex gratia* payment to Mr. Turner to the following sitting.

The Bailiff:

This will be discussed on Thursday but you are giving advanced notice, Deputy, that you will not be ...

Deputy M.R. Higgins:

Yes, Sir, because I will not be in the Island to be able to do that, Sir.

The Bailiff:

This is Projet 166, yes. You are giving notice that you will not be here on 6th December, so you want to put it back to the subsequent sitting of the Assembly.

Deputy M.R. Higgins:

Sorry, on 6th December but I would like to put it back to the 7th and giving plenty of notice to the Assembly.

The Bailiff:

Yes, you will be putting it back but it is not listed for debate ... **[Laughter]** I see, yes, I beg your pardon. I am being rather slow. Yes, very well. I am sure we can decide that now, that can be deferred on that occasion. Yes, that then now concludes the business. We reconvene on the 24th, that is next Thursday at 9.30 a.m., for the items shown on the Order Paper.

ADJOURNMENT

[12:19]