

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 24th FEBRUARY 2009

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS	8
1. Public Accounts Committee.....	8
1.1 Senator B.E. Shenton:.....	8
1.2 Senator B.E. Shenton:.....	8
2. Lifting of Standing Orders - removal of 90-minute limit	9
2.1 Deputy F.J. Hill, B.E.M. of St. Martin:	9
QUESTIONS.....	10
3. Written Questions	10
3.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE STABILISATION FUND:	10
3.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE LATEST FINANCIAL REPORT ON HARCOURT:.....	11
3.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOUSING REGARDING THE IMPOSITION OF CONDITIONS ON THE PURCHASE OF SHARE PURCHASE PROPERTIES:	11
3.4 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE USE OF SCHOOL BUSES TO EASE CONGESTION DURING THE MORNING RUSH HOUR:	12
3.6 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE SUSPENSION POLICY:.....	13
3.7 DEPUTY R.G. LE HERISSEIER OF ST. SAVIOUR OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE INSTALLATION AND AMENDMENT OF SIGNS:.....	13
3.8 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST OF THE GOVERNANCE FUNCTION WITHIN THE HEALTH AND SOCIAL SERVICES DEPARTMENT:	14
3.9 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE MEANS-TESTED TRAVEL POLICY:	16
3.10 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING HARBOUR MAINTENANCE ARRANGEMENTS: 16	
3.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE STATUS OF THE DEVELOPMENT AGREEMENT WITH HARCOURT:	17

3.12	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING INCREASING GST DURING THE RECESSION:	19
3.13	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING ARTICLE 39A OF THE PUBLIC ELECTIONS (JERSEY) LAW 2002:	19
3.14	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING SUPPORT FOR WORKERS MADE REDUNDANT:	20
3.15	DEPUTY T.M.PITMAN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE WORK UNDERTAKEN BY CONSULTANTS FROM 2004 TO 2009:.....	21
3.16	DEPUTY T.M.PITMAN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE POTENTIAL TO USE LA COLLETTE FOR HOUSING PURPOSES:.....	23
3.17	DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE ROAD WORKS AT BEL ROYAL:.....	23
3.18	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE ASSESSMENT OF ‘(j)’ CATEGORY HOUSING APPLICATIONS:.....	24
3.19	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING HOUSEHOLDS ON PROTECTED PAYMENTS:	26
3.20	SENATOR P.F. ROUTIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING SERVICE PROVISION WITHIN THE SOCIAL SERVICES DIVISION:.....	28
3.21	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE WASTE STREAM CRITERIA APPLIED DURING THE BABTIE-FICHTNER TECHNOLOGY REVIEW 2008:	30
3.22	THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE SCOPING OF THE ENVIRONMENT IMPACT ASSESSMENT FOR THE ENERGY FROM WASTE PLANT:	31
3.23	THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE INCINERATOR AT BELLOZANNE:	37
3.24	THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE CONTRACT FOR THE ENERGY FROM WASTE PLANT:	38
3.25	THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE EMISSIONS PERFORMANCE OF THE NEW ENERGY FROM WASTE PLANT:.....	39
3.26	DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE DEVELOPMENT OF SOCIAL HOUSING:	40
3.27	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING ASSISTANCE FOR ISLAND RESIDENTS WHO LOSY MONEY WITH LANDSBANKI BANK:	41
3.28	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PAYMENTS FOR THE NEW ENERGY FROM WASTE PLANT:	44
3.29	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING ‘(j)’ CATEGORY CONSENTS FROM 2005 TO DATE:	45
3.30	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE COST OF CONSUNLTANTS’ REPORTS FROM 2005 TO DATE:.....	47

3.31	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER OF PUBLIC SECTOR EMPLOYEES FROM 2005 TO DATE:	48
3.32	DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE DEMAND FOR 2, 3 AND 4-BEDROOM ACCOMMODATION:.....	53
4.	Oral Questions.....	53
4.1	Deputy P.J. Rondel of St. John of the Minister for Planning and Environment regarding the total fees paid to Hopkins Architects Limited to date by the Planning and Environment Department:.....	53
	Senator F.E. Cohen (The Minister for Planning and Environment):.....	53
4.1.1	The Deputy of St. John:	54
4.1.2	The Deputy of St. John:	54
4.1.3	Senator B.E. Shenton:.....	54
4.1.4	The Deputy of St. John:	55
4.2	Deputy J.M. Maçon of St. Saviour of the Minister for Home Affairs regarding measures to deal with potential increases in thefts and burglaries in the Island:.....	55
	Senator B.I. Le Marquand (The Minister for Home Affairs):	55
4.2.1	Deputy J.M. Maçon:	55
4.2.2	Deputy R.G. Le Hérisier of St. Saviour:	56
4.3	Deputy S. Power of St. Brelade of the Chairman of the Comité des Connétables regarding the use of land donated to them for the use of families with limited means to use as allotments:.....	56
	Connétable K.P. Vibert of St. Ouen (Chairman of the Comité des Connétables):	56
4.3.1	Deputy S. Power:.....	57
4.3.2	Deputy S. Power:.....	57
4.3.3	The Deputy of St. John:	57
4.4	Deputy S. Power of the Minister for Transport and Technical Services regarding facilities at the new Energy from Waste plant for members of the public to deliver mixed loads of combustibles:	57
	Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):	58
4.4.1	Deputy S. Power:.....	58
4.4.2	Deputy A.K.F. Green, M.B.E. of St. Helier:.....	58
4.4.3	Deputy A.K.F. Green:.....	58
4.4.4	Deputy R.G. Le Hérisier:	59
4.5	The Deputy of St. John of the Minister for Social Security regarding the cost of supplying medication to patients since the removal of prescription charges:.....	59
	Deputy I.J. Gorst of St. Clement (The Minister for Social Security):.....	59
4.5.1	Deputy G.P. Southern of St. Helier:	60
4.5.2	Senator S.C. Ferguson:	60
4.5.3	Deputy J.A. Martin of St. Helier:	61
4.5.4	Deputy P.V.F. Le Claire:	61
4.5.5	Deputy R.G. Le Hérisier:	61
4.5.6	The Deputy of St. John:	62
4.6	Deputy P.V.F. Le Claire of the Minister for Health and Social Services regarding the cessation of the reciprocal Health Agreement with the United Kingdom:	62
	Senator J.L. Perchard (The Minister for Health and Social Services):.....	62
4.6.1	Deputy P.V.F. Le Claire:	63
4.6.2	Senator A. Breckon:	63
4.6.3	Deputy R.G. Le Hérisier:	64
4.6.4	Deputy A.E. Jeune of St. Brelade:.....	64
4.6.5	Deputy P.V.F. Le Claire:	64

4.7	Deputy F.J. Hill of St. Martin of the Chief Minister regarding the attraction of a Chairman and Panel members to review the role of the Bailiff and the Law Officers: ...	65
	Senator T.A. Le Sueur (The Chief Minister):	65
4.7.1	The Deputy of St. Martin:	65
4.8	Deputy A.K.F. Green of the Minister for Economic Development regarding potato leachate discharged from Beauport:	66
	Senator A.J.H. Maclean (The Minister for Economic Development):	66
	Connétable L. Norman of St. Clement (Assistant Minister for Economic Development):	66
4.8.1	Deputy A.K.F. Green:	66
4.8.2	Deputy A.K.F. Green:	66
4.8.3	The Deputy of St. John:	67
4.9	Deputy R.G. Le Hérisier of the Minister for Transport and Technical Services regarding the annual sum payable by Connex for the rental of Liberation Station:	67
	The Connétable of St. Brelade (The Minister for Transport and Technical Services):	67
4.9.1	Deputy R.G. Le Hérisier:	67
4.9.2	Deputy R.G. Le Hérisier:	68
4.9.3	Deputy R.G. Le Hérisier:	68
4.10	Deputy S. Pitman of St. Helier of the Minister for Housing regarding the amount of former States-owned properties sold since the implementation of the Housing Property Plan:	68
	Senator T.J. Le Main (The Minister for Housing):	68
4.10.1	Deputy G.P. Southern:	68
4.10.2	Deputy S. Pitman:	68
4.10.3	Deputy C.F. Labey of Grouville:	69
4.10.4	Deputy R.G. Le Hérisier:	69
4.10.5	Deputy S. Pitman:	69
4.10.6	Deputy S. Pitman:	70
4.11	Senator S. Syvret of the Minister for Economic Development regarding the employment of non-‘(j)’ category staff employed in his Department:	70
	Senator A.J.H. Maclean (The Minister for Economic Development):	70
4.11.1	Senator S. Syvret:	70
4.11.2	Senator S. Syvret:	70
4.12	The Connétable of St. Helier of the Chief Minister regarding the completion off the Millennium Town Park project by 2011:	71
	Senator T.A. Le Sueur (The Chief Minister):	71
4.12.1	The Connétable of St. Helier:	71
4.12.2	Deputy J.A. Martin:	71
4.12.3	The Connétable of St. Helier:	72
4.12.4	The Connétable of St. Helier:	72
4.12.5	Senator B.E. Shenton:	72
4.13	Deputy T.M. Pitman of St. Helier of the Minister for Treasury and Resources regarding the proposed deemed rental charge:	73
	Senator P.F.C Ozouf (The Minister for Treasury and Resources):	73
4.13.1	Deputy G.P. Southern:	73
4.13.2	Deputy M.R. Higgins of St. Helier:	73
4.13.3	Senator S. Syvret:	74
4.13.4	Senator S. Syvret:	74
4.13.5	Senator S. Syvret:	74
4.13.6	Senator S. Syvret:	75
4.13.7	Deputy R.G. Le Hérisier:	75
4.13.8	Deputy G.P. Southern:	75
4.13.9	Deputy G.P. Southern:	75

4.13.10	Deputy G.P. Southern:	75
4.13.11	Deputy T.M. Pitman of St. Helier:	76
4.14	The Deputy of St. Martin of the Chairman of the Privileges and Procedures Committee regarding Article 39A of the Public Elections (Jersey) Law 2002:	76
	Connétable J. Gallichan of St. Mary (Chairman of the Privileges and Procedures Committee):	76
4.14.1	Deputy G.P. Southern:	76
4.14.2	Deputy G.P. Southern:	77
4.14.3	The Deputy of St. Martin:	78
4.14.4	Deputy T.M. Pitman:	79
4.14.5	Deputy S. Pitman:	80
4.14.6	Deputy G.P. Southern:	80
4.15	The Deputy of Grouville of the Minister for Transport and Technical Services regarding the basis on which the figure of over 250 households per year from 2008 to 2035 was used within the waste arisings model to justify the size of the new incinerator:	80
	The Connétable of St. Brelade (The Minister for Transport and Technical Services):	80
4.15.1	The Deputy of Grouville:	81
4.15.2	Senator S. Syvret:	81
4.15.3	Deputy G.P. Southern:	81
4.15.4	Deputy G.P. Southern:	82
4.15.5	Deputy J.A. Martin:	82
4.15.6	The Deputy of Grouville:	82
4.16	Senator S. Syvret of H.M. Attorney General regarding the appeal mechanisms available to victims of crimes should a decision be made not to prosecute their cases:	83
	W.J. Bailhache Q.C., H.M. Attorney General:	83
4.16.1	Senator S. Syvret:	83
4.16.2	Deputy G.P. Southern:	83
4.16.3	The Deputy of St. Martin:	84
4.16.4	The Deputy of St. Martin:	84
2.16.5	Senator S. Syvret:	84
5.	Questions to Ministers Without Notice - The Minister for Home Affairs.....	84
5.1	Connétable G.F. Butcher of St. John:	85
	Senator B.I. Le Marquand (The Minister for Home Affairs):	85
5.2	Senator S.C. Ferguson:	85
5.2.1	Senator S.C. Ferguson:	85
5.3	Senator A. Breckon:	85
5.4	Deputy T.M. Pitman:	86
5.5	Deputy J.B. Fox of St. Helier:	86
5.5.1	Deputy J.B. Fox:	86
5.6	The Deputy of St. Martin:	86
5.7	Deputy J.A. Martin:	87
5.8	The Deputy of St. Martin:	87
5.9	Senator S.C. Ferguson:	88
5.10	The Deputy of St. John:	88
5.11	Deputy K.C. Lewis of St. Saviour:	88
5.12	Deputy R.G. Le Hérissier:	88
5.12.1	Deputy R.G. Le Hérissier:	89
6.	Questions to Ministers Without Notice - The Chief Minister.....	89
6.1	The Deputy of St. John:	89
	Senator T.A. Le Sueur (The Chief Minister):	89

6.1.1	The Deputy of St. John:	89
6.2	The Deputy of Grouville:	90
6.2.1	The Deputy of Grouville:	90
6.3	Deputy G.P. Southern:	90
6.3.1	Deputy G.P. Southern:	91
6.4	Deputy T.M. Pitman:	91
6.4.1	Deputy T.M. Pitman:	91
6.5	Deputy T.A. Vallois of St. Saviour:	91
6.5.1	Deputy T.A. Vallois:	92
6.6	Deputy M.R. Higgins:	92
6.6.1	Deputy M.R. Higgins:	92
6.7	Deputy R.G. Le Hérisssier:	93
6.7.1	Deputy R.G. Le Hérisssier:	93
6.8	The Deputy of St. Martin:	93
6.9	The Deputy of St. John:	93
PUBLIC BUSINESS		94
7.	Draft Companies (Amendment No. 10) (Jersey) Law 200- (P.185/2008)	95
7.1	Deputy M.R. Higgins:	96
7.2	Senator A.J.H. Maclean:	96
	The Deputy Bailiff:	96
8.	Draft Companies (Amendment No. 3) (Jersey) Regulations 200- (P.186/2009)	96
8.1	Senator A.J.H. Maclean:	97
8.2	Deputy M.R. Higgins:	97
9.	Draft Summary of Fines (Miscellaneous Amendments) (Jersey) Law 200- (P.6/2009)	98
9.1	The Connétable of St. Ouen:	98
9.2	The Deputy of St. Martin:	99
9.3	Deputy J.A. Martin:	100
9.4	The Deputy of St. John:	100
9.5	The Attorney General:	100
9.6	The Connétable of St. Ouen:	101
10.	Energy from Waste Facility: rescindment (P.8/2009)	103
10.1	The Deputy of St Mary:	108
LUNCHEON ADJOURNMENT PROPOSED		111
LUNCHEON ADJOURNMENT		111
PUBLIC BUSINESS - resumption		112
Energy from Waste Facility: rescindment (P.8/2009) (...continued)		112
10.2	The Deputy of St. Mary:	112
10.3	Energy from Waste Facility: rescindment (P.8/2009) - Amendment (P.8/2009 Amd.)	
135		
10.3.1	Deputy R.G. Le Hérisssier:	136
10.3.2	The Deputy of St. Mary:	136
10.3.3	The Connétable of St. Brelade:	136
10.3.4	The Deputy of St. John:	137
10.3.5	The Deputy of St. Mary:	137
10.3.6	Deputy R.G. Le Hérisssier:	139

10.4 Energy from Waste Facility: rescindment (P.8/2009) - as amended	140
10.4.1 Connétable A.S. Crowcroft of St. Helier:	140
10.4.2 Deputy A.K.F. Green:	142
ADJOURNMENT.....	144
Deputy R.G. Le Hérissier:.....	144

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Public Accounts Committee

The Deputy Bailiff:

Under F, Appointment of Ministers, Committees and Panels, there is a matter for the appointment of an additional unelected member of the Public Accounts Committee. Now, in this respect, there is a nomination, I think, by Senator Shenton.

Senator B.E. Shenton:

Sorry, Sir, I nominate Senator Breckon for the ...

The Deputy Bailiff:

No, this is for the unelected member.

1.1 Senator B.E. Shenton:

[**Aside**] Sorry, it is Alexander Fearn. My wife often comments that when I am reading I lose all sense of what is going on around me. It is Alexander Fearn to join the Public Accounts Committee and then Senator Breckon will also join in due course.

The Deputy Bailiff:

One at a time as the procedure is different.

Senator B.E. Shenton:

That will make the full complement of members of the P.A.C. (Public Accounts Committee).

The Deputy Bailiff:

Very well. Is the appointment of Mr. Fearn seconded? [**Seconded**] Now, Standing Orders require that any other nomination has to be made with 2 days' notice. There have been no other nominations and, therefore, I declare that Mr. Fearn is elected as a member of the Public Accounts Committee. Then, the nomination of Senator Breckon; Senator Shenton, do you make that nomination?

1.2 Senator B.E. Shenton:

Yes, Sir, I would like to nominate Senator Breckon to join the Committee.

The Deputy Bailiff:

Is that seconded? [**Seconded**] Are there any other nominations for the position? Very well, I declare that Senator Breckon is elected a member of the Public Accounts Committee. There are no matters under G or H, so we then come to questions.

Senator J.L. Perchard:

Just before we move on to oral questions, I would like to raise a matter of question 24, which is a question that first came to my notice yesterday. I believe that as I was at Operation Cold Play yesterday and I have had no time to prepare an answer to this question, it should have been presented to me at the end of last week. I ask for it to be withdrawn.

The Deputy Bailiff:

Well, Minister, I am advised by the Greffier that this was deferred from 3 weeks ago, this question; therefore, you have had 3 weeks' notice.

Senator J.L. Perchard:

No, Sir, it was not asked of me 3 weeks ago.

The Deputy Bailiff:

Well, we probably will not get to question 24 anyway. [Laughter]

Senator J.L. Perchard:

I have not had 3 weeks to prepare for this question. This question was not asked of me 3 weeks ago; it was asked of another Minister.

The Deputy Bailiff:

But are you saying it was not asked within the relevant period on this occasion?

Senator J.L. Perchard:

The first notice I had of this question, formally, was yesterday.

The Deputy Bailiff:

I see. Well, what I suggest is we will carry on and when we get to question 24, then we will see what happens.

2. Lifting of Standing Orders - removal of 90-minute limit

2.1 Deputy F.J. Hill, B.E.M. of St. Martin:

Before we start, we may have 24 questions but we are definitely going to get 23, and I am just asking whether it is more convenient to ask for Standing Orders to be left in before we start so we know that all the questions can be asked, or wait until we get maybe to number 18, which is mine, and maybe the other half a dozen are unlucky. I would like to propose a Standing Order to ensure that all the questions are given time to be answered this morning.

The Deputy Bailiff:

Are you making that proposition now, Deputy?

The Deputy of St. Martin:

Yes, Sir.

The Deputy Bailiff:

Is that seconded? [Seconded] Very well, I can only repeat what I said before; it is a matter, of course, entirely for Members, but either one has a 90-minute limit or one does not. It is inevitable that if you have a limit some questions on some days will fall off the perch. That is a matter for Members. The appel is called for, then, on whether to lift Standing Orders so as to remove the 90-minute limit so that all questions today can be asked. I invite the Greffier to open the voting.

POUR: 18		CONTRE: 29		ABSTAIN: 0
Senator B.E. Shenton		Senator T.A. Le Sueur		
Senator A. Breckon		Senator P.F. Routier		
Connétable of St. Lawrence		Senator P.F.C. Ozouf		
Deputy R.C. Duhamel (S)		Senator T.J. Le Main		
Deputy of St. Martin		Senator F.E. Cohen		
Deputy J.A. Martin (H)		Senator J.L. Perchard		

Deputy G.P. Southern (H)		Senator S.C. Ferguson		
Deputy of St. Ouen		Senator A.J.D. Maclean		
Deputy of Grouville		Senator B.I. Le Marquand		
Deputy P.V.F. Le Claire (H)		Connétable of St. Ouen		
Deputy S. Pitman (H)		Connétable of Trinity		
Deputy of St. John		Connétable of Grouville		
Deputy T.M. Pitman (H)		Connétable of St. Brelade		
Deputy T.A. Vallois (S)		Connétable of St. Martin		
Deputy M.R. Higgins (H)		Connétable of St. John		
Deputy A.K.F. Green (H)		Connétable of St. Saviour		
Deputy D. De Sousa (H)		Connétable of St. Clement		
Deputy J.M. Maçon (S)		Connétable of St. Peter		
		Connétable of St. Mary		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		

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

In order to be helpful, might I suggest that those questions that are not asked are in any event answered by the Ministers and those answers are shared with the other Members?

The Deputy Bailiff:

Certainly. My understanding is that is customary practice. The answers have been prepared by the Ministers and I am sure they will do that if requested.

QUESTIONS

3. Written Questions

3.1. DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE STABILISATION FUND:

Question

Given that a share portfolio could be subject to substantial losses, would the Minister confirm that the monies in the Stabilisation Fund are retained in the form of cash, and, if not, why not?

Would the Minister inform the Assembly by what value, if any, the Stabilisation Fund has reduced, and how much more, if any, will be lost once the portfolio is liquidated to provide cash support for local businesses?

Answer

The Stabilisation Fund does not invest in shares so has not been subject to the same volatility in the financial markets as shares have. As a consequence the value of the Fund has not reduced in 2008 and would only do so by the amount spent for any approved purpose.

3.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE LATEST FINANCIAL REPORT ON HARCOURT:

Question

Would the Minister confirm whether the Waterfront Enterprise Board received the latest financial report on Harcourt 3 months ago and, if so, would he advise when this matter will be presented to the Assembly and the reasons for the delay?

Answer

The Waterfront Enterprise Board received the latest PricewaterhouseCoopers (PwC) financial report on Harcourt in October 2008 and the report from Trowers and Hamlins on the draft development agreement in November 2008. The latter was provided to the Advisory Panel of States Members and was discussed at meetings in November and December 2008. WEB and Carey Olsen have produced a revised draft development agreement which is currently being reviewed by Trowers and Hamlins prior to discussion with Harcourt. The process is entirely consistent with that agreed with the Advisory Panel in December 2008.

The intention is to lodge the development agreement in May or June, for debate prior to the summer recess.

3.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOUSING REGARDING THE IMPOSITION OF CONDITIONS ON THE PURCHASE OF SHARE PURCHASE PROPERTIES:

Question

Would the Minister inform members if he has sought legal advice from the Law Officers' Department on the subject matter of imposing conditions such as flying freehold on new flats/apartments/developments in order to preclude non qualified investors purchasing shares in companies owning residential property with local occupancy conditions attached?

Answer

It is not the usual practice for Governments to disclose whether or not they have sought legal advice, or the content of such advice, and it would not be appropriate to do so in this case.

Notwithstanding this, it is important to appreciate the dimensions of this issue:

- Share Transfer flats can only be occupied by persons qualified under the Housing Law;
- The purchase of Share Transfer flats by non qualified persons is relatively limited - around 11% of the Share Transfer market is owned by non residents persons and companies, and a further 12% by non qualified Jersey residents, in many cases patiently waiting to qualify. This is based on a sample analysis performed by the Population Office, using Annual Returns, and as outlined below.

- Where ownership of Share Transfer flats by non residents and non qualified persons has arisen, it has primarily been concentrated to a very small number of specific developments.
- Share Transfer properties account for around 60% of the flat market in Jersey; and not much more than 0% of all free standing houses.

It is further important to be cautious to not to remove incentives to develop flats, which are in demand from locally qualified persons seeking to lease, and in particular, at a time when the local construction industry is to be supported.

Table illustrating the ownership of share transfer properties from a sample:

Total Properties in sample	Locally Qualified Owner	Owner not Qualified but Resident in Jersey	Owner not qualified and not resident in Jersey	Non-Jersey Resident Company	Jersey Resident Company
840	588	103	64	24	61
	70%	12%	8%	3%	7%

Properties with Owner-Occupiers (using addresses on Annual Returns)	Properties with Non Resident Owners (using addresses on Annual Returns)
546	294
65%	35%

3.4 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE USE OF SCHOOL BUSES TO EASE CONGESTION DURING THE MORNING RUSH HOUR:

Question

Will the Minister consider using empty school buses to relieve the congestion on the regular service buses during the morning rush hour?

Answer

A number of returning school buses are already being utilised to enhance the morning commuter services as successfully negotiated as part of the contract extension agreement. The only schools services that are feasible to re-use are those operating to Le Rocquier and Les Quennevais being out of town schools. Two of each of these services are being utilised and have been included in the winter timetable. In fact, the two Les Quennevais services manage to operate three short services from Tesson Chapel and First Tower. From the east, there is one Route 1 service from Le Bourg and a Route 2C from Grouville Station.

There are a number of issues which do curtail the re-use of the school services but I am committed to maximising the integration of all services and will continue to discuss options in this regard with Connex.

3.5 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE DISPENSING OF ‘OVER THE COUNTER’ MEDICATIONS:

Question

Why are ‘over the counter’ medications such as Aspirin formally prescribed and dispensed and what is the cost to the Department each time a General Practitioner writes such a prescription?

Answer

One essential purpose of the Health Insurance (Jersey) Law 1967 is to provide financial assistance for all approved medicines prescribed by a General Practitioner or dentist. This is known as the pharmaceutical benefit and it covers the cost of the medicine as well as its supply through a community pharmacist. The cost of approved medicines varies significantly, some cost very little, and others may cost hundreds of pounds. The statutory dispensing fee provided to the pharmacist for supplying approved medicines is currently £2.96, as set by the Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No.6) (Jersey) Order made on 24 September 2008.

Approved medicines are not limited to prescription only medicines. Provided a medicine has a proven therapeutic and efficacious use in the community for treatment or prevention of disease, it may be approved by the Social Security Minister.

Aspirin is an important and effective medicine. It is used for pain relief and it is invaluable in long-term preventative treatments for heart disease and stroke. Given this therapeutic value, aspirin has been an approved medicine under the Health Insurance legislation for some time.

A doctor must ensure medicines are used safely and there are significant risks as well as benefits with aspirin usage. A doctor may, after due consideration of a patient’s medical history, decide it is safer to prescribe a specific aspirin dosage, with specific patient instructions tailored to the individual rather than endorse “over the counter” purchases.

3.6 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE SUSPENSION POLICY:

Question

Has there been a change to the policy that regards the suspension of a public servant as a neutral act and, if so, what is the change?

Answer

No, there has been no change to the policy.

3.7 DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE INSTALLATION AND AMENDMENT OF SIGNS:

Question

Is the installation and amendment of signs subject to the full Planning process and, if so, why?

Answer

The placing of an advertisement on a part of a building or land not normally used for that purpose falls within the definition of “development”, and save where it is permitted by Order (made under Article 76 of the Planning and Building (Jersey) Law 2002) requires permission. The procedures for obtaining permission are identical to the normal planning process, although the requirement is included in the Planning and Building (Display of Advertisements) (Jersey) Order 2006 (*R&O – 68/2006*), rather than the primary Law.

The Order also specifies, at Schedule 1, the many categories of advertisements, for which permission is not required subject to certain conditions. They are too numerous to mention here, but are readily available in the above Order. However, they include:

- All signs that are statutory signs under other legislation;
- Most signs that are reasonably required to be displayed in relation to the functions of the States, Parochial authority or a Minister;
- Most signs advertising a profession, business, trade;
- Most temporary advertisements or signs, such as sales, contractors’ boards on development sites, events, elections and so on; and
- signs that are in or on, but not visible, from outside enclosed land or a building.

Generally, the conditions and parameters applied to the above ‘exemptions’ are to do with size of signs, illumination, highway safety and protecting visual amenities.

I consider that poor signage and advertisements have a damaging impact on our environment, and in the absence of any form of control, would proliferate throughout the Island. The regulation of large signs is clearly important, but so is control of small signs such as the ‘homemade’ signs that often appear at junctions and roadsides, and damage our countryside.

However, I do consider there is scope for further deregulation of advertisement control, and we are already reviewing all the various Orders to increase the threshold of exemptions.

3.8 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST OF THE GOVERNANCE FUNCTION WITHIN THE HEALTH AND SOCIAL SERVICES DEPARTMENT:

Question

What is the annual cost of the Governance function within the Health and Social Services Department and how is its effectiveness measured?

Answer

Whilst the concept of clinical governance and the framework for its management was introduced into the English NHS in 1997 (in an important White Paper ‘the New NHS Modern, Dependable’), its introduction here in Jersey was a little later – and it began in an ad-hoc and formative way rather than as a result of some grand plan. From such early times (the earlier years of this decade), it has developed exponentially and has touched all aspects of my Department’s work from front line

clinical medicine, through social services, and through to all other departments, including the corporate functions. As such, governance is no longer ‘a thing that is done’, but has become ‘a way of doing things’. In this way, governance provides for a safe and reliable environment in which patient and client care is delivered.

The formal implementation of a governance framework took place in 2005 when my Department recruited an expert in this field. That person now holds the post of Director of Nursing and Governance – and her title bears testimony to how important such a governance framework is in Health and Social Services. However, it is important that governance is not personified and seen to be the preserve of one person – and is seen to be a set of behaviours which all members of staff understand and are committed to.

Notwithstanding the fact that governance is a way of ‘doing business’, in the interests of granularity the following services support governance in my Department. These are:

- Head of Risk Management – 1 FTE
- Clinical Risk Manager – 1 FTE – temporary post
- Clinical Audit – 2 part time staff
- Medical Records – 32 staff
- Health and Safety – 1 FTE
- Manual Handling – 2 part time staff
- Resuscitation/first aid trainers – 2 FTE
- Complaints Officer – 1 part time
- In-flight Co-ordinator – 1 FTE
- Therapeutic Interventions Trainer – 1 FTE
- Interpreter Co-ordinator -1 FTE
- Litigation Officer -1 part time
- Information Governance/Data Protection Officer -1 FTE

The cost of these services is approximately £500,000 per year.

The general way in which governance is measured and monitored is via the Senior Management Team’s Governance Board which meets on a monthly basis under the chairmanship of the Director of Nursing and Governance. All senior directors of my Department attend and this includes clinicians, the Medical Officer of Health, the Chief Ambulance Officer, Directorate Managers, the Director of Finance and Information Services and the Chief Officer. The Governance Board receives reports on important sentinel audits, comparative studies which my Department participates in (with hospitals and other services on the mainland), risk assessments, and thematic reports drawn from the complaints procedure. Any immediate risks or other matters of concern which flow from the Governance Board are formally reported to me and to the Assistant Ministers at our regular Friday meeting with senior officers.

Ultimately, the effectiveness of our governance arrangements can only receive external affirmation when Jersey is subject to inspection and regulatory visits from a body which has yet to be formally constituted. This body is the Quality Care Commission which comes into being in April of this year. It is a body that is created from the demise and the assimilation of the Mental Health Commission, the Social Care Inspectorate, and the Healthcare Commission. The Quality Care Commission was established by an Act of Parliament which specifically enables that body to operate in the Channel Islands. My Department is proud of the fact that this clause was introduced at its behest following representations to the UK government.

3.9 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE MEANS-TESTED TRAVEL POLICY:

Question

Would the Minister advise how much money has been saved by the Health and Social Services Department in each year since the introduction of a means tested travel policy?

What other medical charges, if any, do patients have to pay for when receiving treatment as patients in the United Kingdom or elsewhere when they have been sent by the States for treatment off-Island in a non-private capacity?

Answer

It is a fact that there has been a long term increase in the number of patients and clients who require treatment and care in specialist centres on the mainland. Generally, the increase has been approximately a 7% increase per year. This increase is largely accounted for by the expansion of effective treatments as well as the increase in actual numbers of long standing treatments.

My Department's Travel Policy has always been subject to a 'means test' since its introduction over ten years ago now. It was introduced to keep travel costs within my Department within a budget, rather than as a mechanism in itself to save money.

As I observed when I last replied to a similar question from the Deputy, the Travel Policy for the Department has not changed in any real substance – what has changed is that the onus is now upon the patient or client (who might be seeking to travel to the UK at the taxpayer's expense) to provide documentary evidence that their financial circumstances are such that they are eligible for this. This change has made the strict policing of this policy somewhat easier to apply. No longer do seemingly wealthy individuals park their large cars close to the Travel Office and then seek to convince very junior members of staff that their financial circumstances are so dire that they require assistance from the taxpayer to travel to the mainland.

Clearly, it is extremely difficult – some would say impossible - for my Department to identify how many patients are *not eligible* for States assistance with travel. The estimate is that approximately 20% of patients who previously sought States assistance in dubious circumstances have been identified explicitly as now not being eligible for travel assistance. This is another way of saying that due to the vigilance and professionalism of my staff in seeking full compliance with the Travel Policy, £160,000 per annum has been saved for the taxpayer. This sum is invested back into services for patients being treated on the mainland as a contribution towards the increased cost of such care, which I referred to in my first paragraph above.

Finally, I would like to confirm to the Deputy that those patients and clients who are eligible for States assisted travel do not have to pay any other fees or costs – beyond the cost of any refreshments or other personal purchases which any visitor to the UK may wish to make.

3.10 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING HARBOUR MAINTENANCE ARRANGEMENTS:

Question

Does the Minister consider that the standard of maintenance for engineering matters within the Harbours domain has improved since the transfer of staff to the Transport and Technical Services Department and, if so, would the Minister advise why delays are occurring on general maintenance, such as the replacement of a large chain on Bonne Nuit jetty? Could the Minister explain, if maintenance times have slipped, how call out arrangements could be improved to reduce response times?

Answer

The standard of port engineering maintenance has been sustained and improved during the move of Port Engineering from Jersey Harbours to Transport and Technical Services Department. While some disruption was inevitable during the move of workshop facilities from La Collette to Bellozanne, core maintenance work has been continued and indeed some noteworthy major projects have been completed, such as the refurbishment of the Elizabeth Marina Storm Gate's ram, important maintenance to the West Ro-Ro Ramp and significant repairs resulting from the March 2008 storm.

During the same period a detailed review has been undertaken of the Ports' historic maintenance practices and new prioritised maintenance schedules jointly developed by TTS Engineering staff and Harbour's Operational Managers, using a formalised risk management approach. These schedules reflect operational, safety and engineering priorities, balancing the limited engineering and financial resources available. This, over the longer term, will improve maintenance practice and benefit efficiency and safety.

As a result of the maintenance review, some routine work has been displaced by tasks that have been assigned higher operational or safety priority. This is the case with the work to the mooring chains at Bonne Nuit. Issues with the mooring chains at Bonne Nuit were first reported in 2006. At that time, the chains were inspected by both Jersey Harbours and Transport and Technical Services Department personnel. It was agreed at that time that some small remedial work to stones and mooring eyes was to be undertaken but it was deemed unnecessary to replace the chains until Autumn 2008.

However, whilst the maintenance work on the Bonne Nuit mooring chains was deferred, the condition of the chains has been regularly monitored and at no time were they considered to constitute a risk to the safety of vessels or mariners at Bonne Nuit. Notwithstanding this, the work to the chains was completed during the week commencing 16th February 2009.

Whilst the maintenance of Jersey Harbours' core assets has been sustained, the maintenance review has resulted in many maintenance activities being reprioritised and this has meant that some long planned low priority projects have been deferred for a period.

In relation to the response times for "reactive maintenance" over the winter period, Jersey Harbours' Operational Team and Transport and Technical Services Department have agreed a new "traffic light" response time which is now in place and part of Jersey Harbours' Port Marine Safety Code.

3.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE STATUS OF THE DEVELOPMENT AGREEMENT WITH HARCOURT:

Question

Would the Minister please inform the Assembly as to the current position and status of the due diligence being undertaken in respect of Harcourt and the proposed Development Agreement under preparation by Waterfront Enterprise Board (WEB) and advise the anticipated timeline for bringing these matters to the Assembly?

Given that the project was to be at no cost to the Island, and in light of the current economic downturn and the difficulties being experienced with UK and Irish banks in obtaining funding for commercial developments, will the funding for the project still be provided in full by the proposed developer or will the States be required to provide loan guarantees or part funding for the project?

Has the proposed developer funded the architectural and other consultancy services to date or has this been funded by the States or WEB and, if so, how much has been expended to date on the project including fees paid to Hopkins Architects Limited by the Planning Department and WEB?

Answer

The Waterfront Enterprise Board received the latest PricewaterhouseCoopers (PwC) financial report on Harcourt in October 2008 and the report from Trowers and Hamlins on the draft development agreement in November 2008. The latter was provided to the Advisory Panel of States Members and was discussed at meetings in November and December 2008. WEB and Carey Olsen have produced a revised draft development agreement which is currently being reviewed by Trowers and Hamlins prior to discussion with Harcourt. The process is entirely consistent with that agreed with the Advisory Panel in December 2008. It is not clear how long discussion with Harcourt will take. The intention is to lodge the development agreement in May or June, for debate prior to the summer recess.

There is no intention at this stage for any States funding or guarantees to be provided for the project.

The Minister does not have any information on expenditure by Harcourt.

Expenditure on consultants by WEB relating to the Esplanade Quarter development is £449,738 to date. These costs relate to the commissioning of Design Codes, Heads of Terms, Development Agreement, Infrastructure Works Agreement, land transactions and due diligence. All of the work has been undertaken by qualified reputable firms of high standing, including legal advisers, surveyors and accountants. It is normal practice in property transactions for each side to be responsible for their own costs. The costs that have been expended by WEB have been incurred to assist WEB and to protect the position of WEB and the States of Jersey. If the transaction is acceptable to the States of Jersey, WEB will receive guaranteed payments totalling £50 million for the land together with potential sales overages. The costs therefore represent approximately 1% of the base land payment.

The Planning and Environment department since May 2006 have paid Hopkins Architects Limited a total of £267,981 in fees for their work on the masterplan for the Esplanade Quarter. In addition to those fees the Department has also paid £58,608 for the Public Inquiry into the two applications submitted for the same site. The Minister was obliged under the Planning Law to hold a Public Inquiry. Two independent Inspectors and one programme officer were involved in running the Inquiry. A further £6,347 was spent in fees to tabulate and validate results from the first draft of the masterplan in late 2007. To date therefore a total of £332,936 has been disbursed in fees in preparing the new masterplan for the Esplanade Quarter. Against that the planning fees received as a result of the two applications submitted have come to a total of £397,562. To date therefore the costs of preparation of the masterplan have been met and more by the fees demanded from the applicants in order to register and process the applications. The Minister for Planning and

Environment has as a result a masterplan endorsed by the States and the property of the Minister of Planning and Environment which has been used as a development framework by Harcourt Developments Limited and may be used by other developers should it become necessary.

3.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING INCREASING GST DURING THE RECESSION:

Question

Will the Minister inform members what his position is on increasing taxes, such as GST and “20 means 20” in times of recession, and will he give his undertaking to the Assembly not to pursue approval for any such increases whilst recession persists?

Will he further undertake to bring a report to the States on the potential of reducing taxes, such as GST, to stimulate the economy through the recession?

Answer

The FPP have already given their advice on the best approach to tax and spending policy in the case of an economic downturn and I intend to follow that advice. That is, any policy changes should be timely, targeted and temporary. It is not my intention to increase the tax burden above and beyond that already announced and incorporated in the financial forecasts during any impending recession. But at the same time it would be unwise to make changes to taxation that are general and therefore untargeted or that pose a significant risk of permanently undermining our tax base.

As was made clear at the recent workshops for States members on the Strategic Plan, the Council of Ministers has already committed to bring an economic stimulus package to the States alongside the new Strategic Plan. The FPP will be invited to publicly comment on the package before the States debate to ensure that we are setting economic policy in the most effective manner and that we get the best advice available.

As far as the general policy of 20 means 20 is concerned, I have made it clear that it is my intention to review the implementation and will do so prior to lodging the 2010 budget later this year.

3.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING ARTICLE 39A OF THE PUBLIC ELECTIONS (JERSEY) LAW 2002:

Question

Will the Chairman inform members whether she maintains her position on Article 39A of the Public Elections Law that assistance rendered by a candidate in completing or delivering an application form to request a postal vote is equivalent to allowing the candidate ‘to enter the polling booth with a voter’ as she has previously stated in the Assembly, and if so, how she justifies this position?

Answer

I firmly believe that all elements of the voting system need to be given equal respect and be free from even the *suspicion* of interference.

Candidates and canvassers play a vital part in elections, and in encouraging Islanders to vote. With regard to postal voting, there is a need to ensure that standards of political propriety observed at polling stations are carried through to the postal voting context.

In accordance with the ‘Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers,’ issued by The Electoral Commission in the United Kingdom, all candidates must adhere to the following key principles:

- candidates and supporters should assist in the efficient and secure administration of elections and uphold the secrecy of the ballot; and
- no candidate or supporter should place themselves in a situation where their honesty or integrity can be questioned.

I believe that these principles should apply just as firmly in Jersey as they do in the UK.

During the debate on the Draft Public Elections (Amendment No. 3) (Jersey) Law 200-(P.65/2008), held on 10th June 2008, I made the following statement when acting as rapporteur for the Privileges and Procedures Committee, as previously constituted –

‘...all electors, whether voting in person or by post should be assured the same degree of confidentiality and the same freedom from interference at the point of casting their vote. Would anyone really expect candidates or their canvassers to be allowed to enter the polling booth with a voter? I think not. Then why should we countenance their presence at the time of **completing a postal vote**?’ (*My emphasis.*)

I made reference to *casting* a vote in the polling station and *completing* a postal vote; not to *applying* for a postal vote. At no point did I state that, ‘assistance rendered by a candidate in completing or delivering an application form **to request a postal vote** was equivalent to allowing the candidate ‘to enter the polling booth with a voter’’ (*my emphasis*). Rather, the distinction was clearly made.

Following the debate of 10th June 2008, members voted by a large majority – 31 votes to 8 – in favour of Article 39A being inserted in the Law. On 4th February 2009, Deputy G.P. Southern lodged ‘au Greffe’ the proposition entitled: ‘Public Elections (Jersey) Law 2002: rescindment of Article 39A’ (P.18/2009 refers), which is due to be debated on 12th May 2009. The Privileges and Procedures Committee will consider the proposition in due course, and I feel it would be premature to make any comment with regard to the proposition at this time. A final decision on the matter will be taken by the Assembly as a whole at the time of debate.

3.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING SUPPORT FOR WORKERS MADE REDUNDANT:

Question

Will the Minister inform members on the progress of negotiations to deliver statutory notice payments to ex-Woolworth employees and advise when such payments will be delivered?

Will he further inform members how the moral precedent established by the acceptance of P8/2009 will be applied to further insolvency redundancies, such as the staff of other local retailers and what specific support, if any, Jersey workers made redundant can expect from his Department?

Does the Minister have a timescale for the introduction of an insolvency fund, and if not, when will he produce one?

Answer

A Deed of Assignment has been prepared which was approved by the legal representatives of the former Woolworths employees last Friday. One of the assignments has already been executed and the data to establish the remaining entitlements to be assigned is being verified with those former employees, via their legal representative, this week. Payments will be made via the Social Security Department and I intend that most, if not all of the payments will be delivered to the former employees by the end of this week.

Any other redundancies occurring in the Island, where employees are not given notice, or pay in lieu of notice, due to an insolvency situation will need to be assessed on the particular circumstances of the case.

Officers of the Social Security Department are ensuring that assistance is available to redundant employees. The Department has been in regular contact with the employees of other businesses in the Island that are in potential redundancy situations, offering assistance with anything that the employees might need through these difficult times, including; liaising with the Jersey Advisory and Conciliation Service, offering seminars at the place of work, advice on income support, unemployment credits and job seeking; the ultimate aim being to help anyone who is made redundant to find new employment.

A policy document is currently being prepared by the Department to determine what action will be required to set up an insolvency scheme. A bid for law drafting has been submitted. The availability of law drafting time and legal advice will be the main factor in determining the timescale and I expect to be advised of this shortly.

3.15 DEPUTY T.M.PITMAN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE WORK UNDERTAKEN BY CONSULTANTS FROM 2004 TO 2009:

Question

Given that figures presented to the Assembly on 3rd February 2009, in response to my written question on consultancy fees, reveal that the Transport and Technical Services Department has, since 2004, paid out a sum of £4,795,919 to consultants relating to the solid waste strategy/incinerator (with nearly £1.7 million being paid out in both 2007 and 2008) could the Minister provide a year-by-year (2004 to 2009) breakdown of exactly what work has been produced by the consultants for these sums?

Answer

The table below provides the Deputy with a breakdown of the expenditure incurred in the period 2004-9 for consultants work undertaken in respect to the Energy from Waste plant. Members should be aware that within each of the headings in the table, there are many individual elements of work. The most significant costs incurred in 2007-8 were in relation to the preparation of the performance specification for the plant, managing and evaluating the tender process and preparing the final contract documentation. Each year also includes the relevant Client Project Management Costs.

2004	£148.615	Development of waste strategy by Babtie Fichtner Consultants
2005	£223.510	Development of waste strategy, waste model, public consultation, briefings and production of initial Technology Review Report by Babtie Fichtner
2006	£771.828	Preparation of site assessment (Bellozanne “v” La Collette), preparation of feasibility studies for La Collette, undertaking the joint review with Guernsey, public consultation prior to States debate, preparation of Environmental Impact Assessment by Babtie Fichtner.
2007	£1.672.225	<p>Completion of EIA</p> <p>Preparation of reports into Buncefield incident and the impact of the EFW at La Collette as a suitable location.</p> <p>Design review of EFW building by Hopkins architects.</p> <p>Development of EFW specification and tender documents (technical and legal)</p> <p>Development of JEC Agreement documentation</p> <p>Development of Enabling Works specifications</p> <p>Health impact assessment</p>
2008	£1.642.691	<p>Evaluation of tender by Technical, Legal and Financial Team. Preparation of material for States debate.</p> <p>Update of Technology Review Report.</p> <p>Insurance advisers costs</p> <p>Detailed design review by Hopkins Architects</p> <p>Completion of contract documents, negotiation with contractor to final signature of contract.</p> <p>Detailed design and construction of Enabling and Relocation Works</p> <p>Owner’s Engineer project management</p>
2009	£337.050 (feb)	<p>Approval of contractors designs, site supervision (now on fixed price to completion of project)</p> <p>Implementation of remaining Site Handover relocation and Enabling Works</p>

		Project insurance costs
--	--	-------------------------

3.16 DEPUTY T.M.PITMAN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE POTENTIAL TO USE LA COLLETTE FOR HOUSING PURPOSES:

Question

Considering the quality of the sea views and the potential of this virgin site, has the land at La Collette, which was zoned for industrial use in July 2000 by Project P96/2000, ever been considered for housing, either within or outside the Island Plan; and has it been valued for housing and if not, why?

Answer

Members should be advised that the 2002 Island Plan formalised the designations made in the 2000 States decision.

The siting of both the major hazard sites, the Jersey Gas liquefied petroleum gas storage site and the fuel storage depot operated by the Fuel Consortium, has resulted in restrictions on the type of development that is considered to be appropriate at La Collette.

Specifically, the Major Hazards Assessment Unit of the UK Health and Safety Executive undertook a quantified risk assessment of the Jersey Gas site in 1993, which was reviewed in 1995 in anticipation of the change to mounded storage of the liquefied petroleum storage vessels and again reassessed in 1999 on the completion of the mounded storage. This 1999 assessment formed the basis for the land use planning zoning around the major hazard sites at La Collette until the explosion and fire at the Buncefield Oil Storage Depot, Hemel Hempstead, England which occurred on 11th December 2005.

More recently, following the introduction of a much more widespread safeguarding area around the fuel and gas installations following a ‘post-Buncefield’ review of the hazard safeguard regime at La Collette, the potential for housing at La Collette has become extremely limited.

WEB Ltd undertook an evaluation of the existing La Collette sites for housing development some years ago, but following consultation with States Departments (including the Fire and Rescue Service) concluded that, with a single vehicular access to the site and the presence of the fuel farm and gas manufacturing plant (which of necessity would need to be removed), the value of any housing land created was likely to be insufficient to meet the costs of relocating those installations.

The use of this area for housing purposes would, in addition to the fuel farm and gas installations, necessitate the relocation of existing industrial buildings, ash pits, and the compost site to other locations in the Island which are less satisfactory in terms of convenience of location, and which could involve the development of green-field sites.

3.17 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE ROAD WORKS AT BEL ROYAL:

Question

Further to the information given to the Assembly by his predecessor on 21st October 2008, would the Minister consider releasing the key documents leading to the road works at Bel Royal, and if not, why not?

Answer

The information which the Deputy refers to was a Statement issued by my predecessor regarding the Victoria Avenue resurfacing works. The statement aimed to clarify the facts relating to the contract which led to a lack of coordination with the emergency services which ultimately cost £3k to correct as part of a £1.2m project. The statement was intended to provide Members with all the relevant information relating to the matter and to demonstrate the actions the department had taken to ensure that a similar incident would not occur on future projects.

If the Deputy is referring to the contract documentation relating to the project, I am happy to release this information to him.

3.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE ASSESSMENT OF ‘(j)’ CATEGORY HOUSING APPLICATIONS:

Question

Will the Minister set out for members the new criteria he is using to assess applications for J-category licences showing clearly how they differ from the old?

Will he assess for members the impact he expects from his new measures on the economy and employment?

Will he explain to members the extent to which the changes are a return to limited 3-year licences?

Will he give members a breakdown of J-category licence applications and refusals by quarter and by sector over the past 2 years alongside current data for this year to date to illustrate the impact of his actions?

Will the Minister inform members when he expects a Migration policy giving clear criteria for future licensing to be lodged in the Assembly?

Answer

The j category policy is published as part of the:

“General Statement of Policy (2008) in relation to Regulation of Undertakings and Developments (Jersey) Law and Housing Law in relation to “j” category consents”.

This document is available at: www.gov.je/ChiefMinister/PopulationOffice.

This policy was published in July 2008, and sought to introduce greater transparency, including increased clarity as to how existing employees would be treated and time limits applied. This policy has NOT subsequently changed, indeed, the Housing Minister’s recent comments were merely reiterating the established policy, of which the relevant extract is as follows:

“The “j” provision is a recruitment tool, designed to assist employers with recruitment where no satisfactory local person is available. It is not a retention tool, nor an

*entitlement for having gained a certain professional position. As such, **existing employees will not be granted “j” consent** except where some small discretion is exercised...”*

This policy exists to manage demand on the local housing stock, while also supporting business in its recruitment for essential positions, and indeed, as a long established and published policy, is generally quite clear to most businesses. As to the question of time limits, the policy is again clear, and remains applicable:

- *All posts which meet the “j” category consent criteria, where the employer is well established, and which require extensive knowledge and experience, will be granted an unlimited “j” category consent on commencement.*
- *All posts which meet the “j” category consent criteria, and are required for a specific purpose or time limited period, or where the employer is a new start up, be granted a time limited “j” category consent.*

This is a tough but pragmatic stance, seeking a sustainable balance between the needs of business and the need to protect the local housing stock. Furthermore, while this policy will be updated to grant employers more discretion as part of the Migration Policy - subject to States debate in 2009 – the fundamental principles will remain, in that access to property in Jersey will continue to be carefully managed, being linked to either employment or a lengthy period of residence.

The relevant “j” statistics for approvals, refusals, time limits, and a comparable sectoral breakdown, for 2007 and 2008, are as follows:

	2007	2008
Approvals with time limit	198	192
Approvals without time limit	300	331
Approvals	498	523
Refusals	61	58

	June 2007	June 2008
Agriculture and Fisheries	0	0
Manufacturing	20	20
Construction and Quarrying	30	30
Electricity, Gas and Water	0	0
Wholesale and Retail Trades	50	60
Hotels ,Bars, Restaurants	20	30
Transport, Storage, and	30	40
Computer and related activities	20	10
Financial and Legal Activities	620	710
Miscellaneous Business Activities	40	40
Education, Health and other services	120	140
Total private sector “j” employees	950	1,090

Total private sector employees	48,380	49,900
---------------------------------------	---------------	---------------

3.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING HOUSEHOLDS ON PROTECTED PAYMENTS:

Question

Given that in his previous answer to my written question on 3rd February 2009, relating to Income Support, the Minister categorised households on protected payments as “Households with a high legacy benefit” and “Other” in addition to “Households receiving a disability benefit”, “Households with someone 65+ or on DTA” and “Households with high income”, will he inform members which types of households comprise the first two aforementioned groups and what components make up their Income Support?

Will he further indicate what weekly sums will be withdrawn from all groups over the periods indicated in his response to that question (from 1st October 2009 to 2014)?

Answer

The household groups receiving transition are set out in the Income Support (Transitional Provisions) (Jersey) Order 2008 which was made by the previous Minister on 21 January 2008. An explanation of the Transition Order was circulated to all States Members in September 2007, prior to the debate on the Income Support Regulations in October 2007. An extract from that document sets out the household types and a general explanation:

“A Guide to Transitional Benefits

The Income Support (Jersey) Law provides for transitional orders to be made, to facilitate the transition from the previous benefit system to the new Income Support system. The Minister lodged P.90 and P.91 on the 12th July 2007. These two propositions set out the Regulations, the Special Payment Regulations and the General Provisions Order which will accompany the main Law. The report of P.90 also referred to the Transitional Order and gave brief details of how the transition process would be managed.

This report provides Members with additional detail on the proposed transitional arrangements. The Minister will not formally make the Order until early 2008, for reasons that are explained below.

Basis of Transitional Benefits

In order to move to a system that effectively addresses need based on a consistent treatment of income and needs, from the current system of 14 separate benefits with many different eligibility rules and levels of generosity, it is inevitable that individual households will see a change to the benefit they receive.

Many households will see an immediate increase in the level of benefit received under the Income Support system. Others with higher incomes or capital assets will be entitled to a lower rate of benefit and it is recognized that a sudden drop in benefit income is undesirable. The Treasury and Resources Minister has provided a separate fund of £22.5 million to enable additional transitional payments to be made to these households over a number of years in order to provide a phased protection of benefit.

For households receiving increased payments under Income Support, the increased benefit will be available from day one of the new system. For Households that will receive less benefit under Income Support than their existing benefit, the difference between their previous entitlement and the Income Support benefit will form the basis of the transition payment.

Example (illustration only)

Existing benefit - Rent rebate £75

New benefit- Income Support £25

Transition will be based on a figure of £75 – £25 = £50.

On day one this household will receive

£25 (Income Support) + £50 (transition benefit) = £75 in total.

From the first day of implementation a household entitled to less Income Support than their existing benefit will see no difference in benefit payments as Income Support and the full transitional amount will be paid.

Calculation of transitional reductions

Four different transition schemes are proposed, to take account of different Household incomes and situations.

- 1. Households including at least one individual over 65 years old or at least one individual with an existing disability benefit - 25% reductions per annum over 4 years*
- 2. Households that do not include anyone over 65 or with an existing disability benefit – 33% reductions per annum over 3 years*
- 3. Households that will lose a higher proportion (25% or above) of total income - 20% reductions per annum over 5 years*
- 4. Households with a high calculated income (at least 300% of total of household components) - no transition after October 2008*

These four schemes recognise the relative abilities of different households to adapt and respond to a reducing benefit.”

As anticipated in September 2007, there have been some adjustments to the transition arrangements since then. In particular, the first date for a reduction in transition for all households has been put back from October 2008 to October 2009. In addition, protected payments for families including someone with a disability benefit (Attendance Allowance, Adult Disablement Allowance, Child Disablement Allowance) have been further extended at 100% protection until October 2010 with reductions then at 20% rather than the original 25%. These changes are recorded in the Income Support (Transitional Provisions) (Amendment No.2) (Jersey) Order 2008, made on 26 September 2008.

In effect, household group (1) in the original list has been split into two groups, to give a total of five household types. These are the five types shown in the table included in the response to the previous question.

Households receiving protected payments receive the full range of Income Support components. There is no difference in the calculation of the Income Support benefit for a household receiving a protected payment compared to a household that does not receive a protected payment. The difference between the two households is that under the previous benefit system, the first household was entitled to a total benefit amount that exceeds the household's entitlement to Income Support. The balancing of benefits between different groups was always an integral aim of the introduction of Income Support to ensure that tax funded benefits were provided on a consistent and fair basis across all sectors of the population based on financial need.

The answer to the previous question has already set out the manner in which sums will be withdrawn. Depending on household group, a percentage of the difference between the Income Support amount and the previous total benefit amount will be removed in October 2009.

For example, if a working age household was previously receiving £50 per week in rental subsidy and under Income Support was awarded £20 per week, then the difference of £30 will be removed over a 3 year period (i.e. a reduction of £10 per week each year).

At present the household continues to receive £50 per week,

in October 2009 this will reduce to £40 per week,

in October 2010 to £30 per week and

in October 2011 to £20 per week.

If at any time the Income Support entitlement of the family increases above the protected amount, then the transitional reductions fall away.

The actual weekly sum to be withdrawn from each household is an individual calculation, depending on a number of factors.

3.20 SENATOR P.F. ROUTIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING SERVICE PROVISION WITHIN THE SOCIAL SERVICES DIVISION:

Question

Will the Minister detail the financial variances between the Annual Business Plan approved revenue expenditure estimates and the actual spend for each of the years 2005, 2006, 2007 and 2008 for the three areas of Social Services (namely Children's Services, Adult Social Services and Special Needs Services)?

Will the Minister detail the service provision variances which were planned and then actually delivered for the same years?

Will the Minister explain what has happened to the resources which were due to fund the psychology post to support people with autism, people with Asperger's syndrome and people with learning disabilities?

What prioritisation criteria was used to decide on the relocation of resources across the Health and Social Services Department?

Answer

The Senator asks a number of questions which I will address below. However, the first thing to make clear is that it is an extremely onerous challenge for our professional financial staff to reconcile the accounting framework for a dynamic modern health care system (*specifically* that represented by the Health and Social Services Department) with the States Annual Business Plan process (which *generically* describes the resource allocation across all States Departments). This is because ‘overheads’ represent an enormous cost which has to be allocated across service headings. Examples of overhead costs in the Health and Social Services Department are communications, diagnostic services (such as Pathology) and Estates Management.

Further, the financial analysis which underpins my answer allocates funding to three main components. Firstly, ‘direct costs’ for example, Social Workers who deliver a service to clients. Secondly, specific overhead costs. These are costs that relate to all three areas of Social Services, but not totally to one area - an example of this would be the cost of the Directorate Manager for Social Services and the cost of her administrative support. Thirdly, the aforementioned overhead costs which are costs that are distributed over all service headings.

I have laboured this particular point because it explains some of the variance between the approved States Business Plan, the approved budget for the year and the final year end accounts. Any slight variance to the way in which ‘specific’ and ‘general’ overheads are allocated will vary the description of the resources allocated to a specific front line service.

There is a further explanation required – namely, that the States Annual Business Plan is set in advance – but dynamics in the domain of health and social care can change by the week. A good example of this is the development of new life enhancing and life extending drugs which have to be paid for if Islanders’ lives are to be improved. A negative example of such an urgent challenge which must be addressed are the periodic bouts of hospital acquired infection which means that the Department must deploy its resources into this area at very short notice.

I trust the Senator will forgive the above financial discourse because the actual variances between the Annual Business Plan and the approved budget in all four years (to which the Senator alludes) are almost exclusively related to the allocation – or reallocation – of specific and general ‘overheads’. Beyond the ‘efficiencies’ required by the States financial strategies in previous years, I can assure the Senator that there has been no reduction in funding allocated to the three Social Services areas to which he refers. Indeed, there has been significant investment – the most noteworthy being the three year investment programme in Fostering and Adoption Services (an investment of approximately £800,000 over the last three years).

As to the variance (the Senator’s second question) between the approved budget and the final year end accounts, this is caused by various operational challenges which Social Services have had to respond to. The most significant of these challenges being the number of vacancies within Children’s Services – and indeed, in Social Services writ large. Having said that, it has long been recognised that funding for Health and Social Services has not kept pace with demand and the increasing onerous costs which a modern health and social care system is subject to. As you will know, the Council of Ministers is supportive of my Williamson Implementation Plan – and this four year programme of investment will go quite some way to improving services and increasing the resources necessary to support them.

The Senator then enquires (the Senator’s third question) as to my previous commitment to improve psychological support to the Special Needs Services which he cites. This was an honest commitment given by my Department – but it has been compromised by the extraordinary increase in costs which has occurred over the last year. My Department is the largest consumer of energy in the Island and it is the largest consumer of food (for patients and clients, that is). Islanders will know what has happened to these costs in their own homes over the last year so they will be able to

appreciate how such costs multiply in health and social care services. A range of other costs – costs which far outstrip Jersey’s inflation rate – have had to be accommodated, such as the aforementioned technological and pharmaceutical supplies. I can confirm that there are no ‘cuts’ in Psychology Services, it is simply that the planned increase cannot take place in the foreseeable future.

Finally, the Senator asks (the Senator’s fourth question) by what process are resources allocated within the Department. Ahead of New Directions and the delivery of the Williamson Implementation Plan, decisions are made on the basis of a risk assessment in an impartial way. This process – to an extent – depoliticises decision making on priorities and places the emphasis on calculated risk and consequence.

3.21 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE WASTE STREAM CRITERIA APPLIED DURING THE BABTIE-FICHTNER TECHNOLOGY REVIEW 2008:

Question

Would the Minister inform the Assembly how the criteria applied within the Babtie-Fichtner Technology Review 2008 to all the plants reviewed (namely ‘A key factor in determining the sustainability of facilities has been the ability of the proposed process to deal with the whole waste stream.’) arose and who approved it?

Answer:

Unfortunately the Deputy is only quoting one sentence from the paragraph in question. For completeness, the entire paragraph reads as follows:

“2008 Technology Review Report:

A key factor in determining the suitability of facilities has been the ability of the proposed process to deal with the whole waste stream. A number of technologies listed above are considered proven and commercially available, but have been rejected because they can only process part of Jersey’s waste stream. Pre-treatment processes have not been rejected without careful consideration. The cost of multiple facilities, together with limited land available and a small workforce, means that these are not considered practical or affordable solutions.”

This paragraph needs to be considered as a whole and in conjunction with the criteria set by the Public Services Committee in 2003 when they issued the OJEC (Official Journal of the European Community) Notice inviting companies to submit an “expression of interest” who could “...supply equipment to replace the existing waste incinerator with a new facility(ies) to dispose of the entire non-inert waste arising on the Island of Jersey” and “It is essential that the Contractor can offer a proven and reliable solution. The Contractor is requested to provide the following information to demonstrate this capability:

- *A description of the proposed solution for Jersey including proposed plant capacities and drawings showing plant footprints.*
- *Operating records from at least two reference plants of a similar capacity to that proposed. The reference plants should process similar type of wastes. Details should be provided showing several years throughput at each reference plant, together with a contact at each plant.*

- *A Reference list showing similar projects using the proposed solution(s) which have been successfully completed, showing client, location, type of waste, capacity of plant and date of completion.*
- *Evidence that the Contractor can demonstrate compliance with UK (or equivalent) Health and Safety Regulations.*
- *Evidence that the Contractor's proposed solution will comply with European Environmental Regulations and Best Practice.*
- *Acceptance by the Contractor that the performance of the plant will be demonstrated against commercial process guarantees with consequential liquidated damages.*
- *The Contractor is requested to provide a budget capital cost for the proposed solution together with estimates of annual operating costs and staffing numbers. This information shall be based upon existing operating facilities."*

The OJEC notice was used as a mechanism to attract any company who could meet the criteria set by the Committee and following their submission of the "expression of interest", these companies were then evaluated against the criteria.

The Technology Review report considers each individual technology against the criteria set by the Committee and clearly states that many are proven but were rejected when taken in the context of meeting Jersey's overall requirement.

3.22 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE SCOPING OF THE ENVIRONMENT IMPACT ASSESSMENT FOR THE ENERGY FROM WASTE PLANT:

Question

Could the Minister provide the Assembly with the dates and the minutes of all the meetings held to scope the Environment Impact Assessment for the Energy from Waste plant?

Answer

EIA procedures in Jersey are governed by the Planning and Building (Environmental Impact) (Jersey) Order 2006 which came into force on 30th October 2006. A project falling within Schedule 1 of this order is required to submit an Environmental Impact Statement in accordance with Schedule 2.

The Order provides at article 4 that *'the Minister may indicate scope of environment impact statement'*. This is done where the applicant makes a request to the Minister as set out in Article 5 of the Order. This is not a mandatory step and the applicant is entitled to use their own judgement on what scope the Environmental Impact statement should cover and to take the risk that this will be considered sufficient when they submit this with their application.

Prior to the enactment of the Order on 30th October 2006 the Department operated a system by which there was a consultative based approach to arrive at an agreed Scoping Report which identified key issues.

In the case of the proposed EFW there was never any doubt, because of the size and nature of the plant, that it would require EIA. The process was initiated in November 2005 with a pre-scoping report prepared by Babbie Fichtner which set out the range of possible issues that would need to be considered. This document formed the basis of subsequent information gathering conversations

with officers in the Environment Department, the Planning Department, TTS Transport and Health Protection to further develop the scoping.

These conversations are noted in the table of Consultee meetings that forms Appendix 1 to the Environmental Impact Statement. The purpose of these meetings was for Babtie Fichtner and their client TTS, to gain a more informed view of existing information and how well the pre-scoping report addressed the likely significant impacts of the plant and minutes were not taken by officers of the Department

The final agreed scope is referred to in the letter on the 4th May 2006 from the Policy Manager to TTS (attached). The scope referred to was arrived at by way of a workshop session on the 3rd April that identified the relevant issues. The 'minutes' of that workshop are reflected in the attached information 'Scoping Issues for Proposed Energy from Waste Facility at La Collette – Flipchart Notes'

Attachments.

Pre scoping report 17th November 2005 (see attached word file)

Appendix 1 of the Environmental Impact Statement (see attached word file)

Letter of 4th May 2006

Workshop flip chart notes (the agreed scoping referred to in letter of 4th May 2006)

Addendum

Once an Environmental Impact Statement is submitted accompanying a planning application, the statement is scrutinised by the Department as well as being publicly advertised through the normal planning process, including direct consultation with relevant statutory, government and public bodies. Thus if a significant issue had been overlooked there is a further opportunity for the Department, consultees and other interested parties to identify this. Under Article 6 of the Planning and Building (Environmental Impact) (Jersey) Order 2006, the Minister is able to require any further issues to be considered.

The public advertising process for the planning application and the accompanying Environmental Impact Statement for the Energy for Waste plant began on 17th January 2007 and representations were accepted up until the public Ministerial Meeting on 19th October 2007. During this 10 month consultation period, no concerns were raised about the methodology or scope of the Environmental Impact Assessment.

Environment and Public Services

Environment Department

Howard Davis Farm, La Route de la Trinite

Trinity, Jersey, JE3 5JP

Tel: +44 (0)1534 866200

Fax: +44 (0)1534 866201

Quintin Murfin	4 May 2006
----------------	------------

Principal Engineer Transport and Technical Services South Hill St Helier JE2 4US	
--	--

Our ref: ESU/11/01/01

Your ref:

Dear Quintin,

EfW and Composting Waste Management Facilities: EIA confirmation of scope

Further to this morning’s meeting, I would like to confirm that I am happy with the scope of the Environmental Impact Assessments identified for both the Energy from Waste facility and the composting facilities as developed to date. Clearly, final site selection for both facilities is dependent not just on environmental issues and will be an important determinant in the final emphasis of each of the elements that need to be presented in the final Environmental Statements.

Whilst it is important to recognise that the Planning and Environment Department operates in a regulatory role for the EIA process, the flexible and co-operative approach that we have engaged in so far has been very productive in enabling the scope to evolve as the process develops and other factors are considered. I look forward to continuing in this manner as the project develops further.

Yours sincerely,

Sarah Le Claire

Policy Manager

direct dial: +44 (0)1534 866214

email: s.leclaire@gov.je

www.env.gov.je

Scoping Issues for Proposed Energy from Waste Facility at La Collette Flip Chart Notes – [Re-visited Notes – 03/04/06 QM/SED/SLeC](#)

Issue	New site at La Collette
Hazard assessment	<ul style="list-style-type: none"> • Fire • Explosion (dust / gas) • Dust release

Issue	New site at La Collette
	<ul style="list-style-type: none"> • Spillage • Toxic gases • Residue disposal - hazards • Starter fuel / ignition • Heat release • Explosion (boilers etc) • Fire fighting effluents • Steam • Fire fighting / incident • Access provisions <p>TO BE CARRIED OUT</p>
Cultural Heritage and property issues	<ul style="list-style-type: none"> • Property values – statement • Loss of income - statement • Sterilisation of disposal sites - statement • Heritage – statement • Archaeology – scope out <p>SEEN AS SCOPED OUT</p>
Landscape	<ul style="list-style-type: none"> • Visual impact assessment <p>UNDERWAY</p>
Planning	<ul style="list-style-type: none"> • Planning context assessment • Island Plan assessment • Waterfront Plan assessment • Interaction with other facilities – e.g. major incident / petroleum / gas / power station <p>NEED TO REFER TO EAST OF ALBERT ETC.</p>
Sustainability	<p>CO₂ emissions and climate change</p> <ul style="list-style-type: none"> • Operation evaluation • Construction evaluation • Transport – fuel use statement <p>Material resources – statements on</p> <ul style="list-style-type: none"> • Construction materials • Displaced infill disposal • Construction waste • Old plant demolition • Fly ash – includes disposal sites • Bottom ash • Demolition and decommissioning • Waste hierarchy - statement <p>TO BE DEVELOPED</p>
Water Resources	<ul style="list-style-type: none"> • Groundwater – scoped out • Surface water disposal – statement • Coastal waters – scope out

Issue	New site at La Collette
	<ul style="list-style-type: none"> • Flood risk management – coastal assessment (climate change) • Water supply statement • Waste water / sewerage statement <p>NO CHANGE</p>
Ground Conditions	<ul style="list-style-type: none"> • Soils – scope out • Agriculture – scope out • Contaminated land – statement • Ground conditions – statement • Geology statement <p>NO CHANGE</p>
Land use	<ul style="list-style-type: none"> • Recreation and amenity – statement • Shoreline statement <p>NO CHANGE</p>
Waste licence	<p>EIA Draft Working Plan – being developed in conjunction with Willie Peggie</p>
Odour and air quality	<ul style="list-style-type: none"> • Statement on odour and air quality • Dispersion modelling • Traffic impact • Fog / mist <p>MODELLING PLUS CRITIQUE</p>
Noise	<ul style="list-style-type: none"> • Operation • Traffic assessment • Plant – noise and vibration assessment • Shredding noise assessment • Construction noise assessment • Construction traffic assessment • Piling – noise and vibration <p>FURTHER DISCUSSIONS WITH STEVE SMITH PENDING</p>
Biodiversity	<ul style="list-style-type: none"> • Ramsar site – cooling water plume statement • Airborne emissions • Flora and fauna – scoped out • Habitat • Microclimate – scoped out <p>REPORT FROM DAVID FEE RECEIVED</p>
Construction	<p>Statement on:</p> <ul style="list-style-type: none"> • Population • Employees (local) • Existing population • Proximity & numbers • D & B contractor’s staff • Construction Village

Issue	New site at La Collette
Operation	<p>Statement on:</p> <ul style="list-style-type: none"> • Population • Employees (local) • Existing population • Proximity & numbers
Health impact assessment	<p>Stakeholders</p> <ul style="list-style-type: none"> • Facility users • Population in vicinity (residents) <p>Workers not included – covered under H&SatW</p> <p>Effects during Construction</p> <ul style="list-style-type: none"> • Emissions • Visual • noise • dust • traffic • light <p>Effects during operation</p> <ul style="list-style-type: none"> • Working hours • Emissions • Traffic • Light • Dust <p>HEALTH IMPACT ASSESSMENT – TO BE DEVELOPED WITH STEVE SMITH</p>
Transport operation	<p>Traffic – baseline and traffic generation</p> <ul style="list-style-type: none"> • Refuse • Collection vehicles • Transfers from CA • Export of recyclables • Employees and maintenance <p>JERSEY WASTE STRATEGY TRAFFIC IMPACT STUDY CARRIED OUT – REPORT APRIL 2006</p> <p>Other issues – statements on</p> <ul style="list-style-type: none"> • Outward shipping • Guernsey waste import? – traffic and shipping • Local HGV access • Pedestrian / cycle route from Havre des Pas • Travel plan • La Collette development • Future access strategy

Issue	New site at La Collette
	NO CHANGE
Transport construction	- • Construction traffic – generation study Statements on <ul style="list-style-type: none"> • Works area • Parking • Plant import – road and shipping NO CHANGE

3.23 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE INCINERATOR AT BELLOZANNE:

Question

When were the original two streams at Bellozanne commissioned?

When was the third stream commissioned?

Are they run simultaneously or individually or in other combinations, and if so, which?

What flue gas treatment has been fitted on the three streams?

What are the actual current pollution levels from each stream?

What was the design life of the third stream on commissioning?

What is the remaining design life of the third stream?

Answer

The original two streams were commissioned in 1979.

The third stream was commissioned in 2002/3.

They are operated in any combination of the three, subject to maintenance and availability.

The only flue gas treatment system fitted to all three streams is Electro Static precipitators to remove the larger dust particles from the exhaust gas stream.

The pollutant levels for the existing plant are shown in the table below and provide Members with a comparison between the existing plant and the Waste Incineration directive WID that the new plant will have to comply with:

Table 8.4 - Source and Emissions Data					
Item	Unit	Current (Bellozanne)		Proposed Facility (La Collette)	
		Conc. (mg/m ³)	Rate (g/s)	Conc. (mg/m ³)	Rate (g/s)
Oxides of nitrogen (as NO ₂)		400	7.867	200	5.058
Sulphur dioxide		600	11.80	50	1.264
Carbon monoxide		100	1.967	50	1.264
Particulates (PM10)		50	0.983	10	0.253
Hydrogen Chloride		700	13.77	10	0.253
Hydrogen Fluoride		1.5	0.030	1	0.025
Ammonia		-	-	10	0.253
VOCs		10	0.197	10	0.253
Mercury		0.05	0.98 mg/s	0.05	1.3 mg/s
Cadmium and Thallium		0.3	5.90 mg/s	0.05	1.3 mg/s
Other Metals		5	0.098	0.5	12.6 mg/s
PAHs (as B[a]P)		0.0001	1.97 µg/s	0.0001	2.53 µg/s
Dioxins and Furans		12 ng/m ³	236 ng/s	0.1 ng/m ³	2.53 ng/s

Notes:
Emission concentrations are for dry flue gas, at reference conditions of 11% oxygen, 273°K and 1 atmosphere to allow direct comparison between different facilities. For the new facility, concentrations are assumed to be at the limits of the Waste Incineration Directive, except for ammonia and PAHs, where no limits are stated. This will overestimate the impact of the emissions, as the facility will operate below these limits. For the current facility, concentrations are measured values where available.
Emission rates are corrected to the actual flue gas conditions.
“Other Metals” are Antimony, Arsenic, Chromium, Cobalt, Copper, Lead, Manganese, Nickel, Vanadium.
A description of the units is given in the glossary in Section 18.2.

The design life for the third stream was 20-25 years.

The remaining life of the third stream is between four and nine years but it is not the design life for the third stream that is the deciding factor on how much longer it can operate, it is the current emission levels and the condition of the surrounding plant that was constructed in 1979. This plant on which the third stream is totally reliant is now 30 years old and given its original design life of 20-25 years it is well beyond providing reliable and safe operation for the disposal of the island’s residual waste. The most recent examples of the failure of the crane support mechanism and chimney are key indicators that the main plant is beyond continued economic, reliable and safe operation.

3.24 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE CONTRACT FOR THE ENERGY FROM WASTE PLANT:

Question

Would the Minister inform members whether there is mention of the possibility of unforeseen circumstances (such as extra hard granite causing additional costs to be met by the purchaser) in the contract for the Energy from Waste plant, and, if so, would he advise the exact wording of the contract in this regard, including the maximum additional potential cost to which the purchaser is exposed and the exact reference within the contract?

Answer

When tender documents were issued, the tenderers were supplied with ground investigation reports prepared by the department giving the below ground formation and strata.

The “preferred bidder” was also provided access to the site to undertake their own ground investigation to ascertain the exact nature of the ground conditions to validate the information contained in the tender documents prior to contract signature. If there were any discrepancies between the two sets of information, the preferred bidder had the opportunity to vary their tender price prior to the contract being signed in November 2008. The Contractor advised that, due to the need for a slight adjustment to the footprint of the plant there would be a £75,000 adjustment to the cost of excavation which was included in the final contract price. There were no other variations resulting from the process. The risk therefore is with the contractor to remove the material found on site.

In terms of unforeseen circumstances, it is for the contractor to prove that he has encountered these circumstances, whatever form they might be and under the contract, they are dealt with as a claim. Under Clause 17 - Contractors Variation and Clause 18 - Contractors Claim, of the Institution of Chemical Engineers Red Book Contract, the methodology for dealing with claims is clearly dealt with, a copy of which has already been supplied to the Deputy.

3.25 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE EMISSIONS PERFORMANCE OF THE NEW ENERGY FROM WASTE PLANT:

Question

Would the Minister inform members whether there is mention of the required performance of the plant with respect to any kind of emissions in the contract for the Energy from Waste plant and if so, would he advise of the exact wording of the contract in this regard, and the exact reference within the contract?

Answer

The performance for the new Energy from Waste Plant in terms of emissions are clearly laid down under the Waste Incineration Directive (WID). This document is the industry standard and the requirement to comply with it forms part of the performance specification issued to all tenderers.

The relevant section is contained in Schedule 16 of the Contract and reads:

“The Contractor shall demonstrate that the flue gas treatment plant achieves the emission limits specified in the Waste Incineration Directive over the entire range of input conditions as specified in the Specification, and that the plant can achieve the Guaranteed Performance Levels in Schedule 17.”

The Schedule further explains the types of waste to be tested and the methodology for the Performance Test.

3.26 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE DEVELOPMENT OF SOCIAL HOUSING:

Question

Would the Minister inform members which developers have been contracted by the States to build social housing in the last 10 years, and how many times each developer has been contracted, in the last 10 years and for which building projects? Further, who are the Directors of these companies?

Would the Minister inform members what developers will be contracted to construct sheltered housing on the 60 verges of countryside that were rezoned by the States in July 2008, and what contracts will these Developers have?

Answer

The following table details all of the social housing projects built by the States since 1999, which contractor undertook each and the current Directors of those companies as recorded with the Jersey Financial Services Commission.

Contractor	Development	Directors
A C Mauger Ltd	Les Jardins du Soliel Le Selliere & Le Selliere Court Le Coie Les Cloches & Les Cloches Court	John Poynton Style Holdings Ltd Style Group
Hacquoil & Cook	Oak Tree Gardens Ph 2 La Cambrette Les Hinguettes & Les Petite Hinguettes	Edward Baker Dean Hacquoil George Hacquoil Valerie Hacquoil Dominic Willmott
Charles Le Quesnes	Oak Tree Gardens Ph3	CLQ Holdings Ltd : Roger Simmons Paul Barter
Alpine Estates Ltd	Le Benefice	G C N Holdings

Mercury Construction	Sandybrook Court	Rupert Myers John Kendall
----------------------	------------------	------------------------------

The 60 vergées of land rezoned in July 2008 are not owned by the Public of the Island and will not therefore be developed by the States.

3.27 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING ASSISTANCE FOR ISLAND RESIDENTS WHO LOSY MONEY WITH LANDSBANKI BANK:

Question

1. With regard to the failed Landsbanki Guernsey Bank would the Minister –
 - (a) state the number of Jersey residents the Minister or his predecessor has been notified of who had deposits with this Bank together with the sums they are owed;
 - (b) detail the letters, meetings and telephone conversations he personally (or his predecessor) has had on behalf of these depositors with the following organisations and individuals from the time of the bank’s failure up to 16th February 2009 and outline the results of those communications –
 - Guernsey Chief Minister or Treasury Minister or their departments
 - Guernsey Financial Services Commission
 - H.M. Government
 - Icelandic Government
 - Landsbanki Guernsey Bank Administrators
 - Any other body or individual involved with this affair;
 - (c) detail the letters, meetings and telephone conversations his staff or any other officers(such as the Jersey Financial Services Commission) have had at his instigation (or that of his predecessor) with the organisations listed in paragraph (b) above from the time of the bank failure up to 16th February 2009 and outline the results of these communications.
2. State what actions, if any, he is prepared to take to help these individuals recover their deposits with this failed bank?

Answer

1. (a), (b) and (c)

As a Guernsey entity, Landsbanki Guernsey is regulated by the Guernsey Financial Services Commission. As a consequence neither the States of Jersey nor the Jersey Financial Services Commission has any jurisdiction with respect to the failure of Landsbanki Guernsey.

However, following the collapse of Landsbanki Guernsey, the then Economic Development Minister, offered to provide any possible support, aggregate information from Jersey residents with deposits in Landsbanki Guernsey and forward the information to the Guernsey authorities.

In conjunction with this offer, the then Economic Development Minister, had numerous telephone and email contacts with individual depositors (53 residents notified the department and reported losses in excess of £2,000,000) and the organisers of the action group established by Jersey investors in Landsbanki Guernsey. This is unlikely to be the total number of people affected by the failure.

The then Economic Development Minister wrote to Mrs Carla McNulty Bower, Guernsey Minister for Commerce and Employment regarding the issue on 27th October 2008 and received a reply dated 3rd November 2008 which was received in the Minister's office on 7th November 2008. Copies of both letters are attached to this answer. There has been no communication with either H.M. Government, the Icelandic Government or the Landsbanki Guernsey Bank Administrators on this matter.

The Jersey Financial Services Commission (JFSC) have confirmed that, to the best of their knowledge, their officers have, with one exception, had no contact with any of the organisations listed regarding Landsbanki Guernsey that has been at the instigation of the Minister or his predecessor. The only body mentioned in the question that the JFSC may have had contact with on the subject of Landsbanki Guernsey, and then only in general terms concerning their experience in handling a bank closure, would be the Guernsey Financial Services Commission. Any such contact would have been at the JFSC's own instigation and not that of the Minister or his predecessor.

Reference is made in the question to 'any other body or individual involved with this affair' In so much as this could include those Jersey residents who have telephoned the JFSC with general queries, none of these general contacts, which would have been referred to the Guernsey authorities, were at the Minister's instigation as far as the JFSC are aware.

2.

Wherever appropriate and possible, the Economic Development Minister and the Economic Development Department will continue to assist Jersey residents who have been affected by the collapse of Landsbanki Jersey. However, as Landsbanki Guernsey is a Guernsey entity, neither the States of Jersey nor the JFSC have any direct jurisdiction over matters related to the failure of the bank.

Economic Development

Liberation Place,

St Helier, Jersey, JE1 1BB

Tel: +44 (0)1534 448886

Fax: +44 (0)1534 488171

	27 October 2008
--	-----------------

Deputy Carla McNulty Bauer

Minister

Commerce & Employment

e-mail: carla.mcNultybauer@commerce.gov.gg

Dear Carla

Landsbanki - Jersey depositors

I have met recently, at their request, a group of Jersey residents who have deposits with Landsbanki in Guernsey. As no doubt is the case in Guernsey, there are amongst the Jersey depositor population, those for whom their deposits may represent the totality or a significant part of their life savings and who are in very real financial difficulties.

I recognise that any recourse for depositors is now in the hands of the Administrators from Deloitte & Touche LLP. However, the depositors here in Jersey feel disadvantaged as a result of not being Guernsey based whether as a simple result of being to some extent distant from events or otherwise, as matters unfold. As a result they are understandably desperate for any information that can be provided.

I would therefore appreciate any advice on how Jersey depositors can ensure that they are as well informed as their Guernsey counterparts and how the plight of the Jersey depositors can best be brought to the Administrators' attention .

I look forward to hearing from you.

Kind regards

A handwritten signature in black ink, appearing to read 'Philip Ozouf', with a stylized flourish at the end.

Senator Philip Ozouf

Minister for Economic Development



- 7 NOV 2008

Development

Commerce and Employment
Raymond Falla House
PO Box 459, Longue Rue
St Martin's, Guernsey
GY1 6AF
Tel +44 (0) 1481 234567
Fax +44 (0) 1481 235015
www.gov.gg

Senator P Ozouf
Minister for Economic Development
Economic Development
Liberation Place
St Helier
Jersey
JE1 1BB

3rd November 2008

Dear Philip

LANDSBANKI – JERSEY DEPOSITORS

Thank you for your letter dated 27th October concerning Jersey depositors with Landsbanki Guernsey.

The meltdown of the Icelandic economy and its financial institutions has unfortunately had implications for depositors with Landsbanki Guernsey and this Department and the States of Guernsey can understand the financial difficulties these depositors are experiencing. However as you recognise in your letter any recourse for depositors now rests with the Administrators, Deloitte & Touche LLP. Rick Gerrard at Deloitte & Touche will be in direct contact with all depositors on a regular basis informing them of progress.

The States of Guernsey is providing additional information and updating the government website on a regular basis as developments occur.

I trust that this is helpful, but should you have any further queries please do not hesitate to contact me.

Yours sincerely

Carla McNulty Bauer
Minister

3.28 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PAYMENTS FOR THE NEW ENERGY FROM WASTE PLANT:

Question

1. Would the Minister for Treasury and Resources -
 - (a) complete the following table relating to the stage payments made to the main contractor under the design and build contract for the Energy from Waste incinerator plant, showing the dates of each stage payment and the amount paid at each stage ?

Date of Stage payment	Euro Value of Payment	Sterling Value of Payment	Rate of exchange at which the Euros were purchased to make payment
1.			
2.			
3.			
4.			
5.			
6.			

(b) State whether any additional payments have been made in advance of their anticipated stage payment dates under the contract and if so, the date and value of any such payments made.

Answer

(a) TTS have advised that the detail of the individual payments is commercially confidential and the contract with the supplier prohibits the release of detailed information on the cost of milestone payments. However, the table below summarises euro payments paid to date are:

Date of Stage payment	Milestone	Euro Value of Payment	Sterling Value of Payment	Average Rate of exchange at which the Euros were purchased to make payment
6 payments made between December 2008 and February 2009	Euro payment milestones	€27,213,899	£25,373,722	1.073
	Sterling payment milestones		£3,297,022	

(b) No additional payments have been made to the contractor in advance of their anticipated stage payment dates. Upon advice, a further €5m have, however, been acquired at an exchange rate of 1.15 in line with the current policy. These euros will be used to meet all the forthcoming payments due to the contractor between February and October 2009.

3.29 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING ‘(j)’ CATEGORY CONSENTS FROM 2005 TO DATE:

Question

Would the Minister for Housing complete the following table by inserting the numbers of persons in each category who were granted a J-Category consent by his Department in each of the years shown:

J-Category consents granted to:	2005	2006	2007	2008	2009*
Persons who were resident outside Jersey when the consent was granted					
Persons living in Jersey when the consent was granted					
Persons granted a consent with right to purchase a house					
Persons granted a consent with right to lease a property					
Persons granted a consent to stay in the Island for 5 years					
Persons granted a consent to stay in the Island for 10 years					
Persons granted a consent to stay in the Island for a period of other than 5 or 10 years					

* In 2009 for the period between 1st January and 16th February. All other years between 1st January and 31st December of the relevant year.

Answer

While statistics around “j’s” are readily available, and have been published on a number of occasions, to speedily and readily *re-collate* statistics in various formats on request is not a straight forward matter.

Furthermore, it is not a matter of discrimination under the policy as to whether a person is a newcomer to Jersey, or an established resident who has been *recruited* to a more specialist position to which j consent has been approved. As such, this is not a matter around which additional administration is undertaken.

As to restrictions around the ability to purchase or lease property, prior to 2006, a choice existed whereby an employer could buy a property, and enter into financial arrangements or otherwise with their employee, or the employer could lease a property for their employee. In 2006, a mechanism was introduced whereby the cumbersome means whereby employers had to buy on behalf of their employees was replaced, with a system whereby “j” employees could establish their own company through which to purchase a property. This was considered important in ensuring highly skilled employees continued to see Jersey as a desirable location. The practise of requiring any lease to be taken out through the employer however remains applicable, with some *additional* restrictions

introduced in 2008 whereby some consents would only be issued specifically to lease property. These restricted “lease only” approvals have been issued in between 5 – 10% of cases, and are a useful additional tool in deflating some of the upward pressure on house prices while giving extra flexibility in the “j” decision. Notwithstanding these restrictions, many “js” who are able to purchase nevertheless only end up leasing property - indeed, nearly 400 lease consents were issued to “js” in 2008 compared to just under 100 “j” purchase consents.

Bearing this in mind, and within reasonable practical boundaries, the relevant “j” application statistics for 2005, 2006, 2007, and 2008, are as follows:

	2005	2006	2007	2008	2009 (to 16 th Feb)
Approvals with time limit, terms of 1 – 5 years	316	288	198	192	15
Approvals without time limit	20	197	300	331	16
Total Approvals	336	485	498	523	31
Refusals	9	33	61	58	3
“Lease Only” j Approvals	n/a	n/a	n/a	46	3

3.30 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE COST OF CONSUNLTANTS’ REPORTS FROM 2005 TO DATE:

Question

Would the Minister complete the following table relating to the number, type and cost of consultants’ reports commissioned by the Economic Development Department in each of the years indicated in the table:

Year	Report Topics	Terms of Reference of each report	Date Commissioned	Date received or estimated to be received	Cost of completed reports or estimated cost for those not yet completed
2005					
2006					
2007					
2008					
2009*					

* Year up to 16th February 2009.

Answer

In the time available, it has not been possible to collate all necessary information to provide a complete answer to the question as posed. A complete answer will be provided by 3rd April 2009 and distributed to all States members. In the meantime all EDD Reports that can be found at <http://www.gov.je/statesreports> where Economic Development and other States Departments list details of all reports which are not considered exempt.

As a matter of policy, the Economic Development Department, including Jersey Harbours and Jersey Airport utilises consultants sparingly and only when:

1. Specific areas of technical or commercial expertise are required to develop policy and strategy to achieve the Department's objectives, consistent with the States Strategic Plan and the Economic Development Business Plan that includes the Jersey Harbours and Jersey Airport business plans.
2. Retaining such expertise on a permanent basis as part of the EDD would not represent best value for tax payer's money in the Economic Development Department annual budget.

All consultancy contracts are awarded by a process that is compliant with the appropriate Financial Directions.

3.31 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER OF PUBLIC SECTOR EMPLOYEES FROM 2005 TO DATE:

Question

Would the Chief Minister please complete the following table relating to the number of public sector staff employed by the States of Jersey and their salaries during the period indicated:

Year/ Salary	2005	2006	2007	2008	2009 to Feb. 16 *	Appointe d but not yet in post**
£250,000+						
£225,000 – £249,999						
£200,000 – £224,999						
£175,000 – £199,999						
£150,000 – £174,999						
£125,000 – £149,999						
£100,000 – £124,999						
£75,000 – £99,999						

£50,000 – £74,999						
£25,000 – £49,999						
Under £25,000						
Total number of employees						
Total wage/salary bill for year						

- * Employed at any point between 1st January to 31st December of any year except 2009 in which the numbers should be recorded between 1st January and 16th February.
- ** Persons offered a contract in 2009 and who have accepted but who have not yet taken up their post.

Answer

To provide the information requested in the format asked for would incur considerable use of States manpower resources which, in the light of the information already available in the public domain, I am not prepared to sanction.

The States of Jersey regularly publishes information on States employees’ earnings in the Financial Report and Accounts. Information for 2005, 2006 and 2007 has been published and that for 2008 will be published in the 2008 report and accounts (likely to be June 2009). Extracts from the accounts are appended to this answer.

Whilst the information published relates to those employees on higher levels of earnings, it is important to note that over 90% of States employees’ earnings are in the bands ranging from “under £25,000” to £70,000 per annum with the vast majority being towards the lower end of this scale. It is also important to note that the information published refer to gross earnings, including Employer pension contributions, but excluding Employer Social Security contributions.

If the Deputy wishes me to arrange for him to meet with a senior human resources officer in my department, who advises the States Employment Board on pay policy and practice, I would be pleased to do this.

Appendix 1 – Extract from P41/2006 States Employees’ Remuneration 2005

Notes to the Accounts

4 EMPLOYEES AND STATES MEMBERS

(a) Employees

Details of the numbers of employees for whom their total remuneration including pension benefits, buyouts and overtime payments exceeded £70,000 for the year ended 31st December 2005 are as follows –

<i>2005</i>	<i>2004</i>
-------------	-------------

<i>Remuneration</i>	<i>Non-Traders</i>	<i>Traders</i>	<i>Non-Traders</i>	<i>Traders</i>
£70,000 – £89,999	153	29	147	30
£90,000 – £109,999	42	5	43	5
£110,000 – £129,999	26	5	35	3
£130,000 – £149,999	25	–	13	–
£150,000 – £169,999	11	–	3	1
£170,000 – £189,999	5	1	–	–
£190,000 – £209,999	2	–	2	–
£210,000 – £229,000	3	–	2	–
	267	40	245	39

“Traders” includes employees of Jersey Harbours, Jersey Airport and Jersey Post.

The table excludes the remuneration of senior staff of the Waterfront Enterprise Board Limited, which is reported in that Company’s published Financial Statements.

(b) States Members

During the year remuneration totalling £2.1 million including expenses (2004: £2.0 million) was claimed by States Members.

**Appendix 2 – Extract from R63/2007 States financial report and accounts 2006 :
Remuneration of States employees**

4. EMPLOYEES AND STATES MEMBERS

(a) Employees

Employee costs and the number of full time equivalent (FTE) staff at 31 December 2006 are analysed below:

Department	Salaries and Wages	Pension	Social Security	FTE
Chief Minister's Department	7,960,074	1,001,349	390,515	180.53
Economic Development	2,427,552	299,889	135,998	58.4
Education, Sport and Culture	57,290,270	5,801,886	3,197,202	1438.37
Health and Social Services	84,249,448	9,063,798	4,454,592	2141.38
Home Affairs	26,657,068	3,277,343	1,383,571	601.57
Housing	2,063,578	260,732	119,540	63.26
Planning and Environment	4,969,997	645,355	249,503	113.33
Social Security	1,640,196	210,824	93,832	114.15
Transport and Technical Services	13,391,916	1,585,361	786,296	507.82
Treasury and Resources	9,064,578	1,153,849	483,643	223.41
Non Ministerial States Funded Bodies	7,800,075	1,091,703	356,831	159.99
States Assembly	1,074,942	145,836	60,098	28.57
Jersey Fleet Management	592,887	75,541	32,719	*
Jersey Car Parking	597,404	100,119	41,514	*
Jersey Harbours	4,559,088	443,895	254,299	69.89
Jersey Airport	8,049,870	990,306	409,424	187.53
Total	232,388,943	26,147,786	12,449,577	5,888.20

* Jersey Car Parks and Jersey Fleet Management FTE figures are included in the Transport and Technical Services.

(b) Senior Employees

Details of the numbers of employees for whom their total remuneration including pension, benefits, buyouts and overtime payments exceeded £70,000 for the year ended 31 December 2006 are as follows:

Remuneration	2006		2005	
	Non-Traders	Traders	Non-Traders	Traders
£70,000 - £89,999	155	26	153	29
£90,000 - £109,999	45	7	42	5
£110,000 - £129,999	29	-	26	5
£130,000 - £149,999	30	-	25	-
£150,000 - £169,999	9	-	11	-
£170,000 - £189,999	1	-	5	1
£190,000 - £209,999	3	-	2	-
£210,000 - £229,999	5	-	3	-
	277	33	267	40

"Traders" includes employees of Jersey Harbours, Jersey Airport, Jersey Car parks and Jersey Fleet Management. The table excludes the remuneration of senior staff of the Waterfront Enterprise Board Limited, which is reported in the Company's published Financial Statements.

(c) States Members

During the year remuneration totalling £2.2 million including expenses (2005: £2.1 million) was claimed by States Members

Appendix 3 – Extract from R61/2008 Remuneration of States Employees 2007

(a) Department Employees

Departmental employee costs and the number of full-time equivalent (FTE) staff at 31st December 2007 are analysed below –

Department	Salaries and Wages	Pension	Social Security	FTE
Chief Minister's Department	8,399,757	1,094,623	407,703	183.18
Economic Development	2,868,944	350,638	148,538	66.03
Education, Sport and Culture	60,030,447	8,040,458	3,387,625	1,485.80
Health and Social Services	88,039,235	9,946,634	4,783,888	2,289.57
Home Affairs	28,623,470	3,474,537	1,458,676	616.77
Housing	2,045,900	260,581	121,200	59.81
Planning and Environment	5,249,342	684,627	265,304	114.79
Social Security	1,869,413	242,675	99,280	123.88
Transport and Technical Services*	15,969,045	1,895,127	950,475	501.96
Treasury and Resources	9,772,765	1,245,043	509,391	239.05
Non Ministerial States Funded Bodies	8,459,260	1,145,625	380,361	170.73
States Assembly	1,208,069	162,819	67,300	29.52
Jersey Airport	8,467,955	1,039,898	422,924	198.73
Jersey Harbours	3,978,717	420,836	221,930	89.00
Other	91,572	8,710	3,935	-
Total	245,073,891	30,012,831	13,228,530	6,168.82

Figures exclude costs associated with the PECRS pre-87 liability.

* Jersey Car Parking and Jersey Fleet Management figures are included in the Transport and Technical Services Figures.

(b) Senior Employees

Details of the number of employees for whom their total remuneration including pension benefits, buyouts and overtime payments exceeded £70,000 for the year ended 31st December 2007 are as follows –

Remuneration	2007		2006	
	Non-Traders	Traders	Non-Traders	Traders
£70,000 - £89,999	270	38	155	26
£90,000 - £109,999	62	6	45	7
£110,000 - £129,999	36	2	29	-
£130,000 - £149,999	19	-	30	-
£150,000 - £169,999	22	-	9	-
£170,000 - £189,999	2	-	1	-
£190,000 - £209,999	1	-	3	-
£210,000 - £229,999	1	-	5	-
£230,000 - £249,999	5	-	-	-
	418	46	277	33

'Traders' includes employees of Jersey Harbours, Jersey Airport, Jersey Car Parking and Jersey Fleet Management. The table excludes the remuneration of senior staff of the Waterfront Enterprise Board Limited, which is reported in the Company's published Financial Statements.

(c) States' Members

During the year remuneration totalling £2.2 million including expenses (2006: £2.2 million) was claimed by States' Members.

3.32 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE DEMAND FOR 2, 3 AND 4-BEDROOM ACCOMMODATION:

Question

Would the Minister inform members what the demand is amongst States Tenants and those on the States waiting list, for 2,3 and 4 bedroom accommodation?

Answer

The figures as at 31st January 2009 are as follows:-

Bed Size Need	<u>Waiting List</u>	<u>Transfer List</u>	TOTAL
One Bedroom	146	174	320
Two Bedroom	112	99	211
Three Bedroom	43	51	94
Four Bedroom	2	18	20

Demand continues to be the highest for one bedroom units.

73 of the applicants waiting for one bedroom units, will release 2 bedroom units when they move.

4 of the applicants waiting for one bedroom units, will release 3 bedroom units when they move.

4. Oral Questions

The Deputy Bailiff:

Very well, we come to Oral Questions. The first one the Deputy of St. John will ask of the Minister for Planning and Environment.

4.1 Deputy P.J. Rondel of St. John of the Minister for Planning and Environment regarding the total fees paid to Hopkins Architects Limited to date by the Planning and Environment Department:

Will the Minister inform Members of the total fees which have been paid to Hopkins Architects Limited to date by the Planning and Environment Department and advise as to how many staff hours on the Island this relates?

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

Since May 2006 the Planning and Environment Department has paid Sir Michael Hopkins' practice a total of £268,000 for their work on the Esplanade Quarter master plan. However, the planning application fees received by the Planning Department as a direct result of that master plan already total £400,000 with much more to come. I reported to the States on 2nd July 2008 that the fees for the master plan at that time were around £250,000 so it is not fundamentally different. I have

previously explained the imperative was always that the States paid for the master plan so that we owned the copyright. This means that should the States choose not to contract with a particular developer, we will be able to deal with an alternative developer. In addition to this, Hopkins have been paid a total of just over £102,000 for architectural advisory work on other schemes. Of this, almost £87,000 has already been repaid to the department by the developer contributions and the remainder will be repaid in the near future. The total number of hours worked by Hopkins is nearly 4,000 hours. We cannot say how many of these hours were worked on Island. Thank you.

4.1.1 The Deputy of St. John:

Given the Minister mentions other schemes, could he tell us which other schemes he is referring to and would one of them be the Energy from Waste plant? Further to that, are Hopkins Associates ...

The Deputy Bailiff:

I am sorry, one question.

The Deputy of St. John:

It is a continuation, Sir.

The Deputy Bailiff:

No, it is not. It is a different matter you are coming on to.

Senator F.E. Cohen:

Hopkins Architects were effectively the architects for the envelope of the Energy from Waste plant, but that is not included in my figures because presumably they will have been paid directly by Transport and Technical Services.

4.1.2 The Deputy of St. John:

Are Hopkins registered on the Island and are they registered with the Regulation of Undertakings and Development to operate on the Island and also registered with the Royal Court, given I do not see their name in the Register of Architects for Jersey, which is up to date and which I got from the Greffier in the last week?

Senator F.E. Cohen:

There is no intention to suggest that Hopkins Architects are members of the Association of Jersey Architects. They certainly are not members of the Association of Jersey Architects and they operate as specialist architectural consultants. I am not aware of whether they are registered or not under the Regulation of Undertakings and Development as that is not my domain.

4.1.3 Senator B.E. Shenton:

While the Minister's answer may be factually correct, is it not the case that W.E.B. (Waterfront Enterprise Board) have paid fees to Hopkins substantially in excess of the figure he quoted and that the total cost of Hopkins is approaching over £1 million?

Senator F.E. Cohen:

No, I do not believe that is correct. I think that the Senator is perhaps incorporating in the figure the amount that Hopkins will have been paid by the present preferred developer in relation to the planning application, but that is not a matter for the Planning Department and I do not know the precise figures involved.

The Deputy Bailiff:

Final question, Deputy?

4.1.4 The Deputy of St. John:

Yes. Given the Minister's reply on the registration of the architects, can it be right at a time of recession within the Island to be employing architects from off the Island when the expertise is within the Island to do this work? I have heard the comments made on many occasions that they are worldwide architects. We have equally able members of the architect profession within the Island who work off-Island. Therefore, is the Minister going to continue his stance on promoting off-Island architects to work in Jersey?

Senator F.E. Cohen:

The Deputy knows perfectly well that that is not my stance. My position is very simple; this is a major master planning exercise. Master planning is a very specialist skill. Hopkins Architects are one of the world's leaders as master planners and if you want a top job, you get a top practice. I am absolutely confident that the choice of Hopkins Architects was an excellent choice and when they were appointed we were not in a downturn. Thank you.

The Deputy Bailiff:

Very well, we come next to a question which Deputy Maçon will ask of the Minister for Home Affairs.

4.2 Deputy J.M. Maçon of St. Saviour of the Minister for Home Affairs regarding measures to deal with potential increases in thefts and burglaries in the Island:

Given the current economic climate, what measures, if any, are being taken to deal with the potential for increases in theft and burglaries?

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

The police and the courts always treat very seriously burglary, which in Jersey is known as breaking and entering or illegal entry because of the fear and shock experienced by people whose homes and private space have been invaded by the burglar. Although there appears to be evidence in the U.K. (United Kingdom) for an increase in such crimes during an economic downturn, in Jersey there is no such evidence. That is because half the burglaries since March 2008 were committed by people aged 18 or under with 37 per cent by youths aged 15 or under. These are opportunist crimes and very often are committed by people who are not currently in work or not normally in work. There is another significant group of offenders who are drug addicts who steal to feed their habit, but most of them also are not normally in work and, therefore, no such increase is anticipated.

4.2.1 Deputy J.M. Maçon:

A supplementary, thank you. The figures the Minister stated were from 2008. I think we can all agree that that was in an economic boom time and thus, with the recession looming and with the potential of people losing their jobs, does the Minister not feel that we should be taking actions, even if it is only simple precautionary ones to encourage people to look after their security? Thank you.

Senator B.I. Le Marquand:

I think the police are always encouraging people to look after their security, particularly in the summer time where a number of opportunist crimes are committed because windows are left open in the hot weather. I remember last summer there was such a warning going out. In addition to that, the police have in place systems for responding to any major increase in crime in any particular area. They gather information and then they target particular offences. They also have in place a policy for targeting particular active offenders because 10 per cent of offenders are responsible for 50 per cent of crime, and it is part of the strategy of the police - part of their 3 operational objectives for 2009 - to target key offenders.

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

Could I ask the Minister, how is the breaking and entering crime divided between those who are opportunistic and those who are part of more larger, orchestrated gangs, for want of a better term?

Senator B.I. Le Marquand:

I do not have any figures in relation to that but, of course, can speak from my own experience on this matter. I think we are very fortunate in Jersey; we do not generally have organised gangs. Most of the offences are opportunist. We also do not have professional dealers in the same way as in the U.K. and for that reason burglary is nothing like the sort of problem it is elsewhere. The police are not complacent about this; I said at the start that this is a serious matter and people are very upset about it, but we do not generally experience professional people doing this, professional criminals.

The Deputy Bailiff:

Very well, then we come to question 3 which Deputy Power will ask of the Chairman of the Comité des Connétables.

4.3 Deputy S. Power of St. Brelade of the Chairman of the Comité des Connétables regarding the use of land donated to them for the use of families with limited means to use as allotments:

Would the Chairman confirm how many of the 12 Parishes still retain ownership and control of around 10 vergées of land known as Clos des Pauvres? It was donated to them in 1850 for the use by families with limited means to grow vegetables and fruit. Would he further confirm whether this land could be made available for allotment farming during these difficult times?

Connétable K.P. Vibert of St. Ouen (Chairman of the Comité des Connétables):

I am afraid that the Deputy may have inadvertently confused the Clos des Pauvres lands with those which fall under the Don Gruchy bequest. The year quoted in his question, 1850, was the year of the bequest of Jean Gruchy. He is also under the misconception that the land was for the use of

families, with limited means, to grow vegetables and fruit. In reality, the terms of the will stipulate that the income rental derived from the land is to be distributed among the poor of the Parish. In fact, the will says “*les pauvres natifs de cette Île*”; that is, Jersey born poor. Actually, all 12 Parishes have varying amounts of these lands. St. Helier has one field used by the Parish Parks and Gardens Department and one let to a *bona fide* farmer. St. Saviour has one field only, which is let to the Parish football club, as has St. Mary. All the other Parishes have fields let out to *bona fide* farmers on differing leases. Nevertheless, I take this opportunity to invite the Deputy to meet with the Comité des Connétables on the matter of fields for the use of allotments.

4.3.1 Deputy S. Power:

I thank the Constable for the history lesson and for clarifying the status of some of the land referred to. Can the Constable confirm whether at any time in the recent past the Comité des Connétables have discussed allotment farming within their Parishes?

The Connétable of St. Ouen:

I do not know whether all the Connétables have, but I certainly received a letter recently inquiring whether the Parish could identify land and, as yet, the Comité des Connétables have not discussed it.

4.3.2 Deputy S. Power:

Would the Constable not agree that the principle of allotment farming does provide fresh, healthy, organic food? It can provide for fresh air and exercise and can create a community atmosphere within a Parish?

The Connétable of St. Ouen:

As I said in my first answer, I have invited the Deputy to meet with the Comité des Connétables to discuss this matter.

4.3.3 The Deputy of St. John:

Would the Constable accept that time is quite urgent in this matter and that hopefully things can be moved forward because the potato planting and the crop planting season is coming on to us and these things need to be moved forward rather speedily?

The Connétable of St. Ouen:

As I have stated, I am quite happy to meet with the Deputy - with both Deputies, if necessary - to discuss the matter. As far as the lands which have been identified within this question, those which are let to a *bona fide* farmer would require a 2-year period to break the lease.

4.4 Deputy S. Power of the Minister for Transport and Technical Services regarding facilities at the new Energy from Waste plant for members of the public to deliver mixed loads of combustibles:

Would the Minister confirm whether facilities will be made available at the new Energy from Waste plant for members of the public to deliver mixed loads of combustibles such as old furniture, carpets and mattresses that can presently be unloaded at the top yard at Bellozanne?

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

The new Energy from Waste plant will be for Parish and commercial vehicles only. Members of the general public will continue to take their waste to the re-use/recycling centre currently located at Bellozanne, which has facilities to receive mixed loads such as old furniture, carpets and mattresses which cannot be recycled. I would take this opportunity to ask the Members of this House and the general public to use this facility which is really very user-friendly and worth an inspection. The current arrangements at Bellozanne whereby members of the public mix with large commercial vehicles do not represent industry best practice and this mix causes many operational safety issues. At times the safety on the current Bellozanne site is compromised.

4.4.1 Deputy S. Power:

I thank the Minister for his reply. Can the Minister confirm whether the new facility, when commissioned, will be available to unload conventional tipping trucks and side-tipping trucks?

The Connétable of St. Brelade:

The new plant will, in fact, be designed to optimise the operation of reception facilities. Vehicles entering the new plant will be registered and have identification facilities so that T.T.S. (Transport and Technical Services) will be enabled to operate an unmanned weigh bridge. So, provided the vehicles are properly identified and registered within the system, I would have thought that would be achievable, Sir.

4.4.2 Deputy A.K.F. Green, M.B.E. of St. Helier:

Would the Minister advise us about the facilities at Bellozanne? Is it intended that the green waste will occur there as well? I know there are temporary plans for Warwick Farm but would they move to Bellozanne?

The Connétable of St. Brelade:

The green waste facilities previously located at La Collette are now in a temporary location at Bellozanne. It is the intention that they be moved to Warwick Farm.

The Deputy Bailiff:

Yes, one more.

4.4.3 Deputy A.K.F. Green:

My understanding is that Warwick Farm is to be a temporary arrangement. Would it not be easier, if we are going to have public disposal facilities, to have it all in one place?

The Connétable of St. Brelade:

The plan was that Warwick Farm would be a permanent arrangement.

4.4.4 Deputy R.G. Le Hérissier:

Could the Minister inform us, rather than subject these items which people like Deputy Power may deliver - contents of his furniture, for example - would he promote a system whereby these items are diverted for recycling, because it is quite clear when one visits this site there are an awful lot of items that are in excellent condition and are being burnt unnecessarily.

The Connétable of St. Brelade:

I agree with the Deputy wholeheartedly. In fact, at the recycling centre there is a container to one side where there is an exchange arrangement and items do come in and go out to the general public. So, no, I wholeheartedly agree with the Deputy's sentiments.

4.5 The Deputy of St. John of the Minister for Social Security regarding the cost of supplying medication to patients since the removal of prescription charges:

Could Members be told if the cost of supply of medication to patients has increased or decreased for the Social Security Department since the removal of prescription charges; if so, by how much, either way?

Deputy I.J. Gorst of St. Clement (The Minister for Social Security):

The Health Insurance Law provides for a pharmaceutical benefit. This is made up of 2 parts; the cost of the medication itself and the dispensing fee paid to the pharmacist for each item that they deal with. As Minister, I am responsible for approving a list of drugs known as the prescribed list. This is a list of all drugs that are currently covered by that benefit. As would be expected, the cost of benefit rises from year to year. During the last year there have been 3 separate factors behind the overall increase: the ongoing trend for more prescriptions from year to year, a major reorganisation of the list in 2007 which added a wide range of drugs previously only available from the hospital, and the removal of prescription charges in February 2008. The department uses an independent pharmaceutical adviser to provide professional advice in this area. The adviser is currently analysing the 2007/2008 prescriptions to quantify the relative effect of each of the underlying trends of these 2 recent changes. As soon as that work is complete I will publish the findings. Members will be aware that I have already made a public commitment to reviewing the prescription charge but, until I have seen the full analysis, it would be premature to draw any particular conclusions.

The Deputy of St. John:

Yet again we get a Minister who is not prepared to answer the question. I asked quite simply, either way, if the cost had gone up or down. Can we have an answer from the Minister whether the costs have gone over the prescribed budget or have they gone down from previous years?

Deputy I.J. Gorst:

I am disappointed that the Deputy thinks I have not answered the question because in my final paragraph I said once the work of analysis of the figures has been undertaken, then I agree to publish them. That will be the answer I believe that the Deputy is looking for, so I will be and I have every intention of answering his question.

The Deputy of St. John:

If I may, I do not believe that is a good answer. He is hiding behind civil servants who have not done their work. He must know whether or not the costs have gone down or not or if they have gone up. All I am asking is for the Minister to tell me whether or not the costs have gone up or down, not to hide behind some civil servants' paperwork analysing all the figures.

Deputy I.J. Gorst:

I am certainly not hiding behind any civil servant. I am sure the Deputy can see me from here. There are no civil servants whom I am hiding behind. **[Laughter]** It is a complicated area; he may not have heard all that I said in my answer. I did quite clearly say that the benefit rises from year to year and last year is no different. I do not have the figures for the final quarter of the year; therefore, I am not at this stage able to answer the question in the way that he would, I perceive, like. However, I give a firm commitment again that once these figures are available I will be publishing them. I believe that probably I am just as keen to see the analysis and understand how the figures have moved or changed in the last year as the Deputy himself is.

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

Does the Minister believe that handling free prescriptions without means testing represents good value for money?

Deputy I.J. Gorst:

This seems to be a recurring theme of the last 2 months. I have quite clearly given an undertaking and a commitment to review the decision to take away the charge to members of the public for prescriptions. This analysis of these figures is part of that review. Once I have that analysis then I will be able to answer that question as well. On the surface, it seems as though means testing would be sensible or that a blanket benefit does not always work in the way that we would expect it to, but it is only right that any decisions that I make or any decisions that this Assembly makes are based on proper and full analysis and that is what I and my department are now doing.

4.5.2 Senator S.C. Ferguson:

The Minister notes that he will be analysing the data from the prescribed drugs under no payment. Will he be paying particular attention to such prescriptions as those for Aspirin, which costs less than the cost of the actual prescribing and, therefore, would seem to be not very good value for money for the taxpayer?

Deputy I.J. Gorst:

I have over the last couple of weeks been in conversation or email correspondence with one of the Senator's colleagues about this very issue, who was contacted by one of his electors. As I said in the first part of my answer, the element that the department pays for is broken down into 2 parts, and that is the medication itself and the dispensing fee. I believe I am right in saying that the average medication element of a prescription is around £8. I am not a doctor and I am not aware that we have any in the Assembly of the general practitioner kind, and it is not for me to second-guess what should or should not be on the prescribed list. Medicines, as the Senator has suggested of Aspirin, come in many forms. She or I might be able to go to a high street chemist and secure Aspirin; 12 or 16 of them for around 30 pence; however, some types of Aspirin are not that cheap

and it is up to the doctor to prescribe the appropriate Aspirin. I believe that Aspirin has been on the prescribed list, and this, I could be wrong ...

The Deputy Bailiff:

A concise answer, if you would, please.

Deputy I.J. Gorst:

It is very difficult to give a concise answer because it is a complicated issue and that is why sometimes it might be better for a written question rather than an oral one. If the Senator looks at the written questions she will be aware that I have answered a written question on this very issue, but it does not stop me droning on now does it? [Laughter] Therefore, it has got to be doctor-led; what is prescribed for the condition of the patient that they see in their surgery.

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

This is about the third time now I have heard the Minister give assurances that he will review the free prescription charges. Can the Minister please give me an assurance that he will not review the free prescription charge outside of the income support review as this was why we had the knee-jerk reaction to introduce the free prescription charges in the first place? Thank you, Sir.

Deputy I.J. Gorst:

It was not my decision to take the money or to introduce free prescription charges. I cannot second-guess why the previous Minister made that decision. As I have said before, it was not necessarily one with which I agree.

4.5.4 Deputy P.V.F. Le Claire:

The principle of giving free medication to people in need in Jersey is one that is being analysed and properly considered by the Minister. Would the Minister also, while he is making this analysis, provide an understanding for Members in his report back as to the provision of free doctors' visits in the U.K. and whether or not that can happen in Jersey? Because in the U.K., I understand, you can go to the doctor and it does not cost you anything. I would like to know, if that is the case, what it would cost to implement such a system in Jersey, when he reports back. Could he look into this issue if he is going to do a robust analysis, please?

Deputy I.J. Gorst:

I might have thought that the early questions and answers were complicated. Here we step to a whole new level of complication and that is how we as an Island monitor and access primary care. That is a subjective review alongside the Health Insurance Fund and Law and that work is being undertaken, but I must just say to the Deputy that it would be a massive step if we were to move to that free at the point of access for primary care which they have in the United Kingdom.

The Deputy Bailiff:

One question, Deputy Le Hérissier, and then I will return to the Deputy of St. John.

4.5.5 Deputy R.G. Le Hérissier:

Would the Minister confirm, apropos Aspirin, that he will as part of his survey analyse the degree to which over-the-counter items are being prescribed and, given the enormous marketing clout of pharmaceutical companies, he will assure himself that there is no other way to obtain this Aspirin other than through prescription? Thank you.

Deputy I.J. Gorst:

Of course I will. That is part of understanding the analysis of the figure. But, again, it is not for Members without medical expertise to second guess why a G.P. (general practitioner) is prescribing the medication that they are for any particular given condition. It is often said that we make a very poor 53 planning panel. I certainly believe that we make a very poor doctor's consultation.

4.5.6 The Deputy of St. John:

Yes, as the Minister has the prescribed list of drugs which are permitted over the counter, of which obviously Aspirin will come into that prescribed list at different levels, will he also explain why over-the-counter things like mouthwash, et cetera, are being given free of charge to customers and, therefore, has he got control of his department, because I do not believe he has. I think he has not got control over his budget or his department. Will he please explain why people can get mouthwash, et cetera, on a prescription?

Deputy I.J. Gorst:

Could I thank the doctor ... oh, sorry, I mean the Deputy [**Laughter**] for his medical advice? I do not believe that it is acceptable to say that my department does not have control over the prescribed list. Of course they do. It is medically and health-driven and that is exactly as it should be. We have one of the best generic drugs prescribing regimes in the western world. We have a high rate of generic prescriptions, and that is excellent. It means that we are getting the best value that we can [**Approbation**] and treating the medical conditions of members of the public in the most cost effective way that we can. I do not think I have got anything else to say.

4.6 Deputy P.V.F. Le Claire of the Minister for Health and Social Services regarding the cessation of the reciprocal Health Agreement with the United Kingdom:

I think I could use an Aspirin first after that round. Can I ask the Minister, please, what attempts, if any, have been made by the Minister to engage face to face with the United Kingdom's Health Minister in relation to the cessation of the reciprocal Health Agreement? What attempts, if any, have been made to engage face to face with the French Health Minister to consider accessing their highly regarded healthcare system as an alternative option?

Senator J.L. Perchard (The Minister for Health and Social Services):

I am sorry, I have misplaced my paper and I am not sure where I put it.

Deputy P.V.F. Le Claire:

Surely the Minister would remember if he spoke face to face with the Minister from the U.K. or the Minister from France? He would not have to refer to his notes, surely?

Senator J.L. Perchard:

I have not even got a copy of the question. I beg your pardon, Sir, I did have a prepared answer. I have written, since my appointment as Minister for Health and Social Services, to the Department of Health requesting a face to face meeting. I know my predecessor also wrote to the Department of Health requesting a face to face meeting. The Department of Health have refused to date. Having said that, the most recent letter that I wrote has not yet been replied to and when chased last week, they said there would be a reply and I do not know what the reply will be saying. It does appear that the decision by the Department of Health has been made to withdraw from certain aspects of the reciprocal Health Agreement and to that end the Minister from the U.K. does not feel it necessary to meet. I would like to put to them the fact that the meeting is necessary because certain aspects of the Agreement from which they request to withdraw have implications on our population that I would like to explore with them.

The Deputy Bailiff:

The second part of the question was whether you have engaged face to face with the French Health Minister.

Senator J.L. Perchard:

No, because ... I beg your pardon, Sir, and to the questioner, I am sorry, I was otherwise occupied. No, there has been no effort to engage with the French. We have an agreement with France and most of mainland Europe, but the reciprocal Health Agreement is particularly with the U.K. with regard to healthcare provision for Islanders and we have a longstanding and traditional link with the U.K.

4.6.1 Deputy P.V.F. Le Claire:

I am sure the Minister will join me and other Members in saying that this is entirely unsatisfactory from a responsible jurisdiction's perspective to cease such an agreement without having the courtesy or the wisdom on behalf of the U.K. Minister to come and speak with us face to face. I think, personally, that more should be done from the Council of Ministers. Would the Health Minister seek from the Chief Minister and negotiate, if necessary, through the Lieutenant Governor in ensuring such cessations of services in the future from the United Kingdom are done at face to face level and not through departments and civil servants?

Senator J.L. Perchard:

I have expressed my dissatisfaction to the Department of Health. I do not want to speak necessarily for the Chief Minister, but I know the Chief Minister has also written to Lord Bach explaining our concerns as to the plan to withdraw from parts of the reciprocal health agreement and that the relationship with the U.K. and Jersey as a result is not strengthened by this type of internet exchange where formality and the longstanding procedures and relationships we have have really been ignored. We have expressed this but, as the Deputy and questioner will know, the U.K. Government is under some pressure with regard to resources and it is looking to withdraw from its reciprocal Health Agreement with not only Jersey but other islands and countries, as is its right.

4.6.2 Senator A. Breckon:

Contrary to what the Minister has just said, is he aware of a European Union directive that strengthens arrangements between countries where people get free treatment or their money back for health treatment in another country?

Senator J.L. Perchard:

I am not aware of the specific directive but there is little doubt that what I have just said with regard to the reciprocal Health Agreement, the U.K. are extending this policy of withdrawing from a reciprocal Health Agreement not only with Jersey.

4.6.3 Deputy R.G. Le Hérissier:

Would the Minister acknowledge that, having read the file, it seems very odd that we are going out totally on a limb when Guernsey and the Isle of Man have, so to speak, accepted the agreement? Why was there not a more active stance taken at a time when it might have been possible to influence the turn of events?

Senator J.L. Perchard:

The details of the agreement with the U.K. vary from Guernsey, Jersey and the Isle of Man. Jersey had a very beneficial health agreement with the U.K. and Guernsey's was not quite the same. Guernsey have effectively agreed to accept the proposal put forward by the U.K. and are now advising its residents to ensure that they have insurance. I have taken a more robust stance in attempting to at least delay the decision. We will be making a decision later this week - after the receipt of this imminent letter - as to which way we will go, but it may well be that we will have to concede, as Guernsey has done, I think, prematurely.

4.6.4 Deputy A.E. Jeune of St. Brelade:

Would the Minister be kind enough to give an assurance that he will let the people of Jersey know, before the cessation date, what cover they need to take in order to ensure they are not in difficulty when travelling to the United Kingdom?

Senator J.L. Perchard:

Not only will I give that assurance, but we have done, in anticipation of the possible fact that the U.K. will not allow us an extension, a lot of work in this respect and we are ready, effectively, to push the button in order to raise public awareness, and not only public awareness but to direct the public as to where they can go for health insurance. My department and I have been involved in discussions with insurance companies so that they are aware as to the type of cover that is required. But there is absolutely - and it is absolutely right - a need to raise public awareness as to what is covered and what is not.

The Deputy Bailiff:

All right, you have answered the question. Deputy Le Claire, the final question.

4.6.5 Deputy P.V.F. Le Claire:

The latter part of my question was to emphasise the ability for us to reach over to a much closer mainland and access their far greater and far more effective healthcare system, recognised in the World Health Organisation as having one of the best cancer treatment facilities in the world. If the Minister has not had an opportunity as yet to meet face to face to talk with the French Health Minister to look at options for other issues in relation to what we might be faced with once this reciprocal health agreement goes, if he is prepared to go to do that, is he prepared and is he also

mind to set a taskforce upon this issue, which has been languishing in the background for nearly a decade now at Health and Social Services, and report back to the States with the findings?

Senator J.L. Perchard:

With respect to the questioner, we are talking about a reciprocal Health Agreement with the U.K. so it is pointless having an agreement with France when somebody is travelling and becomes ill in the U.K. or if we are sending a patient away or a student is studying in the U.K. The agreement with the U.K. is relevant to the U.K. of course. We have an agreement with France but if the questioner is suggesting that we use the French healthcare system to treat patients that we send away, it is something that we could well look at, yes.

4.7 Deputy F.J. Hill of St. Martin of the Chief Minister regarding the attraction of a Chairman and Panel members to review the role of the Bailiff and the Law Officers:

Will the Chief Minister inform Members on the methodology he intends to attract a potential Chairman and Panel members to review the role of the Bailiff and the Law Officers, as approved by the States on 4th February 2009?

Senator T.A. Le Sueur (The Chief Minister):

The methodology takes the form of a 3-stage process and firstly the Council of Ministers has to establish the funding available. The Council has already made it clear that it would be premature to submit to the States for approval the terms of reference and the name of the Chairman and the members of the Panel until suitable funding has been identified. Then, secondly, we will confirm the terms of reference, which will determine the particular task of the Panel and discuss them with the Privileges and Procedures Committee prior to bringing them to the States for approval. Then, when those terms of reference have been agreed with the P.P.C. (Privileges and Procedures Committee), we can prepare the individual role specifications, invite interested parties and select the most appropriate individuals. We anticipate that that process will be overseen by the Appointments Commission.

4.7.1 The Deputy of St. Martin:

Yes, it is as I feared, I do not think we are going to get everything back by 31st March. Could I seek that assurance from the Minister that the Panel and terms of reference will be back as per the States approval and we will know who the Chairman and the Panel are and the terms of reference by 31st March?

Senator T.A. Le Sueur:

I thought I made it clear in my earlier answer that, first of all, we have to identify and agree, as a House, the terms of reference. Prior to agreeing those terms of reference, it would be premature to identify the Chairman or the Panel members, but I am confident that the timescale for delivering the terms of reference and the funding can be achieved by 31st March.

The Deputy of St. Martin:

Can I thank the Chief Minister and I will be watching this space.

The Deputy Bailiff:

Now, Deputy Tadier is malade so question 8 will fall away. Question 9, which Deputy Green will ask of the Minister for Economic Development.

4.8 Deputy A.K.F. Green of the Minister for Economic Development regarding potato leachate discharged from Beauport:

Will the Minister inform Members whether potato leachate is still being discharged from Beauport and, if so, would he advise us of the current annual costs, the total costs of the recovery for the process to date and when leachate likely will cease to be discharged?

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

Could I ask my Assistant Minister, the Constable of St. Clement, to answer the question? He has been delegated responsibility for agriculture.

Connétable L. Norman of St. Clement (Assistant Minister for Economic Development):

The leachate continues to discharge from Beauport and will continue to do so for many, many, many years to come. The cost of disposal is currently between £300 and £400 a year because nowadays the leachate is pumped directly to the foul sewer. Between 1992 and 2008 this vodka concentrate was tankered away from Beauport for disposal at a cost of approximately £20,000 a year.

The Deputy Bailiff:

Are there any supplementary questions?

4.8.1 Deputy A.K.F. Green:

Yes, please, Sir. £400 a year current cost, did he say?

The Connétable of St. Clement:

Between £300 and £400 a year, currently, Sir.

Deputy A.K.F. Green:

How does that equate to the 2 tanker deliveries picking up 7 days a week, 365 days a year, including Christmas Day; 2 tanker pick-ups every day must come to more than £400 a year?

The Connétable of St. Clement:

Yes, as I said, between 1992 and 2008 the leachate was tankered from Beauport away for disposal, and that cost us £20,000 a year.

4.8.2 Deputy A.K.F. Green:

I am told that the tankers are still visiting twice a day at the present time. Perhaps I could ask the Minister to look into this for me to see if I am mistaken. But furthermore, since asking the question, or should I say since the question became public, I have been contacted by a member of the public there who claims that her life is being completely ruined by the smells coming from the leachate up her drains and into her property. Perhaps the Minister would give an undertaking to investigate that at the same time?

The Connétable of St. Clement:

To the best of my knowledge, the information I have is that the leachate is now pumped directly into the foul sewer and tankering is not necessary for that purpose. There may be tankers visiting there for other purposes; I do not know. Certainly, until fairly recent times the odour was unacceptable, which is one of the reasons it was tankered rather than pumped into the foul sewers. But the odour has now reduced considerably and is considered to be appropriate to be pumped through the sewers. But of course I will check with my colleagues at Transport and Technical Services to see if this is the case, and if there are any problems we will attempt to address them.

4.8.3 The Deputy of St. John:

Could we be told of the cost of connecting the foul sewer from the pumping station where the leachate is coming from, please?

The Connétable of St. Clement:

The cost of construction and engineering of the pumping station was £45,000, the equivalent of 2 years' cost of tankering leachate.

4.9 Deputy R.G. Le Hérissier of the Minister for Transport and Technical Services regarding the annual sum payable by Connex for the rental of Liberation Station:

What is the annual sum payable by Connex for the rental of Liberation Station?

The Connétable of St. Brelade (The Minister for Transport and Technical Services):

The current annual rental for Liberation Station is £50,000, which is payable by Transport and Technical Services to Property Holdings.

4.9.1 Deputy R.G. Le Hérissier:

Would the Minister confirm that that will be the rental for the foreseeable future, or does that amount to a special incentive rental? Would he also confirm that ultimately it is payable to Harcourt Developments?

The Connétable of St. Brelade:

The Deputy is right in that it is not for ever, regrettably. It was agreed at the very beginning of discussions with W.E.B. on the construction of the Transportation Centre, and W.E.B. have honoured this agreement. But at the end of the original Connex contract period, which will be September this year, the rental will be increased to £100,000 or market rental, whichever is the higher.

4.9.2 Deputy R.G. Le Hérissier:

Would the Minister agree, notwithstanding the excellence of Liberation Station, that the add-on costs such as re-siting of the staff canteen, need to run a minibus to the Albert Pier for off-site parking of buses, et cetera, plus this enormous jump in rental which we are now going to witness from £50,000 to £100,000, has totally undermined a lot of the rationale, and that much of the bus contract is going to monies which are little to do with running more buses?

The Connétable of St. Brelade:

I would agree with the Deputy on that.

4.9.3 Deputy R.G. Le Hérissier:

Could I ask the Minister what action is he going to take to address that problem?

The Connétable of St. Brelade:

I think at the outset of the new contracts we ought to have serious discussions with W.E.B.

4.10 Deputy S. Pitman of St. Helier of the Minister for Housing regarding the amount of former States-owned properties sold since the implementation of the Housing Property Plan:

Would the Minister inform Members how many former States-owned properties have been sold to States tenants since the implementation of the Housing Property Plan and how many have been sold to non-States tenants?

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

To date, 96 States rental properties have been sold to States tenants, as specified in the Property Plan. Excluding new developments - Le Squez and Le Marais - all but one of these properties were sold to sitting tenants. To date, 7 non-core States rental properties have been sold on the open market to non-States tenants as specified in the Property Plan.

4.10.1 Deputy G.P. Southern:

The Minister referred to the exceptions of Le Squez and Le Marais. Would he indicate what figures were sold there, or are intended to be sold there?

Senator T.J. Le Main:

I have not got those figures with me at the moment. In fact, Phase 2 at Le Marais is not completed yet, and no sales have taken place.

4.10.2 Deputy S. Pitman:

I have 3 families living in 2-bedroomed flats in my constituency while States property is being sold off. Could the Minister comment on that, please?

Senator T.J. Le Main:

There is a backlog of accommodation for particularly one-bed accommodation for elderly people, particularly with disabilities, and we have a backlog and a log jam at the moment within our stock. Once we can get some of these one-bedroom apartments and one-bedroom accommodation to move some of these people, then it will release some of the 3-beds that are currently being occupied by people that families have left.

4.10.3 Deputy C.F. Labey of Grouville:

Could the Minister confirm that there are 65 self-catering units above the transport station that he designated for the tourist industry?

Senator T.J. Le Main:

I think the Deputy is talking about the Apart Hotel, and I understand there is an Apart Hotel with some 60 apartments. Yes, I understand that is the case. Nothing to do with Housing at all. The Deputy is pulling faces. Housing had no control over the permission granted for that development of the Apart Hotel.

4.10.4 Deputy R.G. Le Hérissier:

Would the Minister explain why, when the sell-off plan was announced, a major part of its rationale was to generate maintenance funds for housing? He has since recently announced a massive renovation programme. Why have we now got 2 programmes, one maintenance from the sell-off, and another refurbishment programme?

Senator T.J. Le Main:

No. The total sales attained up to now in the Property Plan are approximately £26.5 million, and that is going into ongoing work in refurbishment, maintenance and what have you. But we are in discussion with the Minister for Treasury and Resources and rather hopeful that a stimulus package of extra funding will be available so we can put some work back into the economy, and there is still a lot of work to do, and that is what we are hoping to do.

4.10.5 Deputy S. Pitman:

As the Senator has outlined in his answer to a written question by myself, there are 157 tenants on the waiting list, waiting for 2, 3 and 4-bedroom houses. Why, then, is the department selling-off property when there are families waiting for appropriate accommodation?

Senator T.J. Le Main:

The issue is quite clear. We have got a very, very low waiting list at the moment for family homes, 43 at the moment: 43 families that need 3-bed and 4-bed homes. The issue is that we are selling homes in the Property Plan to sitting existing tenants, and it is the policy of this Assembly to create home ownership. As the Island Plan develops, if we feel the need arises for further homes for social rented housing, then there is an opportunity to create more homes there. Also, one large Housing Trust is building considerable reserves; we met with them last week and there is going to be a further opportunity for the Trust themselves, without any letting of comfort, to provide more accommodation for rental if it is required.

Deputy S. Pitman:

May I have another supplementary?

The Deputy Bailiff:

I had indicated that was your final one, but anyway, yes. Do you want to ask another one, one final one?

4.10.6 Deputy S. Pitman:

The Senator has just said that Housing Trusts are building social housing while the States are selling-off property which is needed by States tenants. It does not make sense.

Senator T.J. Le Main:

That is absolutely erroneous. It is not right. What we are doing, we are giving an opportunity for a tenant who has been living in their own home for many years to have the ability to be a homeowner. We are not taking the home away from anyone else. At the moment the demand for 3 and 4-bedroom homes is very, very low. There are 43 currently on the waiting list, and many of those can be accounted for within the movement which will occur as soon as we can move people out of some of the homes that are over-occupied.

The Deputy Bailiff:

Very well. Question 12 falls away in Deputy Tadier's absence. We come to the next question that Senator Syvret will ask of the Minister for Economic Development.

4.11 Senator S. Syvret of the Minister for Economic Development regarding the employment of non-‘(j)’ category staff employed in his Department:

Will the Minister state whether all non (j) category staff employed in his department in any period from January 2008 until the present are, or were, qualified to undertake such work under the 5-year rule?

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

The department employed non-locals in temporary positions to provide the Beach Lifeguard Service for the 2008 summer season.

4.11.1 Senator S. Syvret:

Is the Minister informing the Assembly that no junior clerk was employed within his department itself who did not qualify under the 5-year rule?

Senator A.J.H. Maclean:

I am advised that that is the case.

4.11.2 Senator S. Syvret:

Is he really, really sure?

Senator A.J.H. Maclean:

I have been really, really advised, and I trust that advice. [Laughter]

Senator S. Syvret:

I thank the Minister for his answers and I will provide him with the name later.

The Deputy Bailiff:

Very well, we move to question 14, which the Connétable of St. Helier will ask of the Chief Minister.

4.12 The Connétable of St. Helier of the Chief Minister regarding the completion off the Millennium Town Park project by 2011:

Does the Chief Minister intend to honour his predecessor's pledge that the Millennium Town Park project should be completed by 2011, and, if so, will he undertake to work closely with the Ministers of Planning and Environment and Transport and Technical Services to identify and provide replacement parking for that which will be lost at Gas Place?

Senator T.A. Le Sueur (The Chief Minister):

I would very much like to honour my predecessor's pledge, but that will be subject to the decisions of this Assembly. The Council of Ministers commissioned a programme of work which would have provided the Town Park by 2011. The first phase of that work was the relocation of Ann Court and the subsequent car park development on that site to make the land available for the Town Park. The proposition from Deputy Martin not to provide a car park on Ann Court has led to the Planning and Environment Minister undertaking a master planning exercise for the whole of that area of town. This will inevitably slightly delay the project. Any subsequent States decision could have an effect on both the timescales and the ability to replace the parking and therefore deliver a Town Park of the size and scale previously committed. When the master plan is complete and the States Assembly has made a decision including relevant parking, I will ensure that Ministers do work closely to deliver it as soon as possible.

4.12.1 The Connétable of St. Helier:

Would the Chief Minister tell us how important he feels it is that the Island is provided with a sustainable transport policy to enable us to fully address the parking needs as part of this project?

Senator T.A. Le Sueur:

We have a transport policy. We need to review it and update it, and it is a vital component of this, as is the town master plan.

4.12.2 Deputy J.A. Martin:

I am saddened to hear the Chief Minister say that a proposition brought by me could possibly delay the Town Park. Would the Chief Minister not say it is due to his Council of Ministers and the previous Council of Ministers that have missed this whole area of town [Approbation], and there

should have been a master plan done months, if not years, ago and we would not be in this position? [Approbation]

Senator T.A. Le Sueur:

When the States agreed to deliver a Town Park on the gasworks site, one of their requirements was to relocate the parking, and the decision was made as part of that plan and part of the costing of that plan to move the car park into Ann Court.

4.12.3 The Connétable of St. Helier:

The Chief Minister will be aware that for many years the Transport and Technical Services Department had earmarked £15 million as part of the project, and yet we now hear that this figure has been substantially reduced. Can the Chief Minister comment on the funding problems that seem to be affecting the project? Would he also agree with me that the income from the private parking on the Telman site nearest to Bath Street should be applied to the Millennium Fund and should not be put into general States reserves?

Senator T.A. Le Sueur:

The reason that the funding for the car parking has been tried to be reduced is that that would have led to an increase in the hourly car parking rate which was felt, particularly in this economic time, to be to the detriment of the people of St. Helier, particularly those who are needing to park in that area. So, it is a question of balancing the costs for delivering that Town Park against the increased parking charges. It is not a question that T.T.S. or anyone else is running out of money. It is a question of delivering the best service to the public. As to the income from the gasworks land, that income is extant in relation to a private company. It does not form part of the funding stream.

4.12.4 The Connétable of St. Helier:

The Minister will be aware that the private land is owned by the States and, therefore, that income should come to the States. It does seem to me that the Minister did not quite answer my question about the parking, the transport strategy. Will the Minister undertake to work closely with his Council of Ministers, and particularly the Minister for Transport and Technical Services, to come up with an updated transport policy that was promised to the States for the last 3 years and was never delivered?

Senator T.A. Le Sueur:

I am quite prepared to work with the Minister for Transport and Technical Services, and I do agree that the transport strategy needs to be debated by the States and I am sure it will be before too long.

4.12.5 Senator B.E. Shenton:

Has the Chief Minister considered appointing Hopkins Architects to look at this part of St. Helier in order to get a speedier and more favourable response from the Minister for Planning and Environment?

Senator T.A. Le Sueur:

It would be for the Minister for Planning and Environment to decide who is appointed to carry out the master planning work, and I have every confidence that that Minister will choose the most suitable people to do it in the most appropriate time scale.

The Deputy Bailiff:

We move next to a question that the Deputy of St. Mary will ask, but the Deputy of St. Mary is en défaut, so that will fall away. We then come to question 16, which Deputy Pitman will ask of the Minister for Treasury and Resources.

4.13 Deputy T.M. Pitman of St. Helier of the Minister for Treasury and Resources regarding the proposed deemed rental charge:

In the light of his Assistant Minister's statement that he is lobbying against the proposed deemed rental charge, what is the Minister's position on this? How does he propose to ensure a level playing field for locally-owned businesses and will he give a guarantee that it will not be ordinary working people who end up being taxed to make up the £5 million shortfall?

Senator P.F.C Ozouf (The Minister for Treasury and Resources):

I am still considering the arguments for and against the deemed rental charge. On the one side there are arguments that non-finance, non-Jersey-owned businesses trading in Jersey no longer pay tax to Jersey under the Zero/Ten corporate tax system. On the other side - and this is where my Assistant Minister, and I agree with him, has concerns with the deemed distribution charge - it will mean that non-Jersey non-finance companies pay Jersey tax in addition to their U.K. tax. I am alert to the arguments that many of these concerns or undertakings could be termed as price setters, and there is a risk of the unintended consequence that their costs would go up and prices would rise. There are also real issues about the disincentive issue of investment potentially in Jersey. Let us be clear. There are strong arguments on either side of this argument. I will make a final decision when I have heard from the Scrutiny Panel.

4.13.1 Deputy G.P. Southern:

Will the Minister not recognise that H.M. Treasury in the U.K. will, in all probability, take one look at this deemed rental charge and state clearly that it is unacceptable tax avoidance as far as it is concerned, because that is the reality that the deemed rental charge will not work at all.

Senator P.F.C Ozouf:

I am examining those issues and I am not sure that I can agree with the interpretation or the view of H.M. Treasury.

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

I am surprised by the Senator's comments regarding some of the firms who are operating in the Island. In the retail field, for example, there are firms that are basically ripping-off the Jersey consumer by charging U.K. V.A.T. (Value Added Tax) in addition to G.S.T. (Goods and Services Tax). What is he going to do about that if he is not going to bring this measure in?

Senator P.F.C Ozouf:

I would remind the Deputy before he came into the Assembly of the important issue that I as Minister for Economic Development put through, which was to ensure that there was inclusive pricing on prices. I share the Deputy's concern but there is very little we can do about it apart from use the Consumer Voice and bring the public's attention to the reality of it, but this has meant that with the imposition of G.S.T. in Jersey most of those businesses and companies do charge inclusive V.A.T. prices. At least with the inclusive pricing regime, that 3 per cent is now going to the Jersey Treasury.

4.13.3 Senator S. Syvret:

It is plain that here we are in the year 2009, and the Minister and his Assistant Minister still do not understand nor fully grasp all of the issues to do with such proposals as deemed rental or land value tax. Does he not now see the folly of him and other Members of the Assembly in fact voting against a comprehensive public analysis of all of these options which I put to the Assembly in 2004?

Senator P.F.C Ozouf:

Senator Syvret attempts on numerous occasions in this Assembly - and I am seeing this also with the incinerator debate - to reinvent history. This Assembly considered at considerable length, in considerable detail, the arrangements for Zero/Ten, et cetera, and I am afraid to say that I am not going to allow him to get away with the suggestion that this Assembly did not consider the full advice of all the issues concerning Zero/Ten and the arrangements. I would say to him that we are facing incredibly difficult economic times. However, the Jersey economy and the Jersey exchequer is in an incredibly strong position because of the decisions we have taken under Zero/Ten and all the other economically informed decisions that this Assembly has made.

4.13.4 Senator S. Syvret:

The fact remains a vast range of options were available for discussion in the proposition I put before the Assembly in 2004. If they had, as the Minister asserts, all been examined, where are they? Where is the detailed public analysis of land value tax? The fact is there was a huge raft of potential issues there that he and other Members of the Assembly voted against even examining.

Senator P.F.C Ozouf:

This is nonsense. Regarding the arguments for Zero/Ten, I am sure that the papers that this Assembly and Scrutiny Panel considered would go from the bottom of your chair to the top of the railing. There were extensive investigations with alternatives, and Zero/Ten and the arrangements of tax that this Assembly approved remain to be the right forms of tax and the right revenue-raising areas for Jersey. He calls into mind land value tax and capital gains tax, a long repetitive refrain of his. I am afraid to say that the reality is that those taxes would not raise even nearly enough money in order to deal with the black hole that emerges as a result of Zero/Ten.

4.13.5 Senator S. Syvret:

Will the Senator then undertake to publish the detailed studies of those particular options?

Senator P.F.C Ozouf:

They are in the public domain.

4.13.6 Senator S. Syvret:

Where? Could the Senator name them, please? He cannot, because they do not exist.

4.13.7 Deputy R.G. Le Hérissier:

Would the Senator confirm that he and his Assistant are having considerable difficulties with deemed rental? What other alternatives do they have available in order to bring a level playing field back to the situation for local businesses?

Senator P.F.C Ozouf:

I am concerned about the unintended consequences of deemed rental, and I am afraid it is too early for me to conclude. I want to hear from the Corporate Affairs Scrutiny Panel on their views. I value their views. It was the previous panel that alerted us to the potential issues and asked to call it in. If they opine on the issue of deemed rental that it is not possible because of the unintended consequences, we are going to have to look at alternatives, but we are not quite there yet.

4.13.8 Deputy G.P. Southern:

Will the Minister for Treasury and Resources not accept that the consultation process run by his predecessor was merely an exercise in opinion management, and that Zero/Ten was and remains seriously flawed and hence this desperate scramble that he is going through to find other ways of raising tax revenue?

Senator P.F.C Ozouf:

I refute again such suggestions. Zero/Ten was discussed at length. It is also the arrangement that has been put in the Isle of Man and Guernsey, and there is no scrabbling around to find alternative revenue streams. But the world is in crisis. Tax revenues on authorities and nations around the world are plunging. However, we are in a fortunate position, having made thoughtful, foresighted decisions about our tax raising situation; we have the Stabilisation Fund which will take us through very choppy waters that other nations are having to deal with by borrowing and all the rest of it. No, we are in a much better position than most other places because of the foresight of my predecessor.

4.13.9 Deputy G.P. Southern:

Why, then, is the Minister still scrabbling around looking at deemed rental 18 months after it was first proposed?

Senator P.F.C Ozouf:

As far as deemed rental is concerned, the reality is that there is an issue about non-Jersey, non-finance companies, and we are attempting to find a realistic and implementable mechanism in order to deal with that perceived and very real unfairness. We continue to work and we strive to find a solution to that issue.

4.13.10 Deputy G.P. Southern:

Is that not the case that Zero/Ten is fundamentally flawed?

Senator P.F.C Ozouf:

Of course not, Sir.

The Deputy Bailiff:

Deputy Pitman, do you wish to ask a final supplementary or not?

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

I would just like to know if his Chief Minister has full confidence in the Minister's ability to find such a solution, because they seem to be of widely differing opinions.

Senator P.F.C Ozouf:

The Chief Minister and myself are at one in wanting to find a solution on these non-finance, non-Jersey entities, and we will continue to work in order to try and find a solution that works. What I do not want to do is bring forward a proposal that has flaws in it: unintended consequences it is easy to avoid. Those are the real risks that members of the Scrutiny Panel have with the proposal that is before us. That is why Scrutiny is adding value and looking at these issues for us.

The Deputy Bailiff:

Very well. We will come next then to Question 17, but the Deputy of St. Mary is en défaut, so that falls away. We then come to question 18, which the Deputy of St. Martin will ask of the Chairman of the Privileges and Procedures Committee.

4.14 The Deputy of St. Martin of the Chairman of the Privileges and Procedures Committee regarding Article 39A of the Public Elections (Jersey) Law 2002:

Will the Chairman inform Members which, if any, Convention rights are potentially affected by Article 39A of the Public Elections (Jersey) Law 2002 and the reasoning behind the statement of her predecessor in P.65/2008 that the provisions of that Law are compatible with Convention rights?

Connétable J. Gallichan of St. Mary (Chairman of the Privileges and Procedures Committee):

While I am surely not in a position to comment on the reasoning of a previous Chairman of the P.P.C., before my predecessor signed the statement of compatibility advice was received from the Law Officers Department that enabled him to be satisfied that the projet was compatible with Convention rights, and that he could therefore sign the statement that appeared in the projet. As Members know, it is usual practice not to disclose the content of legal advice received, and so it would not, therefore, be appropriate for me to do so in this case. I am not aware that any of the Convention rights are potentially affected by this Article, but would remind the questioner that Deputy Southern has lodged a proposition which seeks to repeal the Article in question, and this will be considered in due course by the new P.P.C. which will, I feel sure, seek appropriate advice before commenting on that proposition.

4.14.1 Deputy G.P. Southern:

Does the Chairman not accept that Article 39A is open to challenge as being a disproportionate restriction on Article 3 of the First Protocol of the Human Rights (Jersey) Law 2000? Further, that it clearly goes against the U.N. (United Nations) Agreement on Disability Rights Article 29 on participation in political and public life which states that States parties shall guarantee to persons with disabilities their political rights and the opportunity to enjoy them on an equal basis with others; and by artificially restricting access to postal voting, does not Article 39A restrict and go against that U.N. convention?

The Connétable of St. Mary:

As I said, and it is well known I am not a lawyer, perhaps the Deputy could get a more satisfactory answer if he directed it elsewhere. However, I would say my understanding is that Article 39A does not prevent any person with disability or otherwise from participating in elections.

4.14.2 Deputy G.P. Southern:

Does she accept that access to a postal ballot form is made extremely difficult by Article 39A for those who are housebound or those with a reading disability or those with English as a second language? That is the case, is it not, and is this not unfair and open to challenge under Article 3 of our own Human Rights Law?

Senator T.J. Le Main:

Do you know, I find that quite strange.

The Deputy Bailiff:

Senator, I am sorry. At the moment there is a question posed to the Assembly.

The Connétable of St. Mary:

Can I just have some guidance from the Attorney General? Is it permitted for me to address this question? I understand that the Deputy is the subject of a law case at the moment.

Senator T.J. Le Main:

Absolutely. Absolutely.

The Connétable of St. Mary:

Does this, in fact, raise any questions that I ...?

Senator T.J. Le Main:

Absolutely. It has got something to do with it. Pleaded guilty to electoral fraud.

Deputy G.P. Southern:

Take it out of the House, please, Minister. Take it out of the House and repeat it.

The Deputy Bailiff:

One moment. Now, one moment. Can I ask both Members to restrain themselves? There is a question asked of the Chairman on whether she thinks it is Human Rights compliant. This is for the Chairman to answer as she thinks best. Chairman, it is over to you.

The Connétable of St. Mary:

One thing I am quite happy to say is that I do not believe that there are not mechanisms in place where any person in this Island who wishes to receive help with a postal voting application form can do so by legitimate and authorised personnel. Article 39A makes a specific restriction simply on candidates and their representatives, and it does not restrict any other person from giving assistance.

The Deputy Bailiff:

Very well.

Senator S. Syvret:

On a point of order, Senator Le Main was allowed to interject and accuse Deputy Southern of committing electoral fraud. That is not an accurate assessment of the situation. **[Approbation]** It is a false accusation made against a Member, and I have no doubt whatsoever that if I said anything of that nature I would be demanded to withdraw.

Senator T.J. Le Main:

Is it not right that the Deputy has pleaded guilty to electoral fraud?

The Deputy Bailiff:

No, Senator, he has not. We are not going to discuss the case today. One moment, please. This is a matter which is before the courts, but it is a matter of public record that it is not electoral fraud. It is a breach of the ... **[Approbation]** So, I did reprimand Senator Le Main for it but, Senator, I must ask you formally to withdraw the allegation of electoral fraud.

Senator T.J. Le Main:

I withdraw it, Sir.

The Deputy Bailiff:

Very well.

The Deputy Bailiff:

Any other questions on Question 18?

4.14.3 The Deputy of St. Martin:

The Chairman will know, will she not, as a member of the Scrutiny Panel with me on Social Affairs, that it was possible to get a proper audit of an article or particular law? Would the Chairman consider carrying out an independent audit on this particular Article and, in fact, the Law? That way we will ensure all States Members will know that an independent and public audit

will show us whether in actual fact it is lawful or unlawful at present. Will the Chairman give us that assurance?

The Connétable of St. Mary:

My understanding is that the compatibility of convention rights is something which is ultimately decided in the courts. I have quite clearly stated the position regarding to the declaration that was made of compatibility when the Law was presented. I have also said there is a potential that this might be revisited, because there is certainly a proposition which is lodged by Deputy Southern. I would imagine - but I cannot speak for Deputy Southern, of course - that he will have something to say on the matter. At this stage I will say no more than that.

4.14.4 Deputy T.M. Pitman:

Could the Chairman of P.P.C. just clarify to me, when Article 39A was constructed was that done in the best McCarthyist intentions just to pursue certain individuals such as the J.D.A. (Jersey Democratic Alliance)? I ask this only because I hold in my hand a charge sheet relating to a non-J.D.A. candidate in St. Helier No. 2, who strangely is not being pursued, while J.D.A. members are being dragged to the Royal Court for helping elderly people fill out an application form. That is an absolute disgrace. Transcripts we have in our possession reveal there is another individual with a beard, name beginning with R, I will not name him, who is also alleged to have done the same things, and I salute both of those people.

The Deputy Bailiff:

How is this a question of the Connétable of St. Mary?

Deputy T.M. Pitman:

The question is, is it just to persecute the J.D.A.? Is it dependent on somebody's political prejudice?

The Deputy Bailiff:

The Chairman has no responsibility for prosecutions. Very well.

Senator S. Syvret:

Perhaps, then, the Attorney General?

Deputy T.M. Pitman:

Yes, indeed. That would be helpful.

The Deputy Bailiff:

This is a written question to the Chairman of the Privileges and Procedures Committee. Questions about prosecutions are not for the Chairman of the Privileges and Procedures Committee.

Deputy T.M. Pitman:

What about the construction and McCarthyist intent, Sir? I am sure the Chairman could answer that.

The Connétable of St. Mary:

I am quite happy to answer that. I have made it quite clear when these particular amendments to the Public Elections Law were put forward that this was in order to ensure that all aspects of the ballot were seen to be above suspicion of any interference; and specifically I think, if the Member will look through the Hansard record of that debate, it was said that no suggestion was made that any impropriety had taken place in the past, no particular Members were singled out, no districts were singled out, and it was a general and, I still believe, an important amendment, and I stand by that. Certainly, there is absolutely no aim from this Member to single out any other Member of the States in any way. I have made it quite clear when I stood for the position of Chairman of P.P.C. that I believe that all things apply equally to all Members.

4.14.5 Deputy S. Pitman:

Is the Constable saying that there is no evidence to support this amendment, because it sounds like it?

The Connétable of St. Mary:

No. I am not saying that. I suggest that the Deputy revisits the transcript.

4.14.6 Deputy G.P. Southern:

Would the Chairman accept that in fact Article 39A is completely misdirected at the wrong element of the voting process, in that it seeks to prevent electoral fraud on a postal vote, but addresses the application form only, and that is misdirected? Does she not accept that her good intentions have been misdirected?

The Connétable of St. Mary:

No, I do not believe they have. The application for a postal vote is the first part of a process that ultimately leads, one would hope, to the casting of a postal ballot. All elements, I believe, of the election process must be safeguarded. Every member of the public must be able to be confident that every vote is equally valuable and equally sacrosanct.

4.15 The Deputy of Grouville of the Minister for Transport and Technical Services regarding the basis on which the figure of over 250 households per year from 2008 to 2035 was used within the waste arisings model to justify the size of the new incinerator:

Given that the figure of over 250 households per year from 2008 to 2035 was built into the waste arisings model developed by the Transport and Technical Services Department and used to justify the size of the new incinerator, would the Minister advise what States decision, if any, was used as the basis for this net inward migration figure of over 250 heads of households over this time period?

The Connétable of St. Brelade (The Minister for Transport and Technical Services:

The Imagine Jersey 2035 process provided figures for net inward migration over a range of scenarios that were used to identify possible population numbers up to 2035. While these population scenarios have not led to any States decision, a base line number had to be used in the waste horizons model to determine the capacity of new Energy from Waste plant. The decision by the previous Minister for Transport and Technical Services to base the revised waste arising model on an increase of 250 heads of households per year, among other factors, was predicated upon the best information available to the States Statistics Unit at the time, and the recommendation was made. In addition, the Housing Needs Survey issued in April 2008 was also used as an indicator for the number of households required by 2035 to meet potential population demands.

4.15.1 The Deputy of Grouville:

Would the Minister say that the Imagine Jersey 2035 event that was attended by just over 100 people was representative of Islanders' views?

The Connétable of St. Brelade:

Yes, I think it was, and I did allude to the fact that the figure of 250 heads of households was one of the factors considered. Clearly, the scenarios used in the Imagine Jersey 2035 event ranged from an increase of 125 through to an increase of 650. In the light of the present economic circumstances, clearly we have reviewed this and considered nil growth, and even a 10 per cent reduction in population. The difference is not sufficiently significant for us to change policy regarding the size of the new incinerator in that any possible cost saving achieved by reducing the size of the plant just simply does not represent good value for money when you look at the whole picture.

4.15.2 Senator S. Syvret:

The Minister suggested that he did believe that the result of the Imagine Jersey 2035 exercise reflected public accurately. Could he explain how that is so, given such compounding factors as self-selecting samples and, in fact, that the methodology used in that exercise is well documented, well written about and it is a textbook example of what is known as a manufacturing consent exercise?

The Connétable of St. Brelade:

There is absolutely no advantage to the Transport and Technical Services Department to build a plant of a size greater than it needs and at a greater cost. I would also remind the Deputy that I mentioned the Household Needs Survey issued April 2008 was a contributing factor to the decision making process.

The Deputy Bailiff:

Can I ask you to keep your voice up? Certainly I have a little difficulty in hearing it. You tend to drop your voice. So, if you could keep it up.

4.15.3 Deputy G.P. Southern:

Does the Minister not accept that to come forward with definitive policy based on figures which have not yet been accepted by the House for population growth is in fact in error?

The Connétable of St. Brelade:

No. As I indicated earlier on, the department used the best available information at the time, and I am quite confident that that was sound and good information.

4.15.4 Deputy G.P. Southern:

Will the Minister be pressing his fellow Ministers on the Council of Ministers for a full-scale debate on population policy before we proceed any further down this headlong track to 100,000 population figure?

The Connétable of St. Brelade:

That is for the Chief Minister to decide.

4.15.5 Deputy J.A. Martin:

My original question was something along the lines of who does decide. Obviously it is now the T.T.S. Minister who decides what the population will be. But there were many flaws in Imagine Jersey 2035, and the one for St. Helier, Deputy, was that all the housing had to be put in St. Helier. So, I hope the Minister for Planning and Environment and the Council of Ministers will take this on board, because it is not feasible, it is not possible. I again urge that we have a population debate, because if we do not meet this population that the T.T.S. forecasts, we will have already a massive incinerator that will be too big for the population. I always thought it was States Members who were elected to have a debate and make these big decisions, not the Minister, and a very newly appointed Minister for T.T.S.

The Deputy Bailiff:

Sorry. What was the question, Deputy? I am not sure I got it.

Deputy J.A. Martin:

Would he agree, basically? The whole thing is a total farce, and there is subjective material, selected material to suit themselves, never discussed in this House, and does not look like it ever will.

The Connétable of St. Brelade:

I am not absolutely sure what the Deputy was asking. I think it was more of a statement.

The Deputy Bailiff:

Do you agree with that?

The Connétable of St. Brelade:

No.

4.15.6 The Deputy of Grouville:

I too had trouble hearing the Constable's response to my original question. Could he just confirm that the document, and the only document, that has been used to increase our population by 11,000

over the next decade - the only document to support that - was the Imagine Jersey 2035 questionnaire?

The Connétable of St. Brelade:

No. The Housing Needs Survey issued in April 2008 was also used in the calculations.

4.16 Senator S. Syvret of H.M. Attorney General regarding the appeal mechanisms available to victims of crimes should a decision be made not to prosecute their cases:

Could the Attorney General state what appeal mechanism lays open to victims of crimes should he decide not to prosecute apparent offences? Could he identify the specific legislation which describes and confers upon him the powers to prosecute? Could he confirm that the process of mounting private prosecutions in Jersey is the same as that which prevails in the United Kingdom and, if not the same, could he explain why?

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

The law is not settled as to whether judicial review of the Attorney's decision to prosecute or not to prosecute is possible. The Attorney prosecutes on behalf of the Crown as an exercise of the Royal Prerogative. There is legislative recognition of this in the *Loi (1864) réglant le procédure criminelle*. Private prosecutions cannot take place in Jersey, unlike in England. This is because our law is different. The Attorney's sole jurisdiction to prosecute is not, I think, a matter which comes up regularly, because the position is well known, particularly among lawyers. But it is confirmed by an Order in Council of 23rd November 1749.

4.16.1 Senator S. Syvret:

Am I correct in saying that, in fact, the sole power to prosecute is described in the Code of 1771 and, additionally, that in effect in the absence of any case law in the subject - the question being tested as the Attorney General originally referred to - at the moment it is fair to say that there is no effective or established appeal mechanism against this decision?

The Attorney General:

There is certainly no appeal mechanism. The lawyers distinguish between appeals and judicial review, and in the first part of my answer I was talking about the issue of judicial review. I have not looked at the Code of 1771 recently, but certainly the case of *Devonshire Hotels v Attorney General* confirms the Attorney General's sole jurisdiction to prosecute.

Senator S. Syvret:

I thank the Attorney General for his answer.

4.16.2 Deputy G.P. Southern:

Is it not the case with almost any administrative decision, nowadays there has to be in place an effective appeal mechanism to allow the public to appeal against any particular decision? Is the Attorney General prepared to consider ways forward to introduce such an appeal system?

The Attorney General:

The question as to whether there should be an appeal system may be one which might be considered by the review into the roles of the Law Officers in the fullness of time. The question as to whether or not a decision of the Attorney to prosecute is traditionally reviewable may be one for the court in the fullness of time. I think it is not a matter for me to go any further than that at the moment.

4.16.3 The Deputy of St. Martin:

The Attorney General will recall that when the Human Rights Law passed, there was a gap of 6 years to ensure that an audit of all legislation was carried out, and a human rights audit was carried out on the legislation prior to the Law being appointed. I think it was the Appointed Day Act. Can the Attorney General inform the House whether, in fact, an audit of that particular Law was carried out prior to the Appointed Day Act?

The Attorney General:

I am not sure that I personally know the answer to that question, because it predates my appointment as Attorney General, but perhaps it would be unlikely that there was an audit specifically of the Human Rights (Jersey) Law because it was modelled very much on the Human Rights Act in the United Kingdom and is very, very similar to it.

4.16.4 The Deputy of St. Martin:

Could I ask the Attorney General, it would seem rather strange there is no appeal mechanism, but maybe an audit could be carried out on that particular Law to ensure that it is human rights compliant?

The Attorney General:

I am sorry, the Deputy of St. Martin is just simply confusing 2 completely separate issues. I thought he was asking me about the Human Rights Law, and now he is talking about an appeal against decisions to prosecute. Those things are quite different. I have nothing further to add to my previous answers.

2.16.5 Senator S. Syvret:

Can the Attorney General give me some constructive guidance, because I was hoping to mount a private prosecution against myself?

The Attorney General:

No.

The Deputy Bailiff:

Very well. That brings question time to an end.

5. Questions to Ministers Without Notice - The Minister for Home Affairs

5.1 Connétable G.F. Butcher of St. John:

Has the Minister ascertained why staff turnover within the States of Jersey Police is so high?

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

Well, that is an area I looked at. Unfortunately, the *J.E.P. (Jersey Evening Post)* misreported the figures I gave the Scrutiny Committee twice in the same week, and reported that 35 people had left in a period of one year, whereas it was 35 in a period of 2 years. Now, I have asked questions in relation to whether there is any evidence of people having left by reason of bullying, and the answer that has come back to me is that there is no clear evidence of that, although I have had one or 2 people approach me directly to complain that they left for that specific reason. The main reason why people appear to have left is obviously natural retirements, but also we have an economic climate in which people were being attracted into other jobs in the private sector, and there was a whole host of other reasons why people left.

5.2 Senator S.C. Ferguson:

The Minister may not be aware that his predecessor promised a review of the operation of the Rehabilitation of Offenders Law. Will the Minister be taking this up, and when can we expect it?

Senator B.I. Le Marquand:

I am not sure as to whether or not I was aware that that promise had been made. I think I answered a question on the day when I was chosen as Minister for Home Affairs on the Rehabilitation Law and explained that the problem lay in working it out in practice. It is a good law in theory, but unless there is somebody locally based who can go through the records and can deal with them effectively, and modify them effectively, then it does not work in practice. I have to say this is not a high priority in a very busy department which faces many demands at this moment.

5.2.1 Senator S.C. Ferguson:

Yes, but is the Minister aware that it is working to the detriment of a number of people who would like to get their lives back on the rails, but in fact are prevented by the stringencies of the Rehabilitation of Offenders Law of obtaining jobs in the Island because of the number of exemptions?

Senator B.I. Le Marquand:

I am sorry to hear that, and there is a possibility, I suppose, that we may be able to do something in relation to this area in conjunction with the Vetting and Firing Law, because certainly we are going to have to put in place in relation to vetting and firing procedures in this area; it may be that we can do something at the same time. I have major problems in terms of the staff levels at the States of Jersey Police at the moment, and any extra pressures on them at this time simply would not be possible.

5.3 Senator A. Breckon:

Is the Minister aware of a process of conducting exit interviews for staff leaving the service and, if so, does he believe there would be a benefit?

Senator B.I. Le Marquand:

Yes, I do, and in fact I am in favour of all police officers leaving the service having exit interviews. I had understood that was happening, although I have subsequently been contacted by one or 2 people with whom that did not happen. I believe it should happen.

5.4 Deputy T.M. Pitman:

Could the Minister please advise us as to his latest thinking on the likely time scales for the revised Sex Offenders (Jersey) Law to be brought forward?

Senator B.I. Le Marquand:

Yes. What happened was that at the last States meeting that I withdrew the existing draft law because I needed to consider it in more depth. I have now had the opportunity to meet with advisers and I am clearer in my own mind what I want to achieve, but there remain one or 2 areas in relation to which more work needs to be done. I am still hopeful of bringing it back to the States within the 3-month period from the last sitting which I had previously envisaged.

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

Prior to sitting in this Assembly, I was a greatly enthusiastic member of the Police Force in the preventive role especially, and one of the main frontline preventive roles was the police motorcyclists. Forgetting the reasons why they were dispensed with as a historic point of view, could I seek the Minister having discussions with the Acting Chief Officer to seek his views, because I believe that this should be reviewed, as it is a good preventive measure and a safety measure for the Island. Would he do so, please?

Senator B.I. Le Marquand:

Well, it is not a matter which I discuss with the Acting Police Officer, mainly for the reasons I have already indicated, that we are so under strength at the moment that it is very difficult to see how this could happen. My understanding is that the senior officers do not view this as a good use of resources at this time.

5.5.1 Deputy J.B. Fox:

The question I was asking, it is your understanding at the moment, but I would appreciate as I have some information to suggest that the current thinking might have changed. Thank you.

Senator B.I. Le Marquand:

I do not want to sound ungrateful to Deputy Fox and I will discuss this matter with the Acting Chief.

5.6 The Deputy of St. Martin:

Three weeks ago the Chief Minister gave an answer to the Constable of St. Martin regarding suspensions. Can I ask the Minister in respect of the Police Chief, it says: "Chief Officers are to ensure that all suspensions are formally reviewed one month from suspension date and no less frequently than one month thereafter." Can I have an assurance from the Minister that the Acting Chief Officer is looking at the suspension every month, and also could the Minister give us an update on his own inquiry into the current suspension of the Chief Officer?

Senator B.I. Le Marquand:

I think there are 2 questions there if I have understood correctly. First is in relation to suspensions of other officers and how regularly they are being reviewed. I do not know the answer to that question, but I can find out. The second question relates to matters concerning the ...

The Deputy Bailiff:

Yes. You can only, I think, in public give the out various patterns. There is no reason, I do not think, why you should not give a timescale or any other such bare information, but you must not ...

Senator B.I. Le Marquand:

I have commenced the review which I proposed, and I have made certain decisions in relation to that, but the matter currently stands adjourned because, as a result of the decisions I have made, I made further decisions and disclosures of information as necessary. I hope to continue very soon, within a fortnight or so.

5.7 Deputy J.A. Martin:

Could the Home Affairs Minister confirm or deny the truth in a headline in the *J.E.P.*? Is the Minister trying to bring a law to the States that will criminalise children if found in possession of alcohol up to the age of 16, 17, and obviously under 18?

Senator B.I. Le Marquand:

Well, this is a possibility which I consider. The difficulty when you talk to the press, as Members will know, is that sometimes they put the emphasis upon matters which are really a side issue. I was discussing in general terms options in terms of a policy for dealing with binge drinking and particularly with underage drinking. I certainly view it as a serious possibility of making it an offence for a young person under a certain age to be drinking alcohol in a public place while not accompanied by a parent or suitable adult. That is an option. But I am reviewing the situation; there are other options. Some people are talking about the possibility of changing the law so that people have to be 21 in order to buy alcohol from an off-licence. That would be part of the review of the Licensing Law. These are options. I hope that other matters of education and youth workers working together with youngsters and so on will be able to solve the problem in a different way without such draconian measures becoming necessary, but one has to be aware that those measures may not work, and therefore more draconian measures may be necessary.

5.8 The Deputy of St. Martin:

Could I just ask a helpful question to the Minister, and ask if he will confirm that there is in law - a Confiscation of Alcohol Law - which enables police officers to remove alcohol from young people if they so wish?

Senator B.I. Le Marquand:

Yes, there is indeed, and it also enables officers to require the youngsters to give their name. The difficulty with that law, of course, is that it really means they take the alcohol away, and in practice that means that officers may have to put up with a great deal of abuse from youngsters in order to do so. I have come across incidents in my former professional life where the attempt so to do in itself led to assault and difficulties like that.

5.9 Senator S.C. Ferguson:

In countries such as New Zealand there is external public publication of reports on external complaints against the police. Will the Minister consider following the same practice in Jersey?

Senator B.I. Le Marquand:

I do not think there could be external publication where a complaint was upheld, because that then gives rise to a disciplinary matter. I do not think there could be in such a case. There is an issue which has been highlighted to me recently by the Deputy of St. Martin in relation to the fact that where complaints against the police are not upheld that no reasons are given for that, and I am of the view that reasons ought to be given in relation to that. I would need to think carefully and take advice before I could make any decision on what is suggested by Senator Ferguson.

5.10 The Deputy of St. John:

Is the Minister happy with the welcome relationships between the special unit of Customs and States Police, given the problems we had many months ago within that unit? Has he met the officers that had originally been suspended and sorted out all the concerns that they had?

Senator B.I. Le Marquand:

I am satisfied that working relations are very much improved. Indeed, recently a protocol was agreed in relation to the exchange of information. I have spoken to the managers in this area and in order to glean the view of the Customs and Immigration staff on the one hand. I have also spoken to senior police officers and police officers who work on the ground, as it were, in parallel to get their views. Everybody believes that now the working relationship is a great deal better. I am aware of both sides of the argument in relation to this. I have decided not to try to judge between 2 of my departments. I think we need to look at the future now and relationships are improving is a positive.

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

Does the Minister agree that the penalties for any individual or a company knowingly selling alcohol to people underage should be increased?

Senator B.I. Le Marquand:

I am afraid I cannot remember what the penalties are even from my previous life. I think it is £2,000 or level 3. I think the penalties are sufficient. I think it is a matter for the way in which the courts utilise those penalties. That, of course, is not a matter for me directly.

5.12 Deputy R.G. Le Hérissier:

Can the Minister tell us when he will complete his review of the Police Authority Law? As this is one of many laws with which he perhaps rightly has found fault, when will he be reintroducing it to the States?

Senator B.I. Le Marquand:

It is not my intention to start work at an early stage in relation to this because, frankly, I believe that we need to let the dust settle on certain current matters and see if lessons are to be learned from

that. This is a complicated area in terms of deciding the relationship between the States of Jersey police on the one hand, the Minister on the second hand and a police authority on the third hand. I was not personally happy with the draft law as it was and want to review it. But my own intention - and indeed I was discussing this yesterday with the Acting Police Chief - is not to commence work on this this year but deliberately to leave this over to start considering next year.

5.12.1 Deputy R.G. Le Hérissier:

Just a supplementary. Would the Minister not acknowledge that some of the very issues he is wrestling with are because he is, by default, far too involved directly in issues like discipline and that there should be an arm's length body dealing with these matters?

Senator B.I. Le Marquand:

I accept that the current situation is not ideal and that there is a role for a police authority. But I do not accept that if structures had been in place earlier it would necessarily have prevented the problems which may have occurred. Nevertheless, we have to get it right for the future.

The Deputy Bailiff:

Very well. I am afraid that completes the time available for questions to the Minister for Home Affairs.

6. Questions to Ministers Without Notice - The Chief Minister

The Deputy Bailiff:

We move on now to questions to the Chief Minister.

6.1 The Deputy of St. John:

At the Council of Ministers meeting with the Chairmen's Committee on 29th January 2009, those present were the Ministers, the chairmen of the various panels but I also noted the Constable of St. Ouen was also present. Given that the Constable is not a Minister or chairman of a panel, will the Minister point out where in Standing Orders it says the Constable is permitted to attend? Secondly, how many Council of Ministers meetings has the Constable attended since the formation of the new House?

Senator T.A. Le Sueur (The Chief Minister):

It is not contained in Standing Orders that the chairman of the Committee of Constables (Comité des Connétables) can attend a meeting of the Council of Ministers. He is there on the invitation of the Chief Minister and I welcome his presence there. He makes a valuable contribution to the parochial involvement which we need to have in the operation of the States. As to the number of meetings he has attended since the new Council took office, I cannot say exactly. It is probably about 3.

6.1.1 The Deputy of St. John:

Can it be right, therefore, if it is not in Standing Orders that the Chief Minister can use his prerogative to invite the chairman of the Constables Committee? Would that not be a means of getting to the Constables to make sure that they are supportive of the views of the Council of Ministers [Laughter] and, thereby, creating an *en bloc* vote or more or less an *en bloc* vote in the favour of the Council of Ministers?

Senator T.A. Le Sueur:

I rather think that the Deputy of St. John underestimates the abilities of individual Constables to think for themselves. [Approbation]

6.2 The Deputy of Grouville:

This morning we established that no States decision was made to ... yet the incinerator has allowed for 11,000 increase in population over the next 10 years. Would the Chief Minister not consider it a courtesy - if not prudent - to bring to the States a proposition whereby the States can decide how we can increase our population if indeed we want to and how it is going to be sustained?

Senator T.A. Le Sueur:

In passing I point out that the population model T.T.S. have been using and the different parameters for an Energy from Waste plant are far more than just simply ones of population variation. But the main thrust of the question, I quite agree with the Deputy of Grouville. As an inherent part of the Strategic Plan debate there will be a debate and discussion on population policy. I hope at that stage that a wide-ranging discussion can be undertaken as to the implications of different population levels and migration levels for different sections of the Island activities. So that will be a fundamental part of the Strategic Plan.

6.2.1 The Deputy of Grouville:

Could we debate that before we make any further decisions such as the Island Plan review that is making decisions based on population numbers?

Senator T.A. Le Sueur:

I am not aware of a scheduled date for an Island Plan review debate. All I would say is that the Strategic Plan will be lodged early in April and that seems to me to be a pretty tight timescale for any decisions to be made for that or any other subject.

6.3 Deputy G.P. Southern:

In the light of figures on (j) cat. consent which indicate a 10 per cent increase in 2008 over 2007 in non-time-limited (j) cats. and an overall increase of 140 (j) cats. in the private sector in 2008, how does the Minister propose to limit population growth to his supposed 430 including dependants when some 300 or 60 per cent of that will be filled by (j) cats. in a typical year like 2008, where 3 per cent of the workforce occupy 60 per cent of the population growth? How does he intend to enforce population limitation?

Senator T.A. Le Sueur:

The current migration policy talks of an average increase of no more than a certain figure over a 5-year period. The Deputy implies that 2008 was a typical year. I suggest to the Deputy that there is

no such thing as a typical year any more than 2009 is a typical year. Each year is different and taking the 5 years as a whole, we are within the parameters set out in the States agreed migration policy.

6.3.1 Deputy G.P. Southern:

Can the Chief Minister answer the question how he intends to limit or control any population policy that he comes forward with because at the moment we cannot?

Senator T.A. Le Sueur:

In fact, we can because we have at the present time the Regulation Undertakings and Development Law as well as the Housing Law. But what we are coming forward with - as the Deputy I am sure is well aware - is a migration policy which will include proper registration of incoming people. I am sure that the Deputy will look forward to that debate later in the year.

6.4 Deputy T.M. Pitman:

Ministers effectively control huge budgets. In ensuring public confidence in the Executive should evidence be brought forward regarding allegations of very serious corruption involving one of his Ministers, would the Chief Minister be willing as a neutral act to suspend that Minister while an investigation was completed?

Senator T.A. Le Sueur:

Firstly, Ministers do not control budgets. Ministers propose budgets. The States Assembly agrees what the budget should be. If there is any allegation of corruption supported by evidence then I would pursue that as a matter of urgency and a matter of grave concern to me.

6.4.1 Deputy T.M. Pitman:

Can I just clarify it is not the budget itself that I am referring to. It is just that position of trust.

Senator T.A. Le Sueur:

I believe that we should all trust one another until such time as something is done to betray that trust.

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

We seem to be able to throw round the word "sustainability" quite a lot these days. I was just wondering whether the Chief Minister in view of the up and coming Strategic Plan could provide his definition of this word so the members of the public can understand but also Members can be on the same level for in-going forward.

Senator T.A. Le Sueur:

Sustainability is a very difficult thing to define. There are various definitions and various interpretations. As far as I am concerned, sustainability in this Island refers to the ability of the Island to continue in a feasible manner for a longer term into the future, recognising changing circumstances and a changing environment. I think it is very difficult to try to create a definition which ticks boxes. I think one has to look at policies as a whole and say is that policy in

conjunction with other agreed States policies, one which the Island can deliver and can continue to deliver for the indefinite future.

6.5.1 Deputy T.A. Vallois:

I would agree with the term being a general word. However, if we are all going to be going forward on the same basis, we do need some form of definition as a whole so we know where we are going. I understand it is a very general term but could the Chief Minister possibly provide that?

Senator T.A. Le Sueur:

I think it is probably easier to talk about sustainability as a negative and to say such and such proposal is unsustainable. For example, large increases in population levels would be unsustainable. I think it is far easier to look at that sort of situation than to say that something is or is not sustainable when there may be other parameters which would influence it.

6.6 Deputy M.R. Higgins:

As the most recent figures released by Jersey Finance show the level of deposits held by Jersey residents is and has always been greatly in excess of the 'Rainy Day Fund' - the Strategic Reserve - and the Island's ability to borrow the difference from international money and capital markets, would the Chief Minister please explain to the House the value or the credence of his and his Minister for Treasury Resources' political guarantee to Island residents that 100 per cent of their deposits will be protected in the event of a bank failure? Will he support a proper deposit protection scheme being brought in in the next 3 months by the Minister for Economic Development?

Senator T.A. Le Sueur:

Taking the last part of the question first, yes, I fully support and welcome proposals for a deposit protection scheme, which are in an advanced state of discussion. We have received advice on the best way to proceed for the particular situations in the Island. As far as local depositors are concerned, they can take great comfort not just from the undertakings given by the previous Chief Minister and myself but from the fact that the only deposit-taking institutions admitted and operating in the Island are those which are backed by national governments and whose likelihood of failing, particularly as they get, it seems to be, increasingly nearer to nationalisation that likelihood becomes more and more remote. So accordingly, I am quite satisfied that we have adequate funds should any unlikely failure materialise. But I cannot in the present situation see any reason why any of the banks operating in the Island are in any difficulty whatsoever insofar as they are fully supported by their national governments.

6.6.1 Deputy M.R. Higgins:

The Chief Minister has just said that he believes there are sufficient funds to cover a situation where if a bank did go down that the States would be able to honour his guarantee. I just said the amount of money on deposit in the Island for residents and he is giving a 100 per cent guarantee to all Island residents that they will get all their money back. There are not sufficient funds available to do that. Nor would he be able to borrow it from the money markets. Would he just confirm where else the money could come from?

Senator T.A. Le Sueur:

The Deputy seems to be working on the assumption that every single bank would fail entirely in the Island and that there would be no repayment whatsoever from any of those banks to the creditors of even a penny in the pound. That is fanciful imagination. If I were to work on that basis, I would have to agree with him. But I will work on a far more realistic basis and on a realistic basis we are able to honour the undertakings given.

6.7 Deputy R.G. Le Hérissier:

Would the Chief Minister inform us whether at places like the British-Irish Council he discussed the future of the Jersey finance industry in the light of the economic turbulence we are experiencing? Is it his view that after this turbulence - if it is stabilised - we will have the same kind of finance industry as we have now?

Senator T.A. Le Sueur:

I did not discuss specifically the local finance industry. Ministers at the British-Irish Council discussed the general economic situation as it affected each member of the British-Irish Council and the immediate problem of dealing with the social difficulties caused by the economic downturn and the need to mitigate any effects of that downturn on the vulnerable sections of the community and the help which might be given by the voluntary sector in delivering that.

6.7.1 Deputy R.G. Le Hérissier:

A supplementary. Would the Minister comment on whether he feels the finance industry will come out differently if and when this turbulence is over?

Senator T.A. Le Sueur:

I have no doubt that the Jersey economy and the Jersey financial situation will be different when we come out of this recession, just as it has changed over the past 50 years from time to time. It is natural, inevitable and desirable that change occurs. Our objective is to make sure that we are prepared for the changes and prepared for the new environment.

6.8 The Deputy of St. Martin:

Can I ask the Chief Minister, wearing his Chairman of the States Employment Board hat, does the Chief Minister agree that it is totally unfair that there is no right to representation or automatic right to representation during a suspension meeting? If he agrees, will the Chief Minister take steps to address the issue?

Senator T.A. Le Sueur:

That is a broad question because in terms of representation it will depend on the particular law applicable to any situation. I agree in general terms a right to representation is desirable and that any modern arrangements should cover that. It may well be that our current arrangements need to be reviewed and will be reviewed to reflect that. So to that extent I do agree that we need to keep these things constantly under review.

6.9 The Deputy of St. John:

Recently it has been reported that G.S.T. may be increased because of a lack of bringing forward a special rate for non-local companies. This was all put in place under the watch of the Chief

Minister when he was at the Treasury. Can he tell us what has gone wrong and why should the public of Jersey be expected to pick up additional taxes because of something he failed to put in place correctly at the time?

Senator T.A. Le Sueur:

I think the Deputy of St. John must listen to the wrong gossip. **[Laughter]** I never said that G.S.T. would need to be increased because of a failure or lack of revenue from the Blampied proposals. As the Deputy should be aware, those proposals are expected to generate in the region of £5 million a year. What I said was that in the event of the States failing to control its spending and failing to achieve the savings which need to be delivered in order to provide the services we need, we will need to look for alternative sources of revenue. One of those alternative sources of revenue could be G.S.T. in years to come. It is not the only remedy and it is not an automatic remedy. I suggest that the Deputy of St. John listens a bit more carefully to what I say. **[Laughter]**

The Deputy of St. John:

I am forever listening to what he says and so are the members of the public of Jersey listening and they are very concerned at the way things are going.

Senator T.A. Le Sueur:

I have made myself clear.

The Deputy Bailiff:

That completes questions to the Chief Minister. There are no matters under J or K so we come to public business.

PUBLIC BUSINESS

The Connétable of St. Mary:

I am sorry, Sir. With respect to item number one, which is for me to present, I would like to propose this be taken further down the Order Paper at the end of today's business.

The Deputy Bailiff:

Is there any particular reason for that?

The Connétable of St. Mary:

It is a personal reason, Sir. I will be attending a funeral at lunchtime and I am concerned that there may be some considerable debate on this. I would not like to curtail the debate and I would need to be here obviously to answer the questions raised.

The Deputy Bailiff:

Very well. So you are proposing it be taken when?

The Connétable of St. Mary:

At the end of the listed business for this sitting, Sir.

The Deputy Bailiff:

At the end of the list. Is that seconded? **[Seconded]** Do Members agree to take this at the end of the list? Very well.

Deputy A.K.F. Green:

Sir, in a similar vein I am new at this so please forgive me if I am out of order. It seems to me that the incinerator debate is going to be quite a lengthy one. It might be better if we got some of the other business out of the way first, leaving the day clear perhaps tomorrow to debate the incinerator.

The Deputy Bailiff:

If I may, the Assembly having agreed to defer Projet 179, of the Privileges and Procedures Committee, and we still having no proposer at the moment for the rescindment matter, would the Assembly agree to take all the other minor matters in order - so the Companies matters - and then move over the waste facility and take the various other 4 or 5 matters? Is that what you are proposing really, Deputy?

The Deputy of St. John:

No, Sir. On a point of order, Sir, if the proposer cannot be here at the time that the debate is due, it should fall. We should not be in a position to have to alter it. The proposer has not been here this morning to put his questions, of which the Ministers would have been prepared with all the answers. It is totally discourteous to expect us to alter the workings of the Chamber because the proposer is not here. **[Approbation]**

The Deputy Bailiff:

What I propose is let us carry on with the Order Paper until we get to Projet 8 and at that stage any Member that wants to put forward a proposition can do so. If Deputy Green wants to make his proposition at that stage, it will be a matter for Members.

7. Draft Companies (Amendment No. 10) (Jersey) Law 200- (P.185/2008)

The Deputy Bailiff:

We come then to Project 185 - the Draft Companies (Amendment No. 10) (Jersey) Law 200- - lodged by the Minister for Economic Development. This is a matter of which the principles were adopted but, nevertheless, I think probably it is right to ask the Greffier to read the citation to remind ourselves.

The Greffier of the States:

Draft Companies (Amendment No. 10) (Jersey) Law 200-: a Law to amend further the Companies (Jersey) Law 1991. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

The Deputy Bailiff:

Very well. As I say, this matter was referred to Scrutiny. Deputy Higgins, do you want to say anything just by way of confirming that you have reviewed it and you have commented?

7.1 Deputy M.R. Higgins:

Yes. In fact, Members have been circulated with the paper from the Economic Scrutiny Panel with their papers this morning. The Panel did review the Law and with the help of the Minister and his officers went through it in quite a lot of detail and were quite satisfied with the legislation as it is proposed.

The Deputy Bailiff:

Thank you very much. In which case then I will ask the Minister to take the articles. Minister, how do you wish to propose them?

7.2 Senator A.J.H. Maclean:

I would be inclined to take them *en bloc*. If any other Members have any questions then I am more than happy to answer them, but on the basis that the Scrutiny Panel has had quite a detailed review of both the principles and the Articles, I hope that will be sufficient for Members but if there are any questions I will take them. But *en bloc*.

The Deputy Bailiff:

So you are proposing them? You do not wish to say any more about them at the moment? So you are proposing Articles 1 to 17. Are they seconded? **[Seconded]** Does any Member wish to speak on any of Articles 1 to 17? Very well. All those in favour of adopting Articles 1 to 17, kindly show? Those against? The Articles are adopted. Do you propose the Bill in Third Reading, Minister? Are they seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Bill in Third Reading, kindly show? Those against? The Bill is adopted in Third Reading.

8. Draft Companies (Amendment No. 3) (Jersey) Regulations 200- (P.186/2009)

The Deputy Bailiff:

We then come next to the Draft Companies (Amendment No. 3) (Jersey) Regulations 200- - Projet 186 - lodged by the Minister for Economic Development. That was deferred I think following the reference of the last matter but, Greffier, it was not referred, was it? No. So I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Companies (Amendment No. 3) (Jersey) Regulations 200-: the States, in pursuance of Articles 2B, 115B, 181 and 220 of the Companies (Jersey) Law 1991, have made the following Regulations.

8.1 Senator A.J.H. Maclean:

The amending Regulations make further amendments to the principal Law. As with the amending Law, the purpose behind the amending Regulations is to clarify aspects of the Law following the introduction of the Companies (Amendment No. 9) which was approved by the States last year. The most significant amendment is a change to the definition of an open-ended investment company which will allow other funds whose shares may be subject to frequent redemption, for example, C.O.B.O. (continuity of business operations) only - unregulated and feeder funds - to benefit from the exemptions afforded to open-ended investment companies. While we were giving the presentation on Amendment 10 to the Scrutiny Panel, we also gave a similar presentation to them on No. 3 and Members may be interested to know that they also found that, I understand, to be perfectly satisfactory. May I propose the principles, please?

The Deputy Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on the principles? Very well. All those in favour of adopting the principles, kindly show? Those against? The principles are adopted. This is a matter in which I must ask the Scrutiny Panel whether they wish to have it referred to them. Deputy Higgins is not in the Chamber. The Deputy of Grouville is the Vice-Chairman. She is not in the Chamber. Is there any other member of the Scrutiny Panel here? The Chairman has returned.

8.2 Deputy M.R. Higgins:

If I can just say that we do not wish to have this one referred to Scrutiny. Thank you.

The Deputy Bailiff:

Very well. Then do you wish to propose the Regulations, Minister?

Senator A.J.H. Maclean:

Yes, please, Sir.

The Deputy Bailiff:

Regulations 1 to 5?

Senator A.J.H. Maclean:

Yes, please, Sir.

The Deputy Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on any of Regulations 1 to 5? All those in favour of adopting Regulations 1 to 5, kindly show? Those against? The Regulations are adopted. Do you propose them in Third Reading, Minister? Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Very well. All those in favour of adopting the

Regulations in Third Reading, kindly show? Those against? The Regulations are adopted in Third Reading.

9. Draft Summary of Fines (Miscellaneous Amendments) (Jersey) Law 200- (P.6/2009)

The Deputy Bailiff:

We come next to the Draft Summary of Fines (Miscellaneous Amendments) (Jersey) Law 200- - Projet 6 - lodged by the Comité des Connétables. I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Summary of Fines (Miscellaneous Amendments) (Jersey) Law 200-: a Law to amend miscellaneous amendments so as to increase the maximum amount of a fine that may be inflicted and levied summarily by a Connétable or Centenier and to extend the Connétable or Centenier's powers to inflict and levy a fine summarily. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

9.1 The Connétable of St. Ouen:

The reason for brining these amendments is twofold. One is to increase the level at which Centeniers can impose fines at Parish Hall Inquiries and, secondly, to delete 4 articles from Schedule 3 of the Road Traffic Law, this to allow Centeniers to deal with offences of driving without a licence or employing an unlicensed driver; applying for or obtaining a licence without giving particulars of endorsement; fraudulent interference with or operation or display of a parking device; and failure to give information as to a person in charge of a vehicle. Should these amendments be accepted today, the draft Law will remove these offences from Schedule 3 so as to extend the jurisdiction of a Centenier to levy a fine summarily to these offences. It must be stressed that in all these as well as all other cases considered by Centeniers at Parish Hall Inquiries, the power to impose a fine is exercisable only if the person involved agrees to the matter being dealt with in this way. The person can always ask that the matter is heard by a magistrate. As Members can see from the tables on pages 9 and 10 of the accompanying report, these amendments propose to increase the maximum fine that may be summarily levied to two-fifths of level 2 across all the offences which can be dealt with by Centeniers at Parish Hall Inquiries. This will not only increase the maximum fine but also standardise the level of fines which can be levied summarily at Parish Hall Inquiries. Furthermore, I would point out that the level of fines has not been addressed for 17 years. At present, a Centenier already has summary powers in relation to speeding offences, but these powers are currently restricted so that they cannot be exercised where the offender has committed one of certain road traffic offences within the last 3 years or where the offender's speed exceeded the limit by more than 15 miles per hour. This draft Law relaxes these restrictions with the effect that the powers can be exercised by the Centenier in any case where the offender's speed does not exceed the limit by more than 12 miles per hour and also in a case where the offender's speed exceeds the limit by more than 12 miles per hour but not more than 19 miles per hour provided that the offender has not committed one of certain road traffic offences within the past 3 years. A Centenier cannot exercise summary powers in any case where the speed limit has been exceeded by more than 19 miles per hour. There are 2 further things which I need to bring to the attention of Members. One is that in the case of driving without a licence or employing an unlicensed driver it is intended that the jurisdiction of the Centenier be confined to cases in which a person has inadvertently rather than deliberately failed to obtain a valid Jersey driving licence. A Centenier would not deal with an offence which vitiated the insurance cover of the driver

concerned. A directive to this effect will be issued if this Law is passed. Secondly, in Article 25 of the Road Traffic (Jersey) Law an offence of careless driving can only be dealt with at Parish Hall level if amongst other things each person who has suffered personal injury or damage to property as a result of the offence has agreed to accept the decision of the Centenier. This provision has been criticised as impractical because it requires all parties to be present at the Parish Hall Inquiry. It has also been criticised for confusing criminal liability with a civil remedy, which are 2 separate matters. This draft Law, therefore, deletes the references to each person who has suffered personal injury or damage to property as a result of the offence having to agree to accept the decision of the Centenier. Finally, the Comité des Connétables is indebted to the former magistrate - now Senator Le Marquand - for all his guidance in the preparation of these amendments. We are confident that they will assist in the administration of justice and help with the workload of the Magistrates Court. The acceptance of this draft Law will enable many more minor offences to be dealt with at Parish Hall-level inquiries. Again I would stress that in all cases considered at Parish Hall Inquiries, those being accused do not have to accept the decision of the Centenier but always have the option of having their case heard by the Magistrates Court. In closing I would like to quote from the report into the conduct and effectiveness of Parish Hall Inquiries produced by Helen Miles and Peter Raynor in 2005. It says: "Our research on the effectiveness of the Parish Hall Inquiry and the honorary system suggests that it could be more realistic to expand their role. For example, it is possible that raising the threshold of speeding offences which can be dealt with by Centeniers could reduce costly court time. There is also potential to consider how Parish Hall Inquiries might usefully deal with more serious offences." This draft Law goes some way to addressing that and I commend it to Members.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

9.2 The Deputy of St. Martin:

The Connétable of St. Ouen would be rather surprised if I did not speak. Can I say I generally broadly welcome what is here? However, the concern I do have is just something which again may be food for thought for the Comité des Connétables. It is this uncertainty - I think someone could say the fog - of the Parish Hall Inquiry that really is it a court or is it not a court? The issue has been raised before - certainly it was raised with Clothier - was about the fact as a Parish Hall Inquiry... should it be in public or should it be in private? If someone is going to be fined, should it be in public? In other words if it went to a Magistrates Court it would be public. As it happens at the moment at a Parish Hall Inquiry, the person before the inquiry has the right to bring someone with him. That is fine but the issue is should it be a public hearing? I would ask maybe the Comité des Connétables give consideration again to seeing whether such a practice should now be a public hearing as opposed to one behind closed doors. Also clarifying the situation about when is a conviction not a conviction because we are told that if someone accepts a caution for some offences at a Parish Hall Inquiry, it is not a conviction. However, if they are convicted of a speeding offence, that conviction then takes it into account. Again I am talking about the fog, the lack of clarity. Maybe these are some of the issues that maybe the Comité des Connétables could be addressing again to make the public far more aware of what is going on. Also possibly... again almost like a contradiction... it would be that I know that some thought has been given to people who admit to speeding and why can they not plead guilty by letter? Why is it necessary in actual fact to go to a Parish Hall Inquiry or indeed why it is it necessary to go to the Magistrates Court? I think again we could be trying to cut down the amount of time spent with administration. Again if someone wishes to plead guilty by letter, why could that not happen? Again these are, as I say, food for thought. I am not opposing what is going on but maybe we could also look at it. Also an issue which I will be coming back to the States with is the fact that are Connétables aware that

Centeniers - according to the Attorney General - are not under the ambit of the Police Complaints (Jersey) Law. Again if they are not, I shall be bringing the matter to States. These are the issues to which maybe the Connétables could be giving greater consideration because while I do support the principle, I think we need a little bit more clarity and maybe clear away some of the fog that surrounds the Parish Hall Inquiry.

9.3 Deputy J.A. Martin:

Just briefly, I fully understand I think where the Constable is coming from. I did ask earlier about making people criminals for different reasons. I do have a concern, though, on reading ... and it probably is the same now because I have a concern about speeding. We see speed kills. Basically, if you hit a child or somebody at 30 miles an hour or under they are likely to live, and much over that they are not likely to survive. I do have the problem on page 6 with the 12 and the 19 miles per hour above the actual speed limit that somebody is allowed to go because if it was 30 miles we are nearly talking about 50 miles per hour. As I say, I really just want clarification from the Constable that we are still taking speeding as seriously as we have always done because I do have a concern that if we are moving some offences that could have been dealt with or had to be dealt with in the Magistrates Court. But I do find that the 12 and the 19 miles per hour seem very, very high over certain speed limits that we have in Jersey. Just a clarification.

The Deputy Bailiff:

Does any other Member wish to speak on the principles?

9.4 The Deputy of St. John:

In my view it is not before time that a lot of these offences were brought into line. In fact, I even think now that some of them are reasonably low as far as the fining is concerned. But it is yet a good move forward for the Island and the way we police in various areas and within the honorary system of the Island. I took note of the comments made by the Deputy of St. Martin when he was mentioning the fog and the way forward. I wonder if the Parish of St. Martin are in the fog given that they do not even call their Parish Hall a Parish Hall. It is a Public Hall. That being the case, maybe the Deputy would like to spend some time with the Committee of Constables and try and persuade them around the table to bring the amendments he would like forward. Therefore, we would have additional powers put into the hands of the honorary system which over the years have served this Island very well.

The Deputy Bailiff:

Does any other Member wish to speak?

9.5 The Attorney General:

I, too, would like to ensure that if there is fog it stays in the Parish of St. Martin and does not extend to the rest of the Island. **[Laughter]** **[Approbation]** The first question is whether or not the person is being fined by a court. The answer is quite clear that the Centenier is not operating a court. He is operating a prosecution decision as to whether or not to prosecute. There is an option which is contained in the Law where if a person admits the offence then instead of going to court that person can be fined. Under the present system there is no reason for that to be held in public from a human rights perspective because the Centenier is acting as a prosecutor. Of course, if it is intended that there should be any change in that circumstance that is a political matter for Members, but let me make it perfectly plain as to what the Law is governing the operation of the Centeniers'

powers at the moment. The second thing is whether or not it is a conviction. Well, because the Centenier is not a court, no, it is not a conviction. The third thing is whether or not a person should be able to plead guilty by post. That is a political matter. In fact, that issue is being considered in the context of the proposed amendments to the 1864 law on criminal procedure and the bringing forward of a new Criminal Procedure Law. No doubt, therefore, that will be a matter for political consideration by Members in the fullness of time. Finally, whether Centeniers are not under the ambit of the Police Complaints (Jersey) Law. The answer to that is that they are under the ambit of the Police Complaints (Jersey) Law except insofar as they are taking decisions for the prosecution and, therefore, are subject to my jurisdiction as being the person in charge of prosecutions in the Island. I hope that has clarified the fog, not only for Members but also in the Parish of St. Martin.

The Deputy Bailiff:

Does any other Member wish to speak? Very well. I call upon the Chairman to reply.

9.6 The Connétable of St. Ouen:

Can I firstly thank the Attorney General for addressing the matters which the Deputy of St. Martin raised, which I was not going to address because they were not part of this particular Law. Deputy Martin talked about speeding. This does not change what is in the Law at the moment, other than giving the Centenier the ability to inflict a summary fine or impose a summary fine on a second offence, providing the first offence was not committed within a 3-year period before. It does not change the rules that are at the moment about speeding, but I entirely agree with some of the comments she has made. I would like to thank the Deputy of St. John for continuing with his support of the honorary system. I make the proposition.

The Deputy Bailiff:

Very well. All those in favour of adopting the principles, kindly show? Those against? The principles are adopted. Senator Ferguson, this falls within your Scrutiny Panel. Do you wish to have it referred to the Panel?

Senator S.C. Ferguson:

No, thank you, Sir.

The Connétable of St. Brelade:

Sir, may I remark upon that? From my point of view, my department has spent considerable time preparing answers to questions which were put by the Deputy. I consider it as not only discourteous to this House but certainly discourteous to my department to have their time wasted. We were considerably concerned whether he was going to even turn up to this major debate which has taken place today. [Approbation]

The Deputy Bailiff:

Do you wish to say anything, Deputy of St. Mary?

Deputy D.J.A. Wimberley of St. Mary:

I suppose I should reply to that, Sir. Getting information out of the department is sometimes satisfactory and sometimes extremely difficult. As Members may not be aware there are certain

aspects of information that we have needed for this debate which have been extremely difficult to acquire. Members may notice that in the written reply to a written question about the staged payments, we are still in the dark about it.

The Connétable of St. Brelade:

I must object to that. This is absolute nonsense. What a House is paid for ...

The Deputy Bailiff:

Deputy, the point made was that you did not turn up for the questions.

The Deputy of St. Mary:

I apologise for that, Sir, to the Members and the House.

The Deputy Bailiff:

I think I would like to say from the Chair that it is indeed discourteous to other Members to ask questions and then not be here for them without an extremely good reason.

The Deputy of St. Mary:

Sorry, Sir, I misunderstood the intervention of the Minister. I thought he meant all the questions that I have been asking over the last 2 months. No, I understand that, Sir, and I am apologetic about that, really sorry.

The Connétable of St. Ouen:

Sir, is it correct procedure that we can go on to this without finishing the previous items?

The Deputy Bailiff:

This arose out of lifting of a défaut and it travelled sideways a little. But now we are on the ...

The Connétable of St. Ouen:

I believe that défaut should have waited until after the item had been completed.

The Deputy Bailiff:

It is customary I think for défauts to be put when it is convenient. How do you wish to propose the individual articles, Chairman?

The Connétable of St. Ouen:

Sir, I would propose them *en bloc* and answer any questions that any Member has.

The Deputy Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on any of the individual articles? Very well. All those in favour of adopting Articles 1 to 9, kindly show? Those against? They are adopted. Do you propose the Bill in Third Reading, Chairman?

The Connétable of St. Ouen:

I do, and just point out that I am quite upset that no Member decided they wanted to know exactly what the aerodrome rules and the harbours and airports were. I had taken the trouble of finding out what they were. **[Laughter]**

The Deputy Bailiff:

Do not speak too soon. Are they seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Very well. All those in favour of adopting the Bill in Third Reading, kindly show? Those against? The Bill is adopted in Third Reading.

10. Energy from Waste Facility: rescindment (P.8/2009)

The Deputy Bailiff:

The next matter is Projet 8. Deputy Green, do you wish to maintain your proposition to deal with other matters first or not?

Deputy A.K.F. Green:

It seems to me to be sensible to deal with some of the minor stuff first to leave the time clear for proposition 8, but it is up to the Members.

The Deputy Bailiff:

But do you wish to make the proposition? Is the proposition seconded? **[Seconded]** Very well. The matter for the Assembly is whether to deal with most of the other matters, presumably excepting the amendment of Standing Orders perhaps because that was to put to the bottom of the list, deal with them next and then come back to the rescindment debate. All those in favour or do you wish to say anything?

The Connétable of St. Brelade:

Once again may I comment my department has been put to considerable trouble to deal with all this and, for want of a better word, shilly-shallying around just is not satisfactory. We want to get this out of the way as soon as possible. I have officers waiting and standing by and there is a significant cost to that and this must be understood by ... **[Approbation]**

Deputy A.K.F. Green:

In that case, I withdraw my proposition.

The Deputy Bailiff:

It is a matter for you, Deputy. Do you withdraw it?

Deputy A.K.F. Green:

It just seemed to me to be sensible that we got all the minor stuff out of the way first [Approbation] and I was trying to be helpful. I am sorry the Constable is upset about that. In hindsight, no, I am standing with my proposition.

The Deputy of St. John:

Can we have the appel, Sir?

The Deputy Bailiff:

The appel is called for then on the proposition of Deputy Green that the Assembly should take all the matters except the amendment to Standing Orders next and then revert to the rescindment debate.

The Deputy of St. Mary:

May I make a comment on this proposition?

The Deputy Bailiff:

I think the Deputy is entitled to make a comment if he wishes as it is his proposition.

The Deputy of St. Mary:

One of the reasons I was delayed was because as we research new information keeps coming in. One of the matters that has come to our notice is extremely serious. There is no way that we should proceed with this debate until Members have had a chance to read the attachments and to read that information. I will tell you what it is. It is that there was a bid put in for this tendering process which was roughly two-thirds the sum of the accepted bid. There may be technical reasons around the fact that that bid was ignored but it is a very serious matter. If the public, who are listening of course, and the media ... they will know. We all know. You now know that we have a situation where we would be debating without any of that information being in front of Members. We have it. We can probably through the Greffe get it distributed today. I have no doubt that it can be photocopied and distributed. But the fact is that we have learnt this in the last 3 or 4 days and then put of course the detail on it. But if we do that on the floor of the House - laboriously go through half a dozen attachments - you will be absolutely bored rigid. It would be much, much better to read these documents and then form your own opinion on what the hell is going on.

The Deputy Bailiff:

Please do not use language like that in the Assembly.

The Deputy of St. Mary:

Sorry, on what is going on. So that is an addition. I do not even think Deputy Green knew that. I think he was on slightly different tack simply on a matter of taking the big one last. But I just thought that Members should know that. If you do decide to go ahead now, that is fine, let us go ahead now. But the fact is that that information you will have to take on the hoof and it is really not satisfactory that an Assembly should take that kind of difference in cost just coming out of ...

The Deputy Bailiff:

The proposition at the moment, Deputy, is merely that the other ones should come first.

The Deputy of St. Mary:

Quite so. I am just making the case that that information should be absorbed first.

The Deputy Bailiff:

The rescindment debate will still be taken the moment we finish these other matters, probably immediately after lunch unless Members decide otherwise.

Senator S.C. Ferguson:

Can I just make a comment on that? I am sure that the Minister for Transport and Technical Services will in fact explain the difference between the contracts. However, I would remind Members that value for money does not necessarily mean taking the lowest bid.

The Deputy Bailiff:

I am sorry, Senator, we cannot have a little mini debate about this now.

The Deputy of St. John:

The appel, please, Sir.

The Deputy Bailiff:

The matter before the Assembly is the proposition of Deputy Green to deal with the other matters on the agenda, save the Standing Order matter, first. Now I think the appel was called for by the Deputy of St. John so Members should return to their seats. The Greffier will open the voting for or against Deputy Green's proposition.

POUR: 22		CONTRE: 27		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of St. Helier		Senator P.F. Routier		
Connétable of St. Martin		Senator P.F.C. Ozouf		
Deputy R.C. Duhamel (S)		Senator B.E. Shenton		
Deputy of St. Martin		Senator F.E. Cohen		
Deputy R.G. Le Hérisier (S)		Senator S.C. Ferguson		
Deputy J.A. Martin (H)		Senator A.J.D. Maclean		
Deputy G.P. Southern (H)		Senator B.I. Le Marquand		
Deputy of Grouville		Connétable of St. Ouen		
Deputy P.V.F. Le Claire (H)		Connétable of Trinity		
Deputy J.A.N. Le Fondré (L)		Connétable of Grouville		
Deputy S. Pitman (H)		Connétable of St. Brelade		
Deputy I.J. Gorst (C)		Connétable of St. John		
Deputy A.E. Jeune (B)		Connétable of St. Saviour		
Deputy of St. Mary		Connétable of St. Clement		
Deputy T.M. Pitman (H)		Connétable of St. Peter		
Deputy A.T. Dupré (C)		Connétable of St. Lawrence		
Deputy T.A. Vallois (S)		Connétable of St. Mary		

Deputy M.R. Higgins (H)		Deputy J.B. Fox (H)		
Deputy A.K.F. Green (H)		Deputy of St. Ouen		
Deputy D. De Sousa (H)		Deputy of St. Peter		
Deputy J.M. Maçon (S)		Deputy J.A. Hilton (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy of St. John		
		Deputy E.J. Noel (L)		

The Deputy Bailiff:

Very well. Then we come to the energy from waste facility rescindment.

Deputy J.A. Martin:

Sir, on a practical note, I had already agreed to move to sit behind the Deputy. I need the lectern set up and I would ask if we are going to take it could we at least have a 5-minute recess so we can get the paperwork.

The Deputy Bailiff:

I will get the lectern set up very promptly. I am sure we do not want to recess.

Deputy J.A. Martin:

We will just mark time while we are doing that.

The Deputy Bailiff:

I will in the meantime ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 9th July 2008 in which they refer to their Act dated 13th July 2005 relating to the approval of a new solid waste strategy; and then approve the replacement of the Bellozanne incinerator by an Energy from Waste facility, as set out in sections 8 and 10.1 of the report of the Transport and Technical Services Department dated 20th May 2008 (P.72/2008), and authorise the Minister for Transport and Technical Services to accept the tender of the preferred bidder subject to the approval of the withdrawal from the Consolidated Fund of an additional £102,810,000 for that department's capital expenditure; and (a) to rescind their decision relating to the Energy from Waste facility ...

The Deputy Bailiff:

One moment, Greffier. Can we please have some quiet while the Greffier is reading out the proposition?

The Greffier of the States:

(a) to rescind their decision relating to the Energy from Waste facility, and to request the Minister for Transport and Technical Services to take immediate action to cancel the contract for the plant which was signed and sealed on 14th November 2008 with CSBC (Jersey) Limited; (b) to request the Minister for Transport and Technical Services in conjunction with the Minister for Treasury and Resources to take all necessary steps to reduce the financial consequences of cancellation in the best manner possible for the States and the Island; and (c) to request the Minister for Transport and Technical Services to present to the Assembly as soon as possible, and in any case no later than one month from the date of approval of this proposition, a plan setting out in outline options for dealing with the Island's solid waste in an environmentally sound, publicly acceptable and cost-effective way.

The Deputy Bailiff:

Very well. Where is the Deputy of St. Mary? Hurry up, Deputy. While we are waiting I will read out 2 other matters that have been lodged: the Goods and Services Tax Exemption or Zero Rating for Foodstuffs and Domestic Energy, Projet 28, lodged by the Deputy of Grouville; and the Draft Employment (Amendment No. 5) (Jersey) Law 200-, Project 27, lodged by the Minister for Social Security.

The Deputy of St. John:

Sir, having spent many years in this House under the previous system and having just returned under the new system, is this standard procedure?

The Deputy Bailiff:

No, it is most certainly not.

The Deputy of St. John:

Thank you, Sir.

The Connétable of St. Clement:

In all my time in this House I have never known such rudeness and incompetence by one Member to the rest of the Chamber. [Approbation] I should like to propose that we move on to the next item of business.

The Deputy Bailiff:

One moment. Deputy?

The Deputy of St. Mary:

You might withdraw that, Sir.

The Deputy Bailiff:

Deputy of St. Mary, this ... No, Deputy, I am speaking to you. I am not wanting to hear from you at the moment.

The Deputy of St. Mary:

Yes, Sir.

The Deputy Bailiff:

It is quite unacceptable the way you have conducted yourself this morning. First of all, you do not bother to turn up for questions which you have asked, which was a gross discourtesy to all concerned. Secondly, you now are not ready to start this debate when it is listed for debate. The entire Assembly has had to sit here twiddling its thumbs while you go and apparently get some papers. You must organise yourself better in future. It is unacceptable. I hope you are going to apologise to the entire Assembly.

The Deputy of St. Mary:

I will do, Sir. Yes, it is very difficult. I have worked very hard on this and a lot of other people have worked very hard on this. I can only apologise that in that box out there I cannot lay my hands on the outline of the speech, which is a bit awkward with all the background ...

The Deputy Bailiff:

Deputy, this is not a debating club. This is not a school society. This is a parliamentary Assembly and Ministers must prepare themselves appropriately. They are being paid - apart from anything else - a considerable salary to do so. Will you please get on? You must start now whether you have it or not.

10.1 The Deputy of St Mary:

What is at stake with this rescindment is a number of things. The first thing that is at stake is the reputation of this House. We are faced with the prospect of going ahead with an incinerator, although it is called an Energy from Waste plant which it is not. It is an incinerator. The processes which led to this decision are seriously questionable in many, many areas. So that is the first point, the reputation of this House and whether we have the ... I do not think I will use that phrase again. It seems to be going around. But whether we have the courage to take control, to assert ourselves as a House. We are looking at a very large sum of money by anybody's reckoning. We are looking at the biggest capital project I think ever in the history of Jersey. I am not sure but it is very, very big. With such a large project you would expect a very great deal of care to be taken with everything leading up to that. So that is the first worry. Of course I will go into detail on the different ways in which I believe that the process has been faulty to a degree. We have just heard in the little *intermezzo* that we had earlier about the small matter of a bid being ignored that was two-thirds of the bid we finally accepted. I believe there were technical reasons such as a bit of lateness or a bit of something, but this is not chickenfeed. The documents will no doubt be with Members as soon as we can get them to you but it is a very, very serious matter. So that is the first thing is whether we assert ourselves in view of the demand by the public and the demands frequently expressed in this House to curb public expenditure. Or should I say not curb but control public expenditure. Now, Members will know that I am quite an advocate of social publicly useful expenditure. I believe that it is better to have a public library than for everyone to have to buy the books that they want. I believe that it is good to have well-maintained cliff paths. I believe it is important to have a super education system. All these things are really important. It looks as if the health service could do with some money in terms of *New Directions* and in terms of care for our needy, social work, protection of children and so on. So I am an advocate of expenditure to benefit the community but I am not an advocate ... in fact it makes me an even stronger critic when I see expenditure that cannot be justified and when I see bids that are not put on the table, and when I see that the alternative which was never looked at properly but was put forward constantly by Scrutiny

was ignored, even though it would have saved us far more money than we are talking about if we had gone down that route. So there is a pattern here of amazing profligacy with public money. We have extracted now the figures for consultants, £4.5 million-odd in the years up to 2007, and for the project supervision £6 million is pencilled-in. Well, at £6 million I think the House is entitled to a few more details about where the money has gone but I will come to that later when we talk about the costs and comparison of costs between the incinerator that has been approved and between our alternative. So that is the first issue, the issue of whether this House has the courage to go back on a previous decision, has the courage to retake control over expenditure in this way, over this particular item of expenditure, and to say: "Look, we hold our hands up. We have got to get this right." The second issue - I do not know which is more important, it does not really matter, I suppose - is the whole direction of our society and of the relationship between the public out there and what they expect from us, and us in the House. I think this is so fundamental. There are various aspects to it. One is the environmental aspect; what do you do with your waste? There is a very telling quotation from somewhere or other that says that - it is from the E.U. (European Union) - the amount of waste generated by a society is an indicator of its efficiency. Now, on that scale Jersey lies near the bottom. We waste more than most other societies. Jersey is a very, very wasteful society. The figures in the model I think is 2.8 tonnes per household. How do we do it? How can the Wimberley household, how can the Ferguson household, how can the Butcher household manage to get through 2.8 tonnes of waste? It is projected to rise to 3.5 tonnes per household - I am talking rough figures but I could dig it out - by 2035. It is absolutely unsustainable, it is absurd and the E.U. have taken the position that, as I said, the measure ... if you measure the efficiency for a society by the amount of waste it produces, we are not doing very well. I would be more environmentally friendly and everyone would be a lot happier and there would be more peace in the world if we had a lower resource burden. To be inefficient in this way, to waste so much is fundamentally wrong because those resources that we - our companies - dig out of the ground in Borneo and Brazil and Zambia and Namibia, those processes of digging those resources out of the ground and then transporting around the world and then milled in mills and then turned into aluminium or whatever it be, copper wire, are extremely damaging. They are not just damaging to the environment in terms of carbon emissions and in terms of the damage to forests. I go on to an ecological site about forests all over the world, and the damage is constant. They are constantly alerting their supporter groups to things like, for instance, in Brazil, the digging up of vast swathes of rainforest in order to establish a mine, the mine then has to have a connection to a port, the port has to be built, damage to the ocean environment, and that is one - one - case. That goes straight back to our pile of rubbish at Bellozanne. It is we who are throwing away those resources; it is they who suffer the consequences. But it is not just them because that rainforest is our lung, it is what we breathe in. So the need to reduce resources is fundamental and here we have one of the most wasteful societies in the world. It would be nice if an usher brought me some water because I am beginning to dry up, is that possible? Thanks very much. A shortage of water. So we have these consequences and I do really, really believe that people in general have got hold of this idea, but it is very difficult to implement on a private basis to produce less waste unless you have government leadership. So people are looking to us to do something about this. Now, the second aspect of the relationship between the people, what they expect from us, is the actual burning of waste. You take the waste and picture yourself at Bellozanne, picture yourself going up to Bellozanne on a Saturday to take some mixed rubbish and the picture that greets you, do you think that is right? Can you say to yourself honestly that when you are standing there at Bellozanne, particularly on a day when apparently the pile has gone down quite a bit, which may be an indication that we are beginning to produce less waste ... but on a bad day, if you like, there is this mountain of sort of different bits of coloured rubbish and on the front you have got these walls of plastic and wood and Formica and old sewing machines and all just tipped out. I really have to ask each of you whether you feel all right about that inside. Whether you think that is a sensible thing for a society to be doing and then put that into the global context. You will find not a mention of this, I think, in the Environmental Impact Statement. It does not go into those sorts of

issues. I may be out of turn there but I think that is true. Now, another aspect is the impact of when you go up to Bellozanne and you see that and then you have got: "Oh well, let us just burn it." I have been speaking to many people over the last days and the idea that burning is somehow preferable to recycling is a joke. It is obviously not preferable. When we were collecting signatures for our petition, which was an unofficial petition and I will wave the sheets later on, when you are talking to people who know nothing about it: "I do not know anything about this", they did not even know where the proposed incinerator was, and I am talking about young teenagers. So they were flapping their way through town and you say: "Would you like to sign the petition?" and they say: "What about?" and you say it is about the incinerator and they say: "What is that?" So then you point to the picture on the display board and you say: "That is where it would be" and then you explain in 2 sentences it is either about burning the rubbish or recycling it as much as possible, and they sign it. Okay, we did not go into a long discussion and we did not go through a box full of files but the fact is that is the instinctive reaction. Of course they are right. They are right. To do what we do with a recycling rate of 32 per cent, which is a huge increase ... I think the Island was on 15 per cent and to T.T.S.' credit, and also because of the global moves in this direction, we are now on 32 per cent. But the desire in people out there is to move much, much faster. T.T.S. target is 36 per cent by 2018, and they repeatedly label this as an ambitious target and we are going to have to work very, very hard to get to 36 per cent by 2018, and it will not get any better until 2035. We shall just stay like that all the way to 2035. In my view that is completely immoral. It is irresponsible and it is not what the public want and we know that. So there is an issue here, see ... again I will go into those details later in the speech, but the point is where do we stand in relation to that? As a House, do we just say: "Well, it is okay to go on doing the wrong thing because we are in Jersey" or because ... I do not know what the reason is to go on doing the wrong thing. Can someone give me a reason maybe in the course of the debate, why we should go on doing the wrong thing when the instinctive reaction of an ignorant teenager - and apologies to all the teenagers who are listening on the radio, well, they are probably not - once you explain in very, very simple terms, it is obviously better to reuse resources instead of burning them and I have explained about the global implications of doing that. So what the public are expecting from us, or I would hope they are expecting, is that we act in a way that is going in the right direction and I will be pointing out later that there is plenty of evidence that this is the direction that things are moving in. So why should we hold on to a decision that does not go there? I have a vision of a society that is happy and good and feels good about itself, about what it does and, as I said earlier, if you go up to Bellozanne you cannot feel good about what you see. You can only feel bad about what you see. I do not want to live in a community where you feel bad about what you see, where what is collected from your house gets crunched up into one of those machines. Although in St. Mary we are about to have kerbside recycling but so far it goes into that machine, crunch, crunch, crunch, and in the Minister's own Parish the goo comes out of the side of the lorries because it is all crunched up, mixed, you know, compost, waste, putrescibles and plastic all just goes in, it does not matter and we have had many conversations and emails because in my days as a small businessman I depended on not having the ground right in front of my business with drips of old carrots and coleslaw coming out of the van. This is the kind of system that we have now and it is light years from what I want to see. I want to see - and I hope we all want to see - something with proper separation. I hope we all want to see people ... elsewhere people are so happy when they are separating out their waste and in Jersey too when a Parish, like St. Lawrence, just starts out, then: "Wow, we are doing this and it is right to do it, and let us separate the resources and let us recycle them." It is a big issue here. It is about the way that we relate to our environment and whether we look after it, fundamentally look after it or whether we trash it. As a guide for my business and also for Jersey Tourism I have shown people around Jersey and we live in one of the loveliest places on earth. There is no problem with that. They come back so happy, they have been out to St. Mary, of course, and also St. John - I have got to mention everybody's Parish now, have I not? - and so on, in fact all the Parishes, lovely, lovely places. You can ride up Valley des Vaux and then up through Trinity and ... gorgeous. So how can we do this? How can we do this?

Deputy R.G. Le Hérissier:

I wonder if the question of how could be left until after lunch.

LUNCHEON ADJOURNMENT PROPOSED

Senator B.E. Shenton:

Could I propose the adjournment for lunch, please.

The Deputy Bailiff:

The adjournment is proposed, it is 12.45 p.m.

The Connétable of St. John:

Before we adjourn, could I just ask a point of clarification from the Deputy of St. Mary? He mentioned, I think, earlier in his speech each household producing 2.8 tonnes of waste. I do not know whether that is a deliberate attempt to mislead the House and the public. Looking at the figures in his own document...

The Deputy Bailiff:

You cannot suggest that about another Member.

The Connétable of St. John:

Fine, okay. On page 38 he is showing St. John as 1,013 tonnes. We have 1,260 homes in St. John; that is .8 of a tonne, not 2.8.

The Deputy of St. Mary:

Can I respond to that? I have been challenged on a point of fact.

The Deputy Bailiff:

You certainly will be able to respond to it, it is just whether you do it now before lunch.

The Deputy of St. Mary:

That is up to the House, Sir.

The Deputy Bailiff:

I think the adjournment has been proposed but certainly, of course, you can deal with it as part of your speech, yes. The adjournment is proposed so we reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS - resumption

Energy from Waste Facility: rescindment (P.8/2009) (...continued)

The Deputy Bailiff:

Yes, Deputy of St. Mary.

10.2 The Deputy of St. Mary:

I want to start with a brief statement. It is only one sentence long; I think 2. I wish to apologise unreservedly to this Assembly for the delay in starting my speech. It was undignified and not in keeping with the dignity of this Assembly. So I hope that is accepted. **[Approbation]** Thank you. Now, without more ado I think probably the best thing to do would be to deal with that comment from the Constable of St. John, or question of fact or challenge. I will just get the model data out. It is a bit long and complicated. I think it is a simple misunderstanding. I was referring to the total tonnes per household if you take into account both collections from the door and commercial waste. In other words, you take all the waste that is produced in Jersey. So if B.H.S. (British Home Stores) chuck out so many kilos or tonnes of cardboard in a year that is part of Jersey's waste and you divide it by the number of people and so on. So that is included in that figure. Of course the domestic waste is in the region of a tonne from the doorstep. But that is the total figure and in 2007 it was 2.8 tonnes, so I did remember right, and it is projected to rise to 3.6 tonnes per household in 2035 and I would suggest to Members that that is an inappropriate use of the world's resources. Right, so that was just a clarification. Now just to remind you where we took off, I mentioned in my introduction or part of my introduction the reputation of this House and I think just to recap that I think we need assert ourselves and there is a question of serious sums of money here and also serious questions about information and who has the right and title to information. What I neglected to mention is this question of information, and in particular with respect to the contract and to costs. When we were looking at having a peer review done, which after all when you are faced with a stated possibility of a £45.9 million cancellation cost, even though we have spent to date in the region of £30 million, then of course you think: "Well, somebody independent should look at that but independent in the sense that they are on the side of this House." If I privately, or through Scrutiny, or in any other way if this House commissions a peer review, then I would have thought that comes under the interests of this House. The information is purchaser information. In the contract it is not just the contractor who is digging holes at La Collette totally independently of any supervision or any control and they are not bringing in boat loads of steel totally without any control. We know as much as they do. We, the customer, know as much as the supplier and if you note from Projet 72, the costs of the existing contract is in the region of ... if I remember right, it is over £6 million for project management costs. That is another bonanza for the consultants but there you are, it is £6 million to check the stuff in, check the stuff out and to know exactly what is going on, and to know the specification is being met, that they are not bringing in cheapo girders instead of proper ones, and all the rest. The usual. So there you have this huge cost on our side, on the purchaser's side, to make sure that everything is hunky dory. Now, the States I believe has a right and a duty to know these things and, of course, we have these consultants but when the question arises: "Well, there is a question of cancellation so we need to look at the figures" suddenly the veil of confidentiality is drawn over everything. But I have been advised that confidentiality applies to advisers. In other words if Babtie Fichtner, for instance, who are the consultants to the department, are under their confidentiality agreement, the contractor, CNIM, does not say: "Babtie Fichtner cannot have the information." There is an agreement signed where Babtie Fichtner has the right to see that information on the basis that it is covered by the confidentiality agreement between the contractor and the customer, the purchaser. So there is a whole bunch of these people, my calculations are 30 people at £50,000 working all the time for the States. I do not quite know where

they are sitting, but there you go, and they know these things. So when a peer review is requested by a Member of this House I am not so sure that we do not have the right to that information as well. Maybe that is a question for later because it seems to me that this word “confidentiality” is coming up far too often. This is confidential, that is confidential and we are in the dark. I will return to the matter of what we have bought later but I am focusing on the peer review and I am focusing on this question about costs. We do not know and we are being told that we have no right to know so this Assembly is in the dark and I would go a step further and I would say we are being kept in the dark. I think the Minister will obviously want to respond to that in his speech. But as far as I am concerned this is a big contract; as we all can see it is £100 million. To conduct a peer review for £5,000 to look at whether the cancellation cost is correct is surely a valid thing to do and my reviewer was quite happy to, of course, enter into any confidentiality agreement. The written reply to the States from the department or from the Minister about the peer review specifically said that it would be possible to do the peer review subject to the confidentiality clauses, which I understand to mean that the road is open to peer review but that the reviewer will obviously have to sign that he will have to come under the umbrella of an adviser because that is what he is. He is an adviser to the States or to myself and through me to the States. I am not absolutely obviously certain of the legal ins and outs here. If it becomes a major issue in the debate then maybe we will have to have advice but it seems to me that there is a real problem here and it is a problem about the assertion of the rights of this House. So that is just a little addition to the question of reputation. Then I mentioned the environmental direction of the Island, what is at stake and how we feel about ourselves. So to carry on with the introduction, the next thing I want to touch on is the future, not the past. I really do want this debate to be about where we are going. It has been said several times this year already in this session that we are where we are. I believe we are in a very unsatisfactory place and we have been put in this place - and I will come to that - but the fact is we are where we are and I would want the main emphasis of this debate to be where is the Island going and are we leading the Island in the right direction. I do not really want to dwell on the past, although I fear and I see that there will be a necessity to look at the processes which led to this decision, some of which are extremely dubious. Now, under this heading of the future not the past, I want to cover the reason why we are here, which I mentioned right at the beginning of my report, the initial report and my addendum report. There is a real question of rescindment. Why go here again? I am sure lots of people sitting here are thinking just that. Why are we going here again? It is an important question. I have on file a document describing the history of this waste problem from the time that Bellozanne’s third stream was put in, and it is a history which just dates all the way down a timeline of this sad story. I think in 1996 there was a group set up and they drew up a first shot at a strategy and then the first shot was revised and became the second draft and so it went on. My problem is that here we are again - here we still are - and the reason is that at no point was the process entered into in a way that arrived at an answer that the community would be happy with, and I have mentioned the Bellozanne picture. It is being really content, knowing that society is with you, knowing that we are all rowing in the same boat and we want to go in the same direction. It just has not happened. I was pointed to what happened in Lancashire by someone in York who was campaigning against an incinerator there. What happened in Lancashire was that in 2000, which is not far from 1997 so you are looking at the same sort of timeframe, the county council produced a waste strategy. Well, that is what county councils do. They found that there was a 75 per cent satisfaction rating among members of the public with their waste strategy. Now, I have never seen a figure like that in Jersey, a satisfaction survey with a waste strategy, and that immediately poses the question: “What sort of processes do we adopt when we are looking at strategic documents and their development?” Yes, there was some consultation. I remember going to a meeting myself in 2003 or 2004, around there. But the idea of going back and saying: “What do you feel about this set of proposals?” ... anyway, the upshot of that satisfaction survey was that people by and large were happy with the strategy but there were 2 things they were not happy with. One was the recycling rate was set too low; they were not happy at the progress being put forward in the strategy and the speed and they wanted to recycle more. We are talking about 2001-2002 and

of course this desire to recycle has strengthened ever since. The other thing they were not happy with was that built into the strategy as the final disposal route was an incinerator. So the county council, what did they do when they are faced with a public that is in general happy with the strategy but there is 2 things they are not happy with, the recycling rate and the incinerator? They changed their minds and they produced in 2003 - again you notice the time lag, 3 years, and we have been at this now for over 10 - a revised strategy and it says in there that the cabinet, I think it said - which is our Council of Ministers - had looked at alternatives and had concluded that the incinerator was not the way forward. In 2003 they came up with an alternative technology and a higher recycling rate and there you go. That is what Lancashire did in the early years of the 2000s. I just contrast that with ourselves, and it is extraordinary that we are still here talking about this matter. But the reason is that we have never had a process that satisfies the stakeholders, that satisfies Parishes, that satisfies the people out there, that satisfies this House. It has always been: "We do not really want to go there." With reason, as we will come on to discuss in more detail. So this is about the direction and the future. As I say, I do not really want to dwell on the past but there is an important matter of process and why we are here debating this. Finally in the introduction I want to talk about parties. There has been some talk about this party and that party and other parties, and really I am not interested, frankly. I notice that a certain gentleman of the press wrote yesterday or the day before that that is what this debate was about. Well, it is not about that. It is about whether this is the right decision to rescind the incinerator or whether it is the right decision to press ahead. I do really appeal ... you know, if we cannot get above that kind of insinuation from the gentlemen of the press then we really should not be here. That may be a bit loose but the point is what matters is the projet in front of you and whether it is the right thing to do. I hope that is the spirit in which this debate is conducted and I would add that I hope we do not have people jumping up and saying that Mr. Wimberley was late in his speech because that is also not what it is about. I accept that it was out of order but I hope we can brush that to one side and say: "Okay." Because this is too important to wonder about the colour of somebody's socks. So I would like to now talk a little bit about what does a waste policy have to do. This is the sort of step that if the third part of the proposition is accepted, and I know there is an amendment, but this is the sort of way that a waste policy would be looked at if we put a line through the incinerator. There are certain criteria, certain ground rules. One is that you see waste as a resource; that is an opportunity and not a problem. It is not: "Oh Bellozanne." That is what it is at the moment, it is: "Oh Bellozanne" and I will talk about Bellozanne and certainly in the amendment I am sure there will be discussion about the need to deal with Bellozanne. But waste is a resource. That is the modern way of looking at it and when you look at modern documents about it, it is all about how much can we get out of this both in terms of the environment and the planet and in terms of financially. So that is the first criterion, see waste as a resource. Secondly, all waste costs. Now, this is something we tend to forget. We just go: "Oh well, there is this waste" and then we go around the Parishes and we collect it and we crunch it up and we take it to Bellozanne and it goes up the chimney. We do not, as an Assembly, think: "Wait a minute, our money is going up in smoke" as I memorably demonstrated the other day. But that is what we are doing, we are burning our money. We are burning our public's money and to some extent, because they are generating the waste, they are burning their own money. It is daft. It is really, really stupid and the way around it is to reduce our waste. Now, I have left my props outside and I will not do the bad thing of going to get my props, but you will just have to imagine that here is one of those plastic bottles that you get from that shop in St. Peter. I do not know if it is called advertising if I mention it and whether one can mention it, but you know the one I mean opposite the Co-op, sort of in the corner in that farm. They bottle their milk in plastic bottles and they are one trip. When you take that bottle home ... I have heard of somebody who slices them in half and uses them for something or other but basically they are one trip. What is the cost of those bottles? Would you hazard a guess at the cost of one of those bottles? Okay, it is a small scale plant, they are not buying them by the million, they are buying them by the 10,000, and it is pretty shocking. They are 12 pence each. So every time you are buying your milk, which is £1 give or take for a one litre bottle, you are paying

12 per cent in packaging. The lady told me that in terms of retailing that is quite low, that normally you pay more than that for your packaging, or very often you pay more than that. So just to take that example, 12 per cent of your milk is packaging and it only goes one way and it ends up in the bin and it goes down to Bellozanne. I totted it up and on the basis that a family of 4 would use roughly 3 a day and you very quickly get to a figure of - I have forgotten the figure - I think it is £120, it is certainly over £100 a year and that is gone. You add that a few times in your household bill and you are looking at what I just said, you are burning your money. We, because we are not being proactive enough in this area, are helping them to burn their money. I did have someone doing research but I do not think they sort of got the final figures together. My next prop was a tetrapak. They are just out there but I will not go out. The tetrapak, a one litre tetrapak. Now, the figures of the Scrutiny Panel is about 10 million tetrapaks a year. I did a calculation on the basis that we each drink half a litre a day, which I think is quite modest. I get through more than half a litre a day. That ends up at 16 million tetrapaks a year - 16 million - and the tonnage is nearly 500 tonnes, it is 400-something tonnes. Four hundred and something tonnes is nearly half a thousand tonnes, 70,000 tonnes is what we burn at Bellozanne. So 150th of our waste stream could be done away with if the dairy was to switch to reusable plastic P.E.T. (polyethylene terephthalate) bottles; 150th of our waste stream. You only have to repeat that a few times and you are reducing the waste stream. Has anyone mentioned this to the dairy? Have Planning imposed any sort of conditions? Have the officers at T.T.S. been in on the ground floor when that new dairy was being planned and said: "Here is an opportunity to reduce our waste"? That is the kind of thing that we should be doing instead of paying 30 consultants £50,000 a year to look after an incinerator. Just imagine the waste minimisation initiatives you could have for a fraction of the cost if you had a team dedicated to looking at all these new initiatives, to looking at existing businesses and saying: "How can we help you reduce your waste?" You would be into very big figures very quickly. Internationally the E.U. has directives on waste packaging. There is only one way and that is down and, in fact, countries are doing that. There was a graph in my addendum to show you how packaging is reducing. So in our throwaway society everyone knows that it cannot go on. The other point about waste costs, the other point about the total tonnage and the need to reduce is that somebody pays the cost. It is not usually the person who throws it in the bin, and this is part of the problem with the way our society is set up, we do not see the consequences of our actions. So I mentioned, of course, what happens if you do not reuse resources and you claim new ones is that somebody has a whopping great opencast mine around the corner from their village, or even displacing their village. That is one aspect. But the other aspect, which is possibly more relevant to people sitting here, is what happens to the people at Bellozanne? They have to - and they have told us - put up with lorry after lorry after lorry after lorry going up to Bellozanne and that is, of course, a major aspect of waste. It is the transport. There is major work being done in the E.I.S. (Environmental Impact Statement) about the extra traffic that would then be on commercial buildings and so on. So what you are doing is you are shifting the cost - the social cost - of our waste on the poor people who live on that road and near to Bellozanne, you are shifting it to somebody else and that really ... unfortunately that is the way it is but I think we should put a serious focus on reduction because if we did then the people that have to put up with that would have to put up with less and that should be a policy goal written into any waste policy strategy. The third is to protect the health of the public. Of course, the transport has an effect on that but also what comes out of the stack and what comes out as ash. I will talk about health in more detail later. The fourth thing is to reduce to a minimum the impact on climate change. Again, I will speak to that later. The fifth point of any waste strategy, it has to be efficient and cost effective. Just a little figure here, the cost of dealing with Jersey's waste has been said by the C.E.O. (Chief Executive Officer) at T.T.S. to be £90 a tonne. That is the cost of the facility at Bellozanne. I have been told a figure for Taden, which is a much bigger incinerator in Brittany, and the gate cost there is 80 euros a tonne. That cost is filtered back through the communes to the householders I believe. But anyway that is the sort of costs we are looking at, £90 a tonne, and if you go to the water it is down for a bit less but then they have a bigger project. The sixth thing is that any strategy has to inspire the public. I referred to that in my

introduction. I think it is really, really important that we use this opportunity to connect and I fear that the incinerator is a really big example of disconnect. There was no problem at all getting people to sign the petition to say that we need a better alternative. There are, of course, 80 per cent or so who walked past or managed to have their eyes fixed in the middle distance when anything is happening, but that is par for the course. I do not think that would change whatever you were trying to do. But the fact is there is a big demand for recycling, we know that, and to be with the public in this field of policy would be so much better for the Island's feeling about itself than what we are going to do if we do not rescind. The seventh is respecting the environment: clean air, clean water and healthy soil. Of course, that again is related to the health issue. Do we respect the world we live in or do we regard it as something that it does not really matter very much what goes into it? That covers the Ramsar which, as Members will know and I will justify later, has been totally ignored in this incinerator project. Finally, but not least, flexibility. This is a really important issue. To build one big box to deal with the problem of waste is just so short-sighted. It is a real risk for this Assembly. It is a real danger. We should look at this carefully. What you are saying is that you believe all the figures in the model, and I will be looking at the model in more detail later, but that model is full of assumptions that are dodgy to say the least. What you are saying is everything will be as it says, waste will not go down, the population will not go up, everything will be as it says and recycling will not go up and so we will have to have this vast final solution. There is nothing built in, there is no flexibility around this plant. I laugh when T.T.S. repeatedly use the word "flexible" in front of the word "incinerator" or in front of the word "solution" because it is not flexible. It is perfectly obvious that a single box where you take all your rubbish is not a flexible solution and the solutions that we are looking at are modular, they are tailored to doing the job we want them to do. Certainly in the case of pyrolysis, if you want to reduce your pyrolysis and take one up to the hospital when the clinical waste incinerator has run its course in 10 years' time, you just unscrew it and take it up there. That is ... you are saving £10 million, I have just saved £10 million and that is the kind of thinking that this Assembly should be looking at. I am not covering flexibility elsewhere so I will cover it completely now. We are in a very, very unsure time in the global economy and in the local economy. It is obvious. I read the front page of a paper recently: the Bank of America has just gone down 44 per cent and the Citibank has just gone down 33 per cent, or it might be the other way around. I am not that perfect with remembering everything, but there you go. Those are massive drops and they happened just like that, they happened in a week. Five hundred billion is the bad assets in Lloyds and the taxpayer is going to have to cover it somehow. We are in very, very unsure times. There is some kind of recession coming, how long it lasts we do not know, but what we do know is that peak oil is here. We do know - and I justified this in my addendum and if anyone challenges I am quite happy to take them on - peak oil is here and the amount of oil of replenishment rate has now gone below the extraction rate so there is only one way. If the economy picks up in conventional terms, in other words we all start consuming again and spending money and feeling confident, then the oil price will immediately rise. There is no 2 ways about that. When it rises, of course, the recession will kick back in. So we are in a different place, a fundamentally different place, and to burn your rubbish instead of using it again is really, really unwise. I nearly said something stronger but I will just leave it at unwise. It is not what a government should be doing. They should be wise to the fact that things might change and if we get a modular solution with 12 tubes and we go down to 8, if we find that our waste stream has gone right, right down, then that is fine. That is a better way to go. There is a real fear that with the initiatives that are happening, with the waste packaging initiatives, with the English Government policy to reduce waste and what is happening with respect to waste in the U.K. that this incinerator will sit there wondering what it is eating. Then the spectre happens: "Well, maybe we need some waste to feed the monster because we built it and it cost us £100 million" so what are we going to feed it with? I gather that Guernsey had got a small problem. I have a real fear that one of the subtexts of this incinerator has always been Guernsey. The discussions have gone on and off and the idea that we should become the dirty man of the Channel Islands does not appeal to me and I am not sure that that is what Members voted for back

in July. But it does look suspiciously like that if we do not have enough waste to justify the £100 million then we might have to import some and collect the gate fees from it. So that is one aspect of flexibility. The other way you can do it is by simply jiggling and I gather that at the briefing - and this really shocked me - T.T.S. informed Members, I think, that the way they would handle the waste stream, particularly in the early years when it is not enough to run both barrels at full blast, is they are going to stockpile and then they are going to run one stream in the incinerator at full tilt, which is what you have to do. So they will run it at full tilt until their bunker is looking low. Then they will stop that stream, then they will wait until the bunker fills up, maintain stream one. Then when it is full enough they start stream 2 and they run stream 2, then when they run out of stuff they close stream 2, maintain it, go back to stream one. That is the worst way to run an incinerator. It is bad for the plant and it is bad for emissions. The emissions in the Environmental Impact Statement are based on best figures. They are based on the plant's design which is to just run. It is not based on stop/start and I looked at the E.I.S. this morning and just keyed-in start on the electronic version - it is wonderful what you can do these days, you can find out whether people are taking things into account or not and you can find out very quickly - the word "start" appears but start/stop, that kind of running, does not appear in the Environmental Impact Statement. I also keyed-in intermittent, just in case. The word "intermittent" does not appear in that context. I do not think it appears at all. So I then keyed-in "airborne emissions" and also "airborne" and because this came up recently, you see, I only learnt this last night, and there is no consideration of stop/start running in the Environmental Impact Statement. So we are left with an inflexible box and when you try to run the thing with not enough stuff to put in it you are faced with real problems. So that was the introduction. I want to now turn to the alternative, because I thought it would be good to start with what the alternative is. I will just find my bit of paper for the alternative. Now, on Friday the Greffe mailed out a spreadsheet. Unfortunately, they could not do it on A3, I do not know why they did not do it on A3 but it came out on A4 with different sections, and they did well because I sent them these things and they sent them out. Unfortunately, they forgot the tabs at the bottom, which I had not said there were tabs along the bottom but there were tabs along the bottom and you have had those this morning on your desks with the footnotes, if you like, explaining the different companies involved and with notes on the kind of processes. But I will just go through the alternative. First of all, how much? Because I am sure that is an interesting figure. The how much is ... a little footnote, a little addition. You will note that one of the notes quite near the top says, I think it is on the very first page which you got on Saturday: "This spreadsheet does not include the cost of an apron to put the things on, to put the various technologies on, it does not include that and it does not include road access and so on." So I know the road access is there already down at La Collette but I got, in fact, the guy who was going to do the peer review to give ballpark figures for that amount of acres - acres - of concreting for the apron and for reinforcing the bases of the columns of the sort of shed you would need to put the M.R.F. (Materials Recycling Facility) in and the services, electric and water and so on. I have added those to the figure of project B because I think project B is what we are really looking at, and the total is £32.4 million. Now, clearly there may be extras that we have not thought about but also there will be reductions because in Steve Le Cheminant's words from Total Waste, you can get cheaper quotes than what is in that document. He only worked on it for 3 weeks. Also pyrolysis could very well come out with a front-end M.R.F. and would quite possibly be less as well. So we will take £32.4 million. Now the key elements of this alternative are that first of all you sort your waste. There is a trade-off there. If the Parishes continue to introduce kerbside recycling you might need a very much less elaborate M.R.F. That is a big item - I think it is £4.5 million - in there. But considering it is sorting absolutely everything, it is slicing open the bags and then it slices open the bag inside the bag ... if anybody went on the website then you would have fun looking at all the different gadgets that are on there. If you did not go on the website, you should, frankly. It is a really impressive website apart from the English. I do not know, I am not getting many smiles. You really should go to that website because the English is Italian English but the engineering is also Italian and looks pretty good to me and certainly the different kinds of ways that the waste is sorted so that you end

up with bins full of all the different categories. I also have a floor plan if anyone wants to go into that level of detail. Now, the second item that he has put in there is a W.E.E.E. (Waste Electronic and Electrical Equipment). Quite funny, is it not? Anyway it is to do with electrical, all the electrical goods, and by 2009 I think the E.U. directive comes in and Jersey has agreed to comply. As I understand it, it is certainly incorporated in the waste model, whereby all electrical goods will not go through the incinerator, they will all be sidelined, they will all be treated in a proper way and I am not sure whether the Jersey system is to send them back to the producers. I think that is the underlying philosophy under W.E.E.E, the waste environmental something electrical directive. So that is also in the price of what the Greffe sent out to you on Saturday. Then there is an anaerobic digester plant which takes the entire food waste, which T.T.S. inform me is around 16,800 tonnes a year, roughly 17,000 tonnes. There is an A.D. (anaerobic digester) plant. A.D. is a well-established technology. There really is nothing to be frightened of. It is basically a big tank, a bit like the fuel farm tanks, and it gobbles up all your food waste. The fourth component, major component, is the gasification plant. Now, I think that comes in at £14.5 million. It is simply the final disposal route. If you think that for £14.5 million you are getting your final disposal route and you compare that to £100 million you think: "What on earth is going on?" What is going on is firstly that it is more recent technology and the second thing that is going on is it is processing a fraction of the amount because you have already taken out all that you possibly can. So that is the bare bones of the alternative. I think the really important thing about it is that, as I said about the criteria for waste strategy, it looks at waste as a resource and the final processing is what you do to what you cannot do anything else with and you get gas, you get power output, which I do not think is included in his plus figures. Also, he hardly puts in anything for the value of the recyclates because, of course, at the moment that is quite low but there is a future benefit there on the plus side. I have talked at length to a ... well, not at length but I sent him the various documents and had a conversation with one of my consultants, who is very kind and works for a lot less than the T.T.S. consultants, but that is a side issue, I am sorry. He explained about the financing of this alternative project and he said quite clearly that there really should be no costs to the States in this at all, and he then proceeded to talk in language that I do not understand. It was very fast and complex and I kept saying: "Slow down, slow down, can I just write that down?" But the gist of it is that if you were to borrow and then finance and then maybe either go the route of a gate fee or fund it out of the £100 million that we have already voted, when you think of just how much that money is - and I will come to the cancellation costs in a moment - there is an awful lot in this budget and I am sure that we can ... certainly the capital cost is a huge saving, the running costs are slightly more. So we should go here. The cost of the existing is £97 million capital cost plus the project management and then so much for operational costs. There are some questions here. The first question is - and this can go in the Minister for T.T.S.'s notebook as a question that has to be answered - that in the cost comparisons in 1972 the column for the preferred, or what they call the preferred, option had a figure of £2.7 million income for electricity. All the other sums in this cost comparison are carefully annotated. This is because we did this at 76 per cent and we discounted and this is ... so you get some picture of how that figure is arrived at. With the £2.7 million income, which makes a huge difference to the operation costs, if that was £1 million out then CNIM would not have won the bid. It would not have been the preferred option. It would have been another option because the difference between the top 2 options was well less than £1 million. So if that income from electricity was a bit out then we would be looking at a completely different scenario altogether. There was no footnote. We have no idea how that £2.7 million was arrived at and it would be good to have some discussion of that when we look at the cost of continuing down the road of the existing incinerator. There is a very big income there that they are postulating. We know from other documents that they do not stop short of saying that the electricity generated to the Island will be 7 per cent of the Island's consumption when, in fact, that is based on the 2035 waste figures applied to the current consumption of electricity. So we know they are not above figures that are slightly peculiar. I have that from a source and if anyone wants to challenge that, that is fine. But the fact is that to compare the electricity generated in 2035 with the demand now and

then to say it is 7 per cent, that does not seem right to me. Anyway, I am just throwing more doubt on the £2.7 million because the other figures they give us are comparing 2035 bundled-up somehow with 2008 or 2007. So I have my doubts about this £2.7 million and I would like them allayed because it is a very important point when we are comparing the costs. Now we come to the costs of cancellation. Here again we come up against this problem, do we not, about the peer review and not being able to know whether these figures, this £45.9 million, has a justification. But the first point to make about it is the point about vesting certificates. We are told in the written answer this morning that it is about £30 million has been spent already. Now, of course, the question is what has it been spent on? What do we have for that money? I had a very interesting exchange of emails with the C.E.O. of T.T.S. here about this matter because I was informed that when you are dealing with a sort of contract where things are bought in advance so money is put in upfront, which is precisely what has happened in this case, money is put up upfront, you buy something on pre-order and then it is manufactured, there is a thing called a vesting certificate which is like a proof of purchase. It means that States, or perhaps the Minister - I am not sure what the exact legal position is, let us call it the States - own this bit of equipment. So I asked a question of T.T.S.: do we have the vesting certificates for what you have already spent £22 million on, and there may be another £7 million last week, and the answer came back: "Yes, we have the vesting certificates." Then shortly afterwards I got another email saying to the effect - I have tried to find the specific emails but I cannot lay my hands on them - that: "No, we do not have the vesting certificates, we are paying on a milestone basis." I do not know about you but that kind of worries me slightly. You know, one minute there were vesting certificates and then there were not. This is quite serious and my adviser is really shocked by this because what it means is that we are wide open. If a company that is making some piece of kit for this incinerator decides to become victim to the recession and goes bust, we are left with having paid for a very expensive drawing. We have got nothing and we have got no recourse because we do not have a vesting certificate. That appears to be the position. So that is the first risk to which we are exposed, that if a company, a subcontractor down the line from CNIM goes bust then apparently we have nothing to show and apparently we have been exposed to the risk of getting nothing back. In the case of cancellation you would expect that we had the options of either going the down the line to the subcontractor, the project manager would do this, and say: "How far have you got?" and they would say: "Well, we have done the drawings." They would say: "How much for the drawings plus a compensation sum for not having that work?" Or you would go to the subcontractor and you would say: "How far have you got?" and - well, looking at your paperwork you should know - they would say: "We are nine-tenths finished. We have only got to put the last fin on the turbine." So you say: "We have already got it, we will buy that turbine and we will sell it because we have bought it already." Now, the problem in this scenario that we are looking is we have not bought it. So if you go to the subcontractor down the line you have got not a leg to stand on. Where that leaves the cost of cancellation I do not know, but I fear that it means the money has gone down the plughole and that is most unsatisfactory, most unsatisfactory, and we need answers about the vesting certificates. The second point about the cost of cancellation is that if it is true that we have spent £30 million to date and we do not quite know what it is on, but we have spent £30 million ... and another point, of course, is that we do not know what we spent the money on or what we even might have spent the money because T.T.S. refuse to tell this House. But if you look at the schedule of construction ... sorry, if you look at the written answer today, I think it says that T.T.S. has set aside - the written answer on staged payments - £5 million to cover the cost up until October of the euro side of the contract. They have bought £5 million worth of euros. That suggests that the price is not going to go up that much in the next couple of months; that suggests that the £30 million is just about it. You might add a couple of million for some English expenditure but it does not sound like £45.9 million to me. It is all very, very doubtful and if we cannot get some kind of real figures about real objects then we seem to be buying thin air. This is about £100 million and it is about whether we should go down a different route for the Island and the main argument, and we hear it again and again, against the rescindment is the money. It is: "Oh, but we cannot waste

£50 million.” I would suggest to Members that we have not spent anything like £50 million and I do not think the cancellation costs will be £50 million, but there is a serious problem that apparently we have not bought anything at all. So, so much for the costs and the costs of cancellation. There is one other point on the costs of cancellation which is that the T.T.S. make great play of the fact that ... they make 2 points about cancellation. They say that the cost of the legal arguments and doing what I have just described, of going to the subcontractors and finding out how far they have got down the line and so on and assessing the costs and then arguing, will be in the region of £4.1 million. That is what they are claiming, that is what they are saying. We already have a project management cost of £6 million built into the price so we reallocate that to sorting out the cancellation and we are still quids in if you do the sums. It is not an extra cost, as T.T.S. would have you believe, because the money is already there. The final point on costs of cancellation is ... well, apart from pointing out that the £4 million is quite a lot of money for sorting a dispute and the reference is made constantly to cavern: “Ah, but the cavern, the great cavern.” It went on for years, did it not, resolving that dispute over equipment that did not work and about all the things that went on with the cavern? My understanding is that T.C.C. (Technology and Construction Court), which is the court to which T.T.S. and CNIM would go if this thing was rescinded, it is a court of final arbitration; you go there and you decide and that is it. So the project manager makes an assessment, the assessment is contested by the contractor, you try to make an agreement because that is still more sensible and it is cheaper than going to the court. If you cannot make an agreement you go to the T.C.C. and they decide and that is it. So I am not sure that it is a correct analogy to say look at the cavern because I do not think the same situation applies. Finally on costs, we have the costs of cancellation, we have the litigation costs and then the £45.9 million, £5 million, was that right? It has gone. Okay, I will spare you that bit. It might come back to me. So that is the cost of cancellation. I think there are serious doubts about this £45.9 million plus £4.1 million and so much play is made of it, as if it is the only argument. But our alternative added to the cost of cancellation put forward by T.T.S. is still cheaper. I would urge Members to remember that, that if you subtract £32.4 million from £50 million you get ... sorry, sorry, if you add them and then subtract them from the contract which we are committed to at present, there is a very tidy sum left over in the order of £20 million. Just bear that in mind as we go through the other arguments. There are 2 more things to say about the costs: one is uncertainty. The Minister referred to uncertainty in his radio interview yesterday morning. He said that there was uncertainty and he accused the proponents of the rescindment as being in some kind of uncertainty zone. The opposite is true. We have an unbudgeted emergency access road. Nobody has any idea, certainly no figures have brought to this House yet, about the cost of enlarging the promenade along the front from Havre des Pas slip all the way through past the power station to be able to take fire engines going full tilt. Nobody has said what that will cost. Nobody has implied that the planning permission will, of course, be granted, even though it is a Victorian monument of quite some interest. I have been informed that if you take a close look ... I confess I enjoy walking along the top so much that I do not climb down the to beach to have a look at how it is made, but how it is made apparently is rather, rather cool and if you are into that sort of thing you can go and have a look, because apparently the Victorian granite work built on to the rocks of the shore to support the walkway is quite something. There you go, we are just going to enlarge it in some way, never mind whether it is an S.S.I. (Site of Special Interest) or a B.L.I. (Building of Local Interest) or something and maybe the Minister has not got around to protecting it in any way. But even if he has, the price of progress will ensure that that protection is removed, no doubt. So we have the protection; we have the cost. I was talking about the cost. We do not know; it is not budgeted. There is an assumption that the planning permission will go through. There is an assumption that the Parish will lie down and say: “We do not really mind about our lovely promenade being turned into a fire engine friendly route.” That is one element of uncertainty. The other element of uncertainty which Members are familiar with, of course, is the euro. The euro goes up and down. It is doing quite well at the moment, the contract is a little bit less expensive just now, but last week, or was it the week before, it was really expensive. Now, we remember that this is a fixed

price contract according to our Chief Minister, it is a fixed price contract but it is one that we might make a profit on. No, I am sorry, it is not a fixed price contract. It is a wobbly priced contract. Sometimes people call me wobbly so there we go, it is a wobbly priced contract. With the euro there is only one way it will turn out and that is a lot more than we voted. But, of course, we did vote a little clause, did we not, in Projet 72, or rather Members at the time voted a little clause which said: "If there are fluctuations then we will take the money out of another pot", called the contingency pot or something, and that will cover that. That is no consolation to the public. It is certainly no consolation to Ministers screaming for money for their departments to find that £5 million just went down the Swannie because there is a bit of uncertainty about the terms of the contract. I would remind Members that we paid consultants £80,000 - financial consultants not construction consultants - just to look at the financial side of the contract, and it appears that there is no protection against financial fluctuations and there is no protection in the matter of vesting certificates. I wish I could be paid £80,000 for apparently not doing anything. **[Laughter]** We shall see, maybe something will come out in the wash and maybe we will all know by the end of tomorrow that there is something perfectly all right about this euro thing and it was all done with the best of intentions and we will know that we bought something for our £30 million so far, and we will know what the actual costs of cancellation might be. So one uncertainty is this euro matter which could easily be £10 million and, you know, that is big money to just make a mistake, but it certainly comes under the rubric of uncertainty. Here is another uncertainty. Again, I have ... I am not sure I have asked this question but I am asking it now ... you can lean on this, that is good. The other question about uncertainty is unforeseen circumstances. Now, I have been informed by my advisers that you always have clauses covering unforeseen circumstances. In Jersey we have a special unforeseen circumstance, which is well known, which is granite that is very hard. It is a bit like snow on the rails or the wrong kind of leaf. Granite that is very hard costs a fortune. I seem to remember the cavern contract came unstuck with drill bits, like quite big drill bits - kind of that size - that would not go through Jersey granite. They just burnt out. Not only did the drills burn out, I think the machinery behind them burnt out. Anyway it was a very expensive and ... then I think it got stuck in the hole, did it not, if I remember right? Anyway, it was a right shambles and somebody paid for it. I wonder who paid for it and I wonder who is going to pay when anything, anything at all, goes wrong with this contract. It is a very big contract. It is bigger than the cavern. In the cavern contract we ended up paying extra money. I do not know how much, I do not have those figures but maybe we can have the figures from the Minister about the cavern and how much extra it cost when we encountered the wrong kind of granite. Okay? The problem is that with this contract I have not been able to establish what the contingency is. It certainly is not in Projet 72, not as far as I can see, unless that comes under currency fluctuations but I do not think it does. So if something goes wrong when they are driving the piles down at La Collette or if something goes wrong with anything really, who picks up the tab? So I would like just to leave you with that thought because remember that I know that one of the things that will be put about by people, who for some reason want to cling to the existing project of the incinerator, they want to cling to that, they will say that our alternative is uncertain. It was put together in 3 weeks by somebody in Guernsey. Who is that? When they went to T.T.S. they were just sent away with no discussion at all. Now, of course this chap googles, he knows quite a lot about it, he comes up with a suite of alternatives. I think he has done a lot of work and I think we should be very grateful to him, but of course it has not had 30 consultants being paid £50,000 for 3 years continuously working on it. Remember they have just been looking at one incinerator. So of course it is not all dusted and perfect and I have only got 6 rows of figures and I should have 25 rows of figures and the box outside should weigh a tonne. But it does not and the argument that somehow this uncertainty applies more to what is being proposed in this rescindment than it applies to what we are being ... the *status quo* is not quite right. There are considerable uncertainties in proceeding along the path which we are looking at. I think colleagues of mine are going to look at other issues such as alternative bids. There are real, real problems, issues, questions around this question of cost. I know this Assembly is really pretty dogged when it comes to tracking down how much things are.

I hope that we are going to all insist on the right figures to assess the costs of the existing incinerator and the various uncertainties and the cost of cancellation. Right, so now I want to consider the various issues and areas that inform this debate, taking them one by one. As a preamble I just want to remind you of what T.T.S.'s response was to my addendum, which was 50 pages, I seem to remember. It feels like a long time ago. Their response was ... I thought it was impolite to say the least. You may say it more strongly. I think it was derogatory. They said that my document lacked evidence and it was full of opinion. So just bear that in mind as we proceed through these various areas. I believe in evidence-based discussion, as I said in my letter in response to the good Professor Demaid in the *J.E.P.* I would not be standing here if there was not evidence, evidence that the alternative will cost less. If he had come up with a suite that cost £60 million and you add it to the cancellation costs and it comes out wrong, I would not have stood here. The same with all these points that I am going to make. Just remember that T.T.S. argued that I did not have any evidence because it really makes me quite annoyed. I think I am entitled to be annoyed. You can also assess for yourselves how much evidence ... at the points where we really need to know things, how much evidence we get from T.T.S. So, climate change. That is the first area we need to be concerned about. Carbon emissions and climate change. Now, I do not know if anyone in this House thinks that climate change is myth put about by some maverick scientists who do not know what they are talking about, but I just want to preface this section with a few words on climate change because it is important. I nearly brought mementos to put on the pulpit but I can remember ... I am going to get emotional. I can remember going to Liverpool and being with my grandchild and, you know, you think of her and you think of the world she is going to inherit. If we go on the way we are it is not going to be much of a world. So let us take global warming seriously. There is no disagreement among climate scientists, global warming is happening, it is man-made and if we do not change our CO₂ emissions then catastrophic climate change will result. In June 2005 - so that is going back a little while - roughly the time of the solid waste strategy, in fact it is just before it was debated in this House, the science academies of 11 leading industrial nations released a joint statement. Now, you know, scientists do not sort of spend their time releasing statements like you or I. We release them every week because we want to try and influence the public and tell them what we are doing and all the rest of it. When the National Academies of Science of 11 nations issue a joint statement that is a huge process of going around the houses and secretariats, talking to each other, it is not something they do lightly. This is what the statement said, or part of it: "Carbon dioxide levels have increased from 280 parts per million in 1750." Why did they choose 1750? They chose it because it is the beginning of the industrial revolution, the beginning of burning coal. Of course, coal took us to 1850 or so, 1890, and then we started burning oil. Everything you see around you in our civilised world depends on that burning of coal and then oil. So this little thing here would not exist without oil, nor would much else in this Chamber. This Chamber is an example of how you can do it with not too much oil because there is an awful lot of wood in here. But the fact is if you go outside, look in a shop window, then you are looking at oil in one form or another. They released a joint statement saying: "Carbon dioxide levels have increased from 280 parts per million in 1750 to 375 parts per million today, higher than any previous levels that can be reliably measured." Then there is a lovely scientific bracket: "i.e. in the last 420,000 years" which I think is rather sweet. But there you go. So here we are at a higher level of carbon dioxide than any previous level. Then they say: "Increasing greenhouse gases are causing temperatures to rise." Now, we know the effects, we know the effects. We know for the people in Bangladesh, the water is rising and soon they will have nowhere to live. We know that the Arctic ... and so on and so on. There are mountains of information but the simplest truth, apart from the I.P.C.C. (Intergovernmental Panel on Climate Change) and the fact that one or 2 scientists, usually statisticians not climate scientists, differ and they get half the press coverage but should be ignored by a House that is basing its decisions on evidence ... the evidence of the I.P.C.C., which is thousands of climate scientists, all of whom want to make a name by disproving climate change, they would all love to publish a paper that says: "We have found out that it is not really happening." But they do not produce a paper saying that it is not

really happening; they go out looking to disprove and they come back with yet more evidence. You only have to ask the birds and the bees. Now, the birds and the bees do not lie because they do not have political agendas, and the insects and the plants are telling us that climate change is real, the ranges are moving northwards, they are moving up the mountains and there is ample evidence of that for anyone who doubts climate change. The results of climate change, a 2 degree - 2 degree - rise, this is what Nicholas Stern is suggesting to us as our future, that we will price carbon, we will make sure that we get to this point, 2 degrees higher than we are now. When I read out this list you will see what a hellhole we are heading for and that is current projections. That is doing a lot now to make sure that we stay at that figure, round about 450 I think is the target of Stern, and it is too high. When you hear this list you will see why it is too high. The effects of a 2 per cent rise in temperature above pre-industrial levels include 2-3 billion people suffering the risk of water shortages, salt water pollution of the water supply to some of the world's biggest cities including Shanghai, Mumbai, Jakarta, Lagos, Buenos Aires. I seem to remember that Mumbai has 17 million people in it and they are at risk of having salt water pollution of their water supply. Extreme weather events are becoming more frequent. This is now a statistically proven fact and, in fact, insurers who are ... well, you are shaking your head, Senator, but the fact is that the insurance businesses who are hard-headed, at the moment they are trying to survive and make sure they have not got any toxic assets but they are also trying to price risk. That is what this Assembly should be doing too, we should be pricing risk. The fact is that they are pricing in climate change. They are pricing in the increased risk of extreme weather events and I recommend again you do some research if you doubt this. Ninety-seven per cent of the world's coral reefs would bleach and are likely to die. All the sea ice in the Arctic would melt. The interior of the Amazon basin would become void of vegetation. That is quite a serious implication because, of course, the Amazon at the moment absorbs CO₂. If it tips to the point where it dies then we are all in serious, serious trouble and my granddaughter has a world that is not fit to live in. Now, that data came from different scientific studies. It is cited in the book *Heat*, George Monbiot, published by Penguin in 2007, and Monbiot then goes on to say the sort of carbon emissions cut that we must adhere to, and I hope that the energy policy when it comes out will look at that. But the implications for this rescindment are that materials recycling puts out less carbon - emits less carbon - than burning resources for waste. Somebody is making punk hairdo signals at me. But, anyway, yes, again the data on this is unmistakable. Very often we get the argument, and Professor Demaid made it 4 days ago in the *J.E.P.*, that recycling is somehow ... costs carbon, that because you have to transport the stuff to wherever it is going and reprocess then you are wasting carbon and it is much better to chuck it in a fire and get some electricity, even at 23 per cent of its caloric value ... 23 per cent of its energy value. Now, this just is not true. The Welsh Assembly commissioned research, and it is a massive document, and that document came to the conclusion that if recycling rates are high enough, you do have to have high recycling rates, then you get economies of scale with your recycling and it becomes a very big net benefit in carbon emissions. The other study is the study by W.R.A.P. (Waste and Resources Action Programme) who are the government agency funded by Defra, Scotland, Wales and I think Northern Ireland as well, to precisely do this job of promoting best practice in waste. They do lots of very, very interesting and useful work. You can look them up on the web, wrap.org, I think. One of their studies was very timely. It was in 2006 and it was into precisely this question because, of course, it is absolutely key to the way you treat your waste. Do you burn it or do you recycle it? The answer they came up with after 253 pages of looking at all the research, all across Europe, into this question of lifecycle analysis, and the answer was that there is a very big net benefit. The imperative to look after the climate and look after our world boils down in the context of this debate to we should recycle as much as possible and that we should put a cost on carbon. We should say to ourselves: "This is a matter of the utmost importance" and we should build that into our calculations. Another one for the Minister. The U.K. now have adopted as formal policy the price of £25 a tonne. So carbon is in any major government decision about policy, whether to build a railway or whether to expand traffic in some other way, transport links in some other way, that price is the price used. Now, in my view, it is too

low, but anyway that is what the U.K. Government does and if we were to price carbon in at £25 a tonne into all these different alternatives then I think we would come up with an answer that did not include an incinerator. So, that is the carbon issue and interestingly the Babcock alternative proposal to the incinerator, which was not looked at by T.T.S. and which no doubt we will hear about more later, has a specific document called *Carbon Footprint* and I read that document and very interestingly Babcock goes into this question head-on. They talk about the transport of waste to the plant, they talk about transport of recyclates away from the plant, they talk about the implications of burning versus their particular solution, which I think is M.B.T. (mechanical biological treatment). So they talk about where we are with carbon and some things they frankly say: "This is something we are lacking research on." But the point is they are highlighting the issue, they are looking at this question because they are more progressive than the solution we are looking at. Interestingly, once again, I looked at my e-copy of the Environmental Impact Statement and I tried to find - in fact I did find ... excuse me, but I will get this reference - what the Environmental Impact Statement done for the States of Jersey says on this matter. So this is how important we think climate change is. This is how important we think carbon emissions are. This is Babbie Fichtner's E.I.S. which got past Planning but it did not get past me. So here we go: "Sustainability, 4.7. It is a requirement that the E.I.A. (Environment Impact Assessment) assesses the proposals within the ethos of sustainability. Sustainable development was first introduced in the 1987 report" so we are going back a fair way: "of the *World Commission on Environment and Development: Our Common Future*, which defines sustainable development as meeting the needs of the current generation without compromising the ability of future generations to meet their own needs." I go back again to my granddaughter and you can go back to your children and to their children, and you have to bear in mind the sort of scenario that I have put to you of that 2 per cent increase which is where Stern is taking us, which is where that £25 a tonne comes from. He is coming from a situation where 2 degrees is acceptable. In my view it is not and it would bequeath to our children a future that is not acceptable. We have to be less, we have to row back on our carbon, we have to sequester it if possible, we have to reduce our emissions. So there we go, that is the definition without compromising the ability of future generations to meet their own needs. If they are living in a world which is too hot and where billions of people are looking for water and where there is forced migration on a vast scale and where we have more extreme weather events and where the Jersey Royal can no longer be grown, then we are in a serious place. We look at their section 6 when they are looking at the sustainability criteria. The sustainability criteria were listed in the Jersey Island Plan 2002 and there are 6 criteria. All development proposals, all development proposals - this is the Island Plan, this is a legal document as I understand it - should in particular seek to 1, 2, 3, 4, 5 and 6: "Minimise the impacts on the Island and global environment. Applications which do not support these principles will not normally be permitted." I see that the Minister has gone but I hope that he is listening in the tearoom because I was going to give him a significant glance. No, the Minister for Planning and Environment is not here and he should be but hopefully he is in the tearoom. "Applications which do not support these principles will not normally be permitted." Okay, so that is the preamble to what Babbie Fichtner say under 6: "Minimise impacts on the Island and global environment." There are 8 paragraphs and they do not mention climate change. They do mention the global emissions of greenhouse gases but the only aspect they look at is the fact that the energy that we will get from the plant is from renewable sources such as paper and wood. They left out the plastic. Such as a little phrase which covers up the fact that the plastic is not included. "About 65 per cent of the energy of the waste is from renewable sources [beg your pardon, they do] such as paper and wood and therefore the new facility will generate electricity which will reduce the requirement to burn fossil fuels elsewhere. The facility will become Jersey's only significant source of renewable electricity." That is true. "It would reduce the global emissions of greenhouse gases." That is not true. But they add a little bracket: "(by displacing fossil fuel)." This is an argument that has been had and is finished. We all know that when you get energy from paper and wood then you are burning something that can be grown again but that is not the point. If we leave aside the wood and talk about the paper, the paper

takes energy to produce. All materials, all that we see, takes energy to make and it takes less energy than what you get from burning it. The recycling process produces less carbon and you have to take that as important because otherwise you are not taking the future seriously. The second thing is health. There is a gut feeling, is there not, health incinerators, health incinerators, health incinerators, what do people think of when they think incinerator? They think not healthy. They think emissions. They think we do not know what is coming out of the chimney. There is a gut feeling that drives all the campaigns against incinerators all over Britain and no doubt all over the world. There is a gut feeling that this incineration lark is bad for you and that gut feeling is correct. I mentioned in my addendum about gut feelings sometimes being right, and in this case they most certainly are. You do not feel right when you see the tyres going into Bellozanne. You do not feel right when you see the sliced up P.C.s (personal computers) going in there, although they have stopped doing that. The risks are not known but we know that incinerators are inherently dangerous. I shall just point to a little matter of uncertainty here again from Greenpeace. You see, I would rather go down the route of having an answer to the waste issue which was not threatening to health. The Minister for Health and Social Services is also away; however, let us hope that he hears because it worries me. This is a document produced by Greenpeace in 2007. Now, for quite a while they stopped campaigning about incinerators, but this is a scientific paper prepared by the Greenpeace research laboratories at the University of Exeter. If you want to research it just remember to google in the words: "State of knowledge of the impacts of waste incinerators on human health." Now, this is a very, very careful document. It is not a Van Steenis, it is not a: "Everything is terrible"; in fact one of its themes is that we do not know most of what we should know and they are very cautious with their appraisal. It is a scientific review of the information that is out there, and many, many times they say: "Well, there is a study but the co-founder ... the other possible causes of these cancers, we cannot rule that out", "It was not studied in the study", "The reasons the dioxins are higher than in Switzerland is ..." and so on and so on. So they are quite careful but what they do say about what comes out of the stack really worried me. If you look at the E.I.S. you will find that there is a table one A4 page long detailing the pollutants that come out of that chimney and saying: "Well, it is a lot better than Bellozanne." The pollutants are oxides of nitrogen, sulphur dioxide, dioxins, furans and so on down the list, through the metals, cadmium, mercury and so on. Now, bear that one sheet of A4 of the key pollutants in mind and then listen to this: "All types of incinerators release pollutants to the atmosphere in stack gases, ashes and other residues. A multitudinous array of chemicals is released including innumerable chemicals that currently remain unidentified." So what we are doing when we burn our rubbish is we burn all sorts of things that have been put together by very, very clever chemists spending a lot of money to make things that last for ever, that stop your carpets being eaten by moths, that makes sure that the cables cannot be abraded by somebody driving over it and so on and so on, but these chemicals are not friendly chemicals and they should stay where they are but, of course, in our society we end up throwing them away. Then in the T.T.S. vision we burn the lot. When they mix and when they are burnt at 850 degrees centigrade, you have no idea what is happening. You have a little idea - and you have got your monitoring equipment, and I am very relieved to know that it is online monitoring and it will be up on the web as it comes out of the chimney - how much nitrogen oxide, how much sulphur dioxide and so on. But that does not really reassure me when I am told that there are innumerable chemicals that currently remain unidentified and do not have any known health effects, but I am sure they are not good for you and I am sure that nobody would choose to live in the plume area of an incinerator. I am sure that nobody would go out when they know that they are just starting up one of the streams, in a little boat, put themselves in the middle of the Ramsar site and wait to be polluted. I do not think anyone would do that deliberately. I do not think anyone would put themselves in harm's way like that. This document continues: "The chemicals present in stack gases are often also present in ashes and other residues. Such chemicals include dioxins polychlorinated by fennels" which, by the way, are now banned from use anywhere but they are still in the waste stream, they are still in your home. When you decide to throw away your whatever it is with some P.C.B. (Polychlorinated biphenyls) on it, it ends up at Bellozanne, or

it ends up at some of Bellozanne. “P.C.B. is polychlorinated naphthalenes, polychlorinated benzenes, polyaromatic hydrocarbons, numerous volatile organic compounds and heavy metals. Many of these chemicals are known to be persistent, very resistant to degradation, environment bioaccumulative” which means that there is not a safe level because they accumulate. They build up, they do not leave your body and are toxic. It goes on to say that makes them very problematic. Some of them are known carcinogens, some are endocrine disruptors and, of course, we know about the effects of sulphur oxide and nitrogen oxides on health. So that is not a very comforting picture and what it does is it justifies in scientific language what the man and woman in the street know already, that if you chuck everything into a big furnace ... and it is the kind of thing that we chuck in, mixed unknown substances, then we get nasty stuff coming out of the chimney. There is another risk which is not emphasised enough in my view and that is the risk from the ash. Now, it is has been pointed out - I pointed it out on the radio - that when you burn waste it does not magically disappear. There is this sort of version of waste management that says that once it is in the incinerator you can forget about it. Well, no, it does not lose mass, it stays exactly the same. If it does not come out the chimney it comes out in the ash. We are told that the ash is going to be safe, that you can turn it into bricks or aggregate or something. I am not at all sure. The fly ash, which is known to be toxic, will have to be handled very, very carefully. Now, there is a risk around that fly ash, there is a risk around the bottom ash, there are vast quantities, tonnes and tonnes of this stuff, and of course it is all going to be handled in an absolutely perfect fashion. It is all going to be put really, really safely from the filters into some sort of bag and then the bag is going to be wrapped. It is all going to be under reserve pressure. When it goes into the lorry it is never going to spill, it is never going to get out. It is going to be stored then totally safely in a silo that is completely proof against anything and then it is going to be covered with a lid that will last for ever. When Dr. Funk challenged these statements and said to the Scrutiny Panel, which is now a public document and I think it has gone around the House and it is with planning now and so on, and he said: “You have not assessed this risk. This is an E.I.S., you have not assessed this risk, you have just said: ‘This is what will happen to the ash.’” But that is what the contractor says will happen to the ash or that is the best practice of what will happen to the ash, that is not what will happen to the ash. What you do in a proper E.I.S. is you say what might happen and what might happen is that somebody might drop something or somebody might make a mistake or something might go wrong. Then you say: “What are we going to do to make sure it does not go wrong?” In connection with the silos, Dr. Funk took up this issue of the silos, what do they call them, the ash pits. He said: “You have said that it is going to go in there and it is going to be covered with a lid and then it is going to be safe. What happens if ...?” What happens if? That should be covered by the assessment because otherwise it is not very reassuring to be told what happens when things go right. What happens when things go wrong ... you see, when things go wrong it is funny, is it not? Everyone knows or used to know about Friday afternoon cars. God protect you if you have a Friday afternoon car, and similarly when Chelsea have an off day and they do not win, and it does happen. They seem to have been having quite a few recently. I am afraid that is a sort of comment for the blokes really but I cannot think of a similar one for the ladies. But, there you go, things go wrong and we read in our very own *Jersey Evening Post* on Saturday, 21st February, “major oil leak investigation.” I had a phone call about that because I was the Deputy who was concerned about the environment so I got this phone call from a lady who was walking next to the metal tree that some people like and some people do not, near the Radisson, and she said there is a horrible smell. There is me trying to write my speech and there is this woman ringing me about some oil, and she said it was gushing out, it was gushing out near the harbour. It is funny what people can see, is it not, because it was not gushing out near the harbour. But, anyway, she told me it was gushing out near the harbour and what was I going to do about it. I said: “Have you rung the harbour?” and she said: “Oh, no.” “But you are looking at it, you know where it is, can you ring the harbour? Maybe you might like to ring the fire brigade.” “Oh no, somebody is sure to have done that.” I said: “No, you cannot count on somebody doing something.” I know from this debate you certainly cannot count on somebody doing something. So we left it that she would ring the

harbours and I would ring the fire. This was all before it was out in the paper and I gather that this stuff had been leaking underneath the town for a day and nobody knew. In fact somebody went ... because there was a little smell, was there not, somewhere up in the north of town? There was this little smell so some officer from Housing, I think, went off to find this source of the smell and they could not find it so they went back to their office, could not find it. Then a day and a half later, 18 hours later, I think, they found that 10,000 litres of oil had somehow escaped. But should somebody not know that 10,000 litres of oil has escaped? There is an alarm on that tank, is there not? I have got one at home as well. It is clever gadget that phones you when you are a bit short. I mean, when it all runs out you are bit short, are you not? The little thing goes ping in the company and says you need some more oil to pour into the tank so it can run away again. But it did not go ping, did it, because it failed. So the pipe failed and then the warning equipment failed. Okay, so that is just to make the point that accidents happen, people have off days, the operators of this plant will have an off day, somebody will call in sick, the one who really knows about it, and so on. This was just very apposite but if it had not been there I would have used another example. Accidents happen, brake cables fail, you constantly look at your bike, make sure the brake cables are not going to fail but the fact is they might but not usually 2 at once. So then you build in double safeguards. When you are looking at £100 million, when you are looking at something that is running at 850 degrees, you build in extra, extra safeguards and still accidents happen. Now, I am going to bring it closer to home and I am going to read out ... this is quite interesting because people say: "What about the Isle of Man, they have got an incinerator?" Right, so I shall read to you a little news items from the BBC news. I think that is a reliable source: "11th November 2007, blaze breaks out at incinerator. Fire crews were called to deal with a blaze at a waste plant on the Isle of Man on Thursday." Just substitute the word Jersey. "Crews were called to the incinerator on Richmond Hill at Braddan just before 5.30 G.M.T. (Greenwich Mean Time). Fire-fighters wearing breathing apparatus were sent in to extinguish the flames. The fire was caused by the failure of a hydraulic ramp." The oil leak was caused by the failure of a pipe. The fact that it ran for 18 hours under the town with fumes going up into the streets and nobody could find where it was due to the failure of the warning equipment, for want of a shoe the kingdom was lost, or something. "The fire was caused by the failure of a hydraulic ramp which forces waste into the incinerator and burns it to produce electricity. No one was hurt in the fire." But that is not the point, is it? The point is that things go wrong and they go wrong not only in little oil tanks, which just release a bit of toxic fumes into the air around the town. They go wrong with £100 million incinerators, and I would rather have gadgets that go whoosh, whoosh, whoosh, whoosh, whoosh and sort the waste ... you really have got to look at that website, the Cofamm. It is on your document that went round on Saturday and, of course, the link is on the thing I emailed to everybody, because it is really good to see that happening to waste and not this kind of super-dangerous process. My question to the Minister, another question, and I would hope that he will answer all these questions early on so that Members can make up their minds about these things, my question is how many serious incidents in incinerators worldwide have there been and, in particular, in CNIM incinerators, major incidents or exceedances, which are when the thing goes wrong and things come out of the chimney that should not come out of the chimney because things do not run according to plan? That is a question about whether we can rely on this technology. Fires: now you see that is a funny issue, is it not, because they did a full-blown risk assessment on the fuel farm. The fuel farm might do something which might do something to the incinerator, so Atkins were called in to do a full-blown risk assessment after Buncefield because, of course, at Buncefield something went wrong. Something went wrong at Buncefield and as a result they tightened up the safety procedures in one of those knee-jerk reactions. Crikey, Buncefield did that, maybe every fuel farm in the country is going to do that. They did a risk assessment and the result of that was that you should not do much within 190 metres of the fuel farm, as I understand it, but that was curiously back to front because the fuel farm is full of fuel. The incinerator is full of fire. Fire: it is a great big fire, as I am remembering Faulty Towers, am I not? Yes, "Fire, is Fire" but it will not be a joke if there is a fire at this plant. That is the background to the question. We are

within the safety zone as a fuel farm when we build that incinerator, if we build it. I do not know about you, but I am not too happy with that and I would like to know that there have not been any other fires, that that Isle of Man fire is the only fire that there has ever been in an incinerator or the only major incident, major, major incident. Okay, so that is for health. Now, the other aspect of health, not only is there the unknown stuff coming out of the chimney and the fly ash and the fact that no proper risk assessment was done for the fly ash, it was assumed to be handled in the right way, there is also the fact of the known effects of the pollutants from this incinerator, in particular what comes out of the stack. Now, what the E.I.S. is very keen to do ... it is not an environmental impact study. It is the environmental comparative impact study. It is very, very keen to point out that the new incinerator will be better than the old one. Well, that is not hard. I could construct a bonfire that is safer than the old one [Laughter] but that is not the point, is it? You have the dirtiest, by any reckoning, the worst incinerator in Europe and you compare it to this new "just out of the box and it has been put into an even more beautiful box" incinerator. Well, of course it is better, of course it has got less pollutants and, in some cases, hundreds of times less and I do not dispute that, but it is not an environmental impact assessment. If you have dioxins coming out of the chimney then that is a health effect. It may be a very small health effect but it is a health effect and I want to know what that health effect is, within limits. Now, I know - I saw the Minister shaking his head - you cannot look at absolutely everything but the fact is that dioxins are known to be toxic at virtually any concentration. Not only that but if you look at the E.I.S.'s lists of pollutants that they actually do look at, some of them only go down by half. I think that is true of the oxides of nitrogen and sulphur. I could get to the table but I think that is probably one step too far at the present. The fact is that some of those pollutants only go down by half and some of them stay the same. So, what is the great advantage? If this stuff causes acid rain then it is going to cause half the amount of acid rain so somebody's window is going to be half as grotty as it would have been under the old Bellozanne. I do object and I think Members might care to think about the fact that the C.I.S. (Consumer Information Statement) was an E.I.S. apology. It was: "Well, it is not going to be too bad because it is better than the old one" and that is a refrain going through the E.I.S. that constantly says: "Better than the old one" and it constantly says: "When we operate then the necessary measures will be carried out" and, in my view, that is not quite an E.I.S. and it is not too reassuring of our health and the alternatives are known to be safer. On health, I did mention earlier just the matter of the stop/start which is not mentioned in the E.I.S. and it is important because that determines the majority of emissions. When the plant is running steadily then you do get, in some cases, very, very few emissions but when you are stopping and starting you get a lot more. That is when you have your health risks. So, international reputation, well, does it matter? I would suggest that it does. It would be strange if it did not matter with respect to the incinerator and it does matter with respect to the finance industry or with respect to our tourism industry or with respect to our agricultural produce. Of course it matters. The way it is put in some quarters I sometimes have issues with but the fact is that the reputation of this Island and the fact that people do not wish to know that they are coming to somewhere that burns its waste is important and I would take the tourism angle, mainly in what I am going to say. If you come in on the boat, and more and more people will be coming in on the boat as climate change bites more and more, they will come in on the boat and the first thing they see, well, not the first thing they see but one of the things they see is: "What is that big building over there?" and they ask someone and if they find a Jersey person they will tell them and then they go: "Ah." That is one aspect, international reputation is we are going down a route that, elsewhere, is being closed off, and I have a list there of 4 incinerators which have either been quashed by the High Court in Surrey in January, the incinerator at Capel in Surrey, 200,000 tonnes, I think, quashed by the High Court; an incinerator in Hull quashed by the High Court in 2007; an incinerator that has just been rejected in Ireland in Cork; there is an incinerator near Brighton in which their permission has been revoked by the Environment Agency, for different reasons, mainly climate change, compatibility, compliance or else the different angles were not covered by the E.I.S.s. So, we are going in the opposite direction and I shall come and talk more about that when we come to recycling and recycling rates. I do

believe it matters. I do believe that this will leak out. It is already all over the place about Ramsar that we have ignored every aspect of Ramsar and that is a disgrace and a lot of people know about it and that will filter out. It will just be a blot on Jersey's reputation and it is very, very unfortunate but we still can make good. Another aspect is what the public expect of us. It is funny this, you see, one of the things that T.T.S. did not contest in their reply to my document was that the public are in favour of recycling. They did not contest it. That is interesting because they said there is no evidence in my document, so I produce evidence that the public want this and also this is new because the J.A.S. (Jersey Annual Social) Survey is 2008 and we also know that rates of recycling are going up all over, certainly in England, Wales and Scotland. T.T.S. say, however, that it is what people say. That is only what people say. Well, they did not say at Havre des Pas that they would recycle over 50 per cent of their waste. As I understand it they did recycle over 50 per cent of their waste immediately and elsewhere we know that people recycle very, very swiftly if they are invited to. There are cases from all over the world. Canberra went from 22 per cent to 66 per cent in 6 years. In Nova Scotia they recycle 60 per cent. Many U.S. (United States) regions now recycle 50 per cent. Edmonton, they now prevent 70 per cent of their waste going to landfill. It is just a worldwide movement and for obvious reasons because we have looked at the health risks. When T.T.S. say that is what people say they are implying that Jersey people are more mendacious than people elsewhere. Well, they are not and they want to recycle and they want to do it. The recycling rate in England... England used to be the dirty man of Europe. Do you remember the dirty man of Europe, 15 per cent recycling rate? "What is wrong with them?" the Germans could say and now England, the last measured quarter, provisional figures, is on 39 per cent recycling and composting. 39 per cent, that is the last quarter and the trend is up and up with promotion by the government. We intend to reach 38 per cent less than what England is doing now, we intend to reach in 10 years' time ...

Deputy R.G. Le Hérissier:

I wonder, Sir, if I could ask a question?

The Deputy Bailiff:

Yes.

Deputy R.G. Le Hérissier:

Does that figure include food waste?

The Deputy of St. Mary:

The 39?

Deputy R.G. Le Hérissier:

Yes.

The Deputy of St. Mary:

My understanding is that it is composting - I will check this for the questioner - but my understanding is that it includes composting, which would suggest that it is food waste. Let me just find this, page 11. The municipal waste has declined from 2006/2007 to 2007/2008. The municipal waste, this includes recycling centres and it includes domestic collections but it excludes commercial, it has gone down 2.2 per cent in that one year. The average annual change over the 5

years was a decrease of 0.6 per cent. Even over a 5-year average the amount of municipal waste is going down, and T.T.S. say that it will go up, but looking for the answer to your question, here we are: "The amount of household waste that was not re-used, recycled or composted", yes, I think it includes composting. It went down by 7 per cent. So, the residual went down by 7 per cent. I will just check that that is per household or the global because, obviously, that is important. Residual household went down by 7 per cent. That is the total, 7 per cent, and here we are in Jersey talking about the fact that the residual waste will go up by 0.9 per cent a year, nearly 1 per cent a year. In the U.K. it is going down, the residual, 7 per cent. That is not per household but the fact is the trend is hugely down. It is experienced all over the world. I admit that, yes, okay. It is strange this, is it not, that the T.T.S. model is so at variance with what the public expect. I do think we have to remember that we are the servants of the public and if we go ahead and build something that they do not want which costs this amount of money and where, if we rescind, even now we will save money, then it seems to be a pretty funny deal. The next point that we need to cover is flexibility. I have mentioned this before. If this recession is really serious the population might decline or it might go up in accordance with what the Ministers are now telling us they want, which, by the way, is not wanted by the public either. I would suggest that in these uncertain times- I have covered this before - we should maintain flexibility. Now, collection: I have had somebody looking at collection and they have done a sterling job. It is very, very difficult to find places that are comparable to Jersey, but what I can say is that, apparently, the additional cost in St. Lawrence of separated collection - that is going round and collecting separate recyclables - is an additional £10 per household a year. That seems to me to be a pretty good deal, £10 per household per year, 36,000 households, £360,000 for the whole Island. We have a ...

Connétable D.J. Murphy of Grouville:

I am sorry, with the best will in the world, may I just ask you whether that St. Lawrence is a weekly collection or a monthly collection?

The Deputy of St. Mary:

Yes, thank you. It is dry recyclables so my assumption is that it is monthly because it is the separates. It is the clean plastics, the clean tins, you know, anything that is not fish wrappers and compostables, food waste and so on. If you were to go down the road of food waste ... and it was so difficult to get comparisons. It is really quite difficult and it is integrated with the end solution, but if you go to food waste collections you have a huge advantage that your waste stream is clean and that means that you get higher prices. That means the M.R.F. is not messed up and so the whole thing goes on to different bases and you then put your food wastage into the digester and get your money back through the gas that comes out at one end of the digester and the compost comes out at the other. The collection issue was very, very complicated and the fact is that councils all over England are doing different models of collection. They are collecting weekly, they are collecting monthly, doing alternate weeks, they are doing food waste separately, they are not doing food waste separately, they are doing food and green waste combined, they are not doing food waste and green waste combined. It is really quite complicated and then you have the Lake District where there is one person every square mile and then you have Liverpool where there are massive densities. To compare, we found it was pretty well impossible but it is an area that any alternative we would obviously address very quickly. There is a big willingness to separate the additional cost of dry re-separation. It is very, very low and if you have a digester to digest your food waste you are on a winner because then the value of everything else you do increases and, of course, whether your final solution is not mucked up with this food waste. Now we have the issue of the model. The model is, of course, a key document and curiously was very little referred to in the last debate and I do not quite know why that is. One person - one Deputy - addressed this issue of the model. Here is the printout from the model and it took quite some meetings and discussions and reading

and research to find out what is actually in this model and the assumptions behind it and how it works. I am quite puzzled. Here we come to the matter again of value for money and questions that I have to ask, which is that you have a document which is the key document, apart from the Environmental Impact Statement, underlying this proposal. When the model figures changed, when the figures for households went down like that because the Housing Needs Survey showed that we are going to have less households than we thought, immediately the figure at the right-hand end of this line saying: "Total Island non-inert waste minus recycling residual waste to the E.F.W. (Energy from Waste)" suddenly went from 130,000-odd tonne to 105,000 tonne. That was the figure that this House bought the incinerator on, that last figure in the right-hand column. These figures matter. This document is the document, apart from the E.I.S., that justifies the whole shebang - that is not a very parliamentary word but anyway - this whole *démarche*, this whole incinerator, and there is no underlying document for this document. We went and discussed it and then I said: "Well, where is a written statement of the assumptions on the line in this document, a single 30-page, with obviously footnotes and references, a thing that just says: 'This is how this document works'? You go to column (a), you multiply it and then these figures are derived like this and these figures are derived like this and all the assumptions." There was not such a document and there are notes here and notes here but they do not explain by far everything, and it took them a week, in fact more than a week, to find the various bits of paper. To proceed, the first assumption in here is that Jersey waste is the same as a hybrid of Scotland, Hounslow and Cheshire, so Jersey is an average of Scotland, Hounslow and Cheshire. I think I have got that right - Hounslow may not be the right borough - I think it is Hounslow, and Cheshire. That is the data in the S.W.S (Solid Waste Strategy). That is the basis for the data on here. They map what happens in those 3 areas on to Jersey's waste. They divide Jersey's waste between commercial and domestic. They say: "Well, roughly 60,000 tonnes would be equivalent to what they call domestic waste so we will map their percentages on to the Jersey waste stream." Now, that is extraordinary because what I have learned from the lady who did my collections research is that waste composition is different everywhere. She said that was the message coming back to her. She rang boroughs, she searched and she said: "The one thing you cannot be sure of is that your waste stream is the same as anybody else's. You have to find out." We have been paying consultants a lot of money for 10 years and we have no waste composition analysis for Jersey. That is extraordinary. This gentleman here, Deputy R.C. Duhamel, and his Scrutiny Panel found that the only ... there was not a survey for the commercial waste which is 40,000 tonnes a year. There was no survey. We had no idea of what was going into Bellozanne. We knew how much it weighed. The Scrutiny Panel kicked up a bit of a fuss and in response T.T.S. did a survey and, apparently, it was not exactly comprehensive or what you would call reliable. It gives some sort of idea. It consisted of a man standing there with a clipboard watching people driving into Bellozanne, the builders' lorries, and they took the stuff out and he would go: "Well, I think that was about 10 per cent plasterboard and about 10 per cent Formica and 2 per cent wood" and there were tables and just like that. Then the next lorry comes in. That was their survey and, apparently, if one new vehicle comes in all the figures changed, the added-up figures at the end of the day. It was not adequate and you are talking again about investing huge sums of money. You have consultants who have been there for years being paid a fortune and we do not know the first fact, which is your waste composition. The guy working in Guernsey was handicapped because when he asked me: "What are the figures?" I could give him the Parish weight. I could give him the weight of the total M.S.W. (Municipal Solid Waste), just the black bags. I could tell him what that was but I did not know what was in it but I knew what it was, and I could give him the figures for glass accurately and the figures for recycled paper, what Reclaimit send to the U.K. and make lots of money on and one or 2 other figures I could give him an idea, with the pallet boards, but the kitchen waste is a figure that I think is a guesstimate because we do not monitor it because we do not know. I think it is an estimate of T.T.S. that it is 17,000 tonnes. When he was faced with the commercial: "Well, there are some rough figures in the Scrutiny Panel so I sent him none" and he had to work off those figures. Frankly, if people do, later on in the debate, say: "Well, you do not know all your facts", this is

perfectly true because we do not have 30 consultants working for us and nor do they apparently. I am sorry, this document is very, very strange when its fundamental assumption is that we know what is in the waste stream and we do not. That is the first point. Once you take that big assumption, that Jersey is a cross between Scotland, Hounslow and Cheshire ... by the way, Cheshire did do it. Cheshire know what each Acorn marketing group puts in their waste by district. The Cheshire people can tell you, in the 5 districts in Cheshire, Macclesfield and Runcorn and whatever it is, they can tell you for Runcorn - they have got 17 categories I think, old people living on their own, living in town - they know what their waste composition is. They know who is consuming the most aluminium cans and they can target their marketing to that group. So, they say: "Oi, you are drinking Pepsi all the time in those P.E.T. bottles, make sure they go in the ..."

Now, that is a different order of knowledge, a different order of sophistication from what we have here. When I saw that I thought, well, why do we not know the same here? That is the first assumption. The second assumption is that we have a projected number of households. I am sure others will come in on this, but the 2008 figure is 38,600 households and I think that is a projection. No, the figure for 2007 is 38,000. The figure for 2035 is 46,200 and T.T.S. are suggesting to us that every time you add a household you get an increase in waste. That is their fundamental assumption. They multiply the waste per household by the projected number of households. They also add in an increase in waste per household but I will come to that later. So, you have got your number of households which is increasing. Why does your household increase? Household formation, teenage daughter, so and so goes off with teenager to travel and then they go and form a new family and that is another household. Now, are you telling me that that new household instantly generates 2.8 tonnes of household waste? Do they really consume twice as much of everything as they did when they were living with their parents? If you do the sums it does not stack up. The other thing that does not stack up is that when old people count as a household, the single person counts as a household - okay, these are average figures - that does not stack up either because we know that they produce far less waste and an increasing proportion of this 46,200 is elderly households, is the single lady or gent living on their own or an elderly couple living on their own. That is a household. They will not generate 3.6 tonnes of waste between them. They are not into buying all the stuff that your young couple in town, keeping up and having a good life, they are just not doing the same thing but the T.T.S. assumption is one household fits all. We are all the same. Okay, so it is an average. What I am pointing out is that the average shifts over time and the household average at 2035 cannot be the same as it is now and there is not, I do not think, any serious analysis of the breakdown of households by type and then multiplying by the waste composition. It cannot be because there is no waste composition survey so we do not know. If we do not know how much waste is produced by the different kinds of household we cannot multiply by the number of different kinds of household to get an accurate figure. That whole column and multiplying up by the amount of waste per household is extremely suspect and it is strange that one Deputy picked up on the model in the last debate, possibly because the model was not sent out to Members as part of the proposition, as I understand it, and anyone can correct me if I am wrong. The third assumption is this extraordinary assumption that the amount of waste per household will increase by 0.9 per cent per annum for the next 26 years. It just flies in the face of what we know about the availability of resources. It flies in the face of what we have to do to combat climate change. It flies in the face of reality because what is actually happening in the U.K., as I mentioned just now, is that waste is declining across England; England, the dirty man of Europe. The amount of waste collected from household sources - so this is your black bag - went down by 2 per cent in 2007/2008. Over the last 5 years the decrease has been 0.4 per cent per year and that is a new trend. The trend, up until 4 or 5 years ago, was gently up. We have reached the summit and we are going down and that is the way it is going to go. The graph was in my addendum showing the amount of recycling and showing the amount of overall household waste. It is going down and municipal waste is going down even more steeply. What is this 0.9 per cent? Do Babbie Fichtner read anything? Do they read what is going on? Do they look at R.A.B. (Resource Accounting and Budgeting)? Do they look at Defra's latest figures? Do they factor them in to Jersey? Do they

argue that Jersey is somehow magically different, will not have a recession and will not be ecologically conscious at all? So, we will carry on down this path of more and more and more and more and more. I challenged T.T.S. to explain the 0.9 per cent because I could not derive it from any figure in this document. They came up with the fact that it was based on a 3-year average of the difference between something and something. They chose the 3 years where waste increased mightily. They chose the 3 years, I think, 2004, 2005 and 2006, where there was a very big increase in population. The amount of waste went up and substantially. No, it was the 3 years running up to 2007 that they decided to choose and in those 3 years the waste went up substantially in fact - in real fact - and they said: "Aha" and then they took off the increase in households and they came up with this 0.9 per cent. If you look at the previous 3 years you would have had a completely different figure because the waste arisings in Jersey were going down. What is going on? We have got 0.9 per cent, which is one of the most important figures in that document, and it is not adequately justified. So much for the model. Its population figures are based on a policy that has not been approved by this House. They are based on plus 250 households per year, net inward migration plus the normal deaths and births and all that goes with that. The plus 250 figures is a household survey variable. It is one of the options that went to Imagine Jersey. It was not very popular with the public. There were some various bits of spin but the fact is it was an option, the 250 plus net inward migration. By the way, that is 11,000 extra people in this Island, 11,000. You can just put that 11,000, a percentage of it, on to the field near you if you live in the country and imagine this estate just springing up in the field next to you or if you live in town you can imagine those people living on top of you, but either way 11,000 people is a lot of extra people and the place that I imagine in my mind's eye is Millbrook playing fields. I either ride past or I drive past on that Avenue and I look at Millbrook playing fields and every time I go past I sort of put a glance in that direction and I say a little prayer - metaphorically - because I know that the builders are after that site. I know that there has been talk of building on that site and if you look at that from that Avenue you will see the green field, you will see the kids playing on it, you know that that is where the Battle of Flowers floats go and above that field there is another field going up the slope and it is like a green bit left at that part of St. Lawrence, and I just think no. I just think no. You can have your own field that you think might be next. The field opposite the *J.E.P.* is another case in point. That would be really sad to have that filled up. It just seems to go on. It is a policy that is not written, although it is now. Apparently, it is now Strategic Plan draft policy but certainly when it got into this document it was not approved. It was a thing in Frank Walker's eye. It was an option that we were looking at and considering with regards to our elderly population. That is a whole different issue, but the fact is that it got into there because this is what is likely to happen. Well, I am sorry, okay, you have to go somewhere, but I just alert Members to the fact that the population figures are built into this document at a very substantial rate of increase. So, that is the figure in the model: the population, the recycling rate is incredible, frankly ... oh, no, I have talked about the increase in waste. I have talked about the population. I have not talked about the recycling rate. The recycling rate in this document is laughable, 36 per cent by 2018 and it is called an ambitious target. I have given some examples earlier. In the addendum I have cited Scotland and Wales, whose targets are vastly superior, and in connection with this, argue this question of to burn or to urn, I would like to cite the Welsh policy on incineration and on waste recycling and recovery because I think it just points the current way. I have cited Lancashire who, years ago, came to a different conclusion from this Assembly and their people are now happier with that. The Welsh Assembly Government's preference is to decrease the usage of landfills and Energy from Waste in order to reach targets set out in the National Waste Strategy for Wales: "At present the Assembly will not allow its sustainable waste management grant to local authorities to be used to fund heat treatment other than oxygen-free digestion processes. They will only fund anaerobic digestion. The Assembly Government considers that an Energy from Waste plant is only acceptable if it forms part of an integrated approach and that it only recovers energy from residual waste that remains after as much recyclable and compostable material as practicably possible has been removed." That takes up the Deputy's point earlier: "As much recyclable and compostable material as

practicably possible. Not burn the potato peelings. Turn them into gas. Turn them into compost. Not burn bits of plastic that you do not know what to do with but send them through an M.R.F., find what they are and recycle them. Not if ...” and they go through various other options. The E.F.W., if you are going to have an E.F.W. it has been designed so as not to inhibit increasing recycling and composting rates at a later date. This is precisely what this incinerator will do. It will inhibit recycling because we have to feed it. We have to produce enough tonnes to feed it: “It includes combined heat and power wherever practicable.” Well, of course, we know that our incinerator will not do that. So that is how the Welsh Assembly is going about it now. We know what the Lancashire Assembly is doing. We know that the cost is, in my belief, substantially less. I put a saving on it of about 20 million in capital cost. The running cost of the alternative would be hard. There would be more people, I have no doubt about that, and the collection will have to be integrated with the end solution if you have anaerobic digestion and you have to collect the food waste. I would just like to, fairly near closing you will be glad to hear, **[Approbation]** say that the Parishes asked in one option of the funding of the alternative. I think it is a very interesting idea, which is that the States, in one way or another, fund the capital and then the States take an interest and run the whole thing as some kind of enterprise. If you did that, because the States have an equity stake, they would have an equity income. The States get some money out of this waste. I think that is an excellent proposition. Did Steve suggest 10 per cent? I would suggest 20 per cent. I think that we should go for the States having a real financial interest in what gets exported. We really want to get as much out of it as possible and that we use our share, that the States uses its share of the income, to reimburse the Parishes. I think that that is a really good way to go because then they would be funded to do their collections in the best possible way. I think that if the emphasis was to move more into the Parishes there is a huge range of collection costs. If you look at the data that we have for collection costs in the Environment Scrutiny Report it is a staggering range per tonne and if there was a renewed emphasis on the initiatives being carried out by St. Lawrence and St. John ... and I now hear that today the deliveries happened in St. Mary of the boxes for separate collection and I am really pleased about that. I think that if we were to reward Parishes for clean collection, reward them for not turning up with mixed gunk, reward them for reducing the amount of waste they bring that has to be treated... remember £90 a tonne is a lot of money and if we can reduce our waste we are all quids in. I think that when we come to look at financing down the line I think that that is certainly something we should do. I do urge Members to look seriously at the various aspects of this. I am sure that the Minister has made notes of the various things that we need reassurance and definite answers on but, just in case, I will run through again what I think are the main gaps in our knowledge. The first one is accidents and incidents worldwide, especially in CNIM plants and especially fires. What exactly do we have for the money that we have spent so far? What exactly are these cancellation costs because we cannot decide on this unless we have serious valid information and at the moment it is very poor indeed. The second thing we need to know about is the emissions from the chimney. I would like to know much, much more about the different chemicals that are not going to be monitored. I want a complete list of what is going to be monitored online in real time and I would like to know what other things they know about will be going up that chimney that will not be monitored. I have not covered Ramsar and the various derogations from normal process because it has been a sorry tale of avoiding critics and avoiding people who might be able to help with a proper E.I.S. and a proper E.I.A. The Save our Shoreline people have put in many hours. Many, many people have put in many hours and I think it is only right that we should look at the concerns surrounding the way this process is being conducted and the way Ramsar have been excluded, because if you are looking at your international reputation you do things properly. We, as a jurisdiction, have to be able to say, especially in regard of the finance industry, we are squeaky clean. We do things properly. How is it that the Ramsar organisation was not notified of an incinerator being built next to a Ramsar site? Could it be that their Standing Technical Committee might have got involved? Could it be that they might have offered advice on how to do a really thorough professional E.I.A. that would cover the aspects of protecting the Ramsar site, protecting marine life which, as we know, is tiny and then

gets bigger when it gets eaten by bigger things and so and so up the food chain? So, Ramsar is one issue; that is the international Ramsar. The other issue is the local Ramsar group. The local Ramsar group were not consulted at any time in scoping the E.I.A. They could have been and they were not. It is quite surprising because they did have among their members a lot of people who would have a strong view on environmental matters and could have added to the scoping exercise. Scoping is a serious matter. You gather everyone around the table and you say: "Okay, so what are the issues that concern you?" and you cannot have public confidence unless your real stakeholders are there, the people who live next to the plume, the people who are concerned about the bird life, a fisherman and so on. You really have to bring people in. You may find that everything is hunky-dory but that is not the point. The point is do you involve the public? Do you listen to the public? Do you, in particular, ask members of the public who are expert or who are really committed or who have a particular interest? If you remember the little spat about birds on the runway and Mr. Dryden of the R.S.P.B. (Royal Society for the Protection of Birds) coming along and giving expert knowledge about what birds do in the sandpit. That is the kind of knowledge that they omitted. That is the kind of knowledge that they left out and you have to ask why. I think I will not keep this back, I think I will say it now. The argument is that the Ramsar ... maybe I will leave it but I welcome comments on this Ramsar issue. So, that is Ramsar and then we have the question of the rest of the E.I.A. scoping, the Environmental Impact Assessment scoping. You are supposed to invite again all the stakeholders, not just Ramsar, other bodies, and the information I am getting is that that scoping was not done. There has been a reply made to me about this and the reply simply is not adequate. It is not, in my view, a statement of what happened so we will have to go into that during the debate but it seems astonishing. It is almost as if the scoping was being done by the people drawing up the E.I.S. In fact it is Planning's role to invite these people to the scoping meetings. There are no minutes, apparently. I asked specifically for minutes and I am not sure that they have been produced. It is very concerning and the E.I.S. is deficient in that. What they have left out and the reason that I wrote to the Attorney General, and I do not know if it is worth going into the legal side now, but the issue that has been omitted is airborne pollution. They have covered, to a degree, airborne pollution as it affects human beings but not airborne pollution as it affects marine life, whether it be vegetation life or whether it be micro-organisms or whether it be fish, they have not considered it. Well, it is all very well for the E.I.S., for the sponsors of this motion, to say: "Well, there is not any significant impact." How do we know there is no significant impact? Who said there is no significant impact? Who says that if I eat an oyster which is just filtered - I do not know how oysters work but they filter a lot of sea water in their lives - how do I know what the impact is and we are in the dark about airborne emissions on the marine environment? That is what all that fuss was about. That is why people were getting enraged by this whole palaver and you cannot help thinking that there is something going on that when it comes to this incinerator you cannot find out what you spent the money on and you cannot find out anything to do with a peer review because that would upset somebody. You exclude the Ramsar people because I do not quite know why and so it goes. So, there we go. I urge Members to take the Island in the right direction. I really cannot put it stronger than that. We are charged with being responsible with the Islanders' money and I think that is part of this debate. We are charged also, I believe, in being environmentally responsible. There is document after document that this House has agreed to and we seem to be tearing it all up. They say for a solid waste strategy to work that we must reduce our waste and here we are with a strategy that says: "Carry on", increase it until kingdom come. We have been told we have voted for environmental responsibility many times. We have voted for responsible attitude to the global environment. It is actually incorporated in the Environmental Impact Statement and then put to one side. I move the motion, thank you.

10.3 Energy from Waste Facility: rescindment (P.8/2009) - Amendment (P.8/2009 Amd.)

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Very well. Now, there is an amendment to the proposition, admittedly on a fairly narrow item, but the amendment must be taken at this stage and I ask the Greffier to read that amendment.

The Greffier of the States:

Page 2 in paragraph (c), for the words “one month” substitute the words “3 months.”

10.3.1 Deputy R.G. Le Hérissier:

I have only been speaking for 3 hours on this amendment. **[Laughter]** It is very hard to follow such a *tour de force* but the reason for this amendment is the Deputy has only suggested that T.T.S, if indeed this is to progress, would be given one month in order to come back with outlined plans. Quite clearly, as is evident from the presentation he has made, it is a very complex matter. Much thought has already been given to it, but I do not think we should be guided by the comments of T.T.S. on page 6 of their P.8 comments where they say they are going to have to revisit their whole strategy, the total waste strategy. Of course, if this rescindment were to go through, it would have all sorts of consequences for other parts of the strategy. Of course it would, but much of the thinking, I am sure by definition, has been done because a lot of the thinking has been, in a sense, to remove options out of the picture so that could simply be revisited. I am, as a compromise suggesting 3 months. To some Members that will just prolong the pain. They will simply say: “Heavens, this has gone on for so long we just cannot take any more of it” and perhaps the Minister might be of such a mind. There are others who would say: “Given the enormity of the task and of the issues raised, based on the incredible analysis undertaken by the proposer, 3 months seems rather short.” In other words, it is a compromise position and I would really ask the Deputy if he would concede, and I would also ask Members to take this seriously and not to simply say: “Look, this has gone on for too long and we simply are not going to countenance anything that will lead to any more time.” I think in the context of the total time that this has taken 3 months is a very modest amount of time, and I would ask the House, as a sensible change to the Deputy’s proposition, to concede 3 months and then to let us have the major debate with that in the background.

The Deputy Bailiff:

Is the amendment seconded? **[Seconded]** Does anybody wish to speak on the amendment? It would be helpful, Deputy, if you could give an indication, although it is only your view and it is not the Assembly, but are you willing to accept the amendment?

10.3.2 The Deputy of St. Mary:

No, I do not accept the amendment.

The Deputy Bailiff:

Very well. Constable of St. Brelade.

10.3.3 The Connétable of St. Brelade:

The Deputy of St. Mary has just suggested a period of one month to employ external consultants for us to return to the House. Deputy Le Hérissier has amended this to 3 months. Neither are

remotely achievable and are totally unrealistic and, I am afraid, symptomatic of a total lack of comprehension as to how large engineering contracts are managed. If I may enlighten Members, my department considers that a minimum of 6 months would be required. This is because there will be a need to recruit and appoint a new technical consultant, get them to understand the issues and then develop and consult on their proposals. It is worth mentioning that before this can happen it is likely that additional T.T.S. staff resources will be required as the current waste strategy team will be employed full-time defending the likely claim from the current E.F.W. contractor. In addition to the waste strategy team, legal advisers and technical advisers will be required to defend the claim full-time. It will be necessary for me, therefore, to come to the States with an amendment to the Business Plan to find money to appoint new staff resources and consultants to do all this. It may come from an amendment to P.73/2008, E.F.W. funding. I would, therefore, suggest to Members that, given the choice, adoption of this amendment would be the lesser of 2 evils.

10.3.4 The Deputy of St. John:

Historically, and I am sure if this were to happen again, we would have to have a Scrutiny review on this particular issue and given that the calling-in procedure alone and the review we would need at least 3 months, probably longer; therefore, I think, common sense would have to come into play and I think 3 months will not be long enough but, like the previous speaker, I believe we would have to try and work within it but I do not think it is possible. Thank you.

10.3.5 The Deputy of St. Mary:

I did think it would be helpful if I spoke early because I had to put this into context and put my thinking in early so then people can come in and join the discussion. The reason that I put in one month ... and it is strange because I did sort of hesitate about this one month. It is a short timeframe and when the Deputy for wherever it is - Deputy Le Hérissier I think I can call you because there are several of you so I always get confused about that - but Deputy Le Hérissier came to me with this 3 months. I then became much more strongly convinced that the one month was correct and this is the reason. The reason is precisely the vibe that one gets, that we have been here for long enough and that we have to get a move on. The purpose of the proposers of this motion is not to slow things down; it is to speed them up. We are looking at 2011 for the end date of the incinerator, somewhere in the middle of 2011 for the first tests and so on. The people of Bellozanne have suffered a long, long time and in my view that is part of this discussion as to whether it is one month or 3 months. First, I would like to pick up on what the Minister said. The first thing he said was that you would have to employ some consultants. That was his first comment, you would have to employ some consultants, and the second thing was that we would have to get them to understand the issues involved. Well, I am sorry, if they do not understand the issues involved then why are we employing them? I am sorry to be so brutal but I am too tired to be less brutal, Minister. The fact is that if you employ consultants then they should know what they are doing and they would be up to speed straight away. The only thing they would need to know, of course, is the Jersey situation and the various cross-currents and factors that there are here. But just on that matter of consultants, that is not how I saw the one month at all. This is not a one month to be filled with departmental meetings and briefings and mountains of paper and consultants and that kind of thing. It is a political one month. It is a one month where the Minister invites - obviously, I cannot specify that - a political group to do a month's work on this. It is a matter of several meetings and I can see one Constable looking at me in disbelief, but the fact is that what matters is the strategy. It is the overall picture and to decide that carbon emissions matter and climate change is a significant driver of this policy, you agree that and it goes in as paragraph (1) or (2) or whatever and that is that. It is in line with the agreed policies of this House anyway. We have agreed that it matters. We have agreed that we must keep the world for our children. It said that in the Island Plan 2002 to which the proposed incinerator has to conform. All this is water

under the bridge and as the good Deputy said in his opening remarks: “We do not have to reinvent all the data created by these consultants over the years.” We do know how much Parish waste there is. We know to the last tonne. We know how many people are on the Island. We know how many households there are. We know where they live. We know an awful lot and what this month is about is about drawing up an overall picture. It is 2 sides of A4, and I am not kidding. It is 2 sides of A4. Now, the Minister says - he is laughing you see - “Ah, no, it is no good if it is not 50 pages long.” No. The political direction, the decision about the way we are going to see things, is 2 pages long. The options, however, are, I admit, a longer document and it looks at that question of the balance between the Parishes collecting and what happens at the end down at wherever the solution is, probably La Collette. The balance between, for instance, if you separate your food waste and it all goes into a digester you have a cost on the food waste, but then the digester saves you money and generates income and you do not have all that waste going into the incinerator. So those issues of balance and how we deal with it can be set out as options and then, I agree with the Minister, you have to do some technical work; then you have to work out the cost per tonne and you have to work out whether to reward the Parishes in some way in my equity scheme or whether there are other schemes, how to do the financing. You have an expert on financing renewables to guide that process and, of course, we have a budget. We have a budget that has been voted by this House already for a different thing, but the fact is it is in there as a waste budget. So after that month, yes; the month produces a strategy. It produces what I call a strategy - high level bullet points - that we can all subscribe to like not spending any more than we need to, appraising technology on the basis of X, Y or Z and so on. I will not labour the point. I do not think you need more than a month, but I will say what is really crucial to the one month or 3 month is Bellozanne. I have had a letter from Bellozanne. I do not think it has gone to everybody; I think it has only gone to myself and the Deputy for the district. It was a really moving letter; I was cracked-up by it. Unfortunately, I have not printed it off because I did not have permission to read it out. I asked for it. You may smile, but I asked for permission and she did not give it. It was really shocking and it was a woman and the reason she wrote to me was that she thought that this was all going to lead to delay; that is why she addressed it to me and she also copied it to her district Deputy. Her position was: “We have suffered. I have suffered enough.” She has a 12 year-old son; they live underneath the incinerator. She has dust, thick dust, all the time in her house. If she opens a window, dust on everything. What is in that dust? She does not know. She does not know if it comes from the diggers charging about or whether it comes from the chimney or whether it is a mixture - she does not know, but she fears for her son. She has deposits - the famous deposits - from the chimney, the acid on her windows and she has it on her washing and all the stuff that we know about Bellozanne. So you read that and you stand in this letter accused of delaying, of slowing things down because she wants to get rid of Bellozanne. I do not care if it is emotional; it is emotional. With Bellozanne there are the 3 streams and we have been misled here as well. There are 3 streams in Bellozanne; there are 2 that are old, clapped-out, dead and they should not be being used, and there is one that is relatively recent and has some life. One alternative would be to put some flue-cleaning equipment on that third chimney. It is politically not very acceptable, but it would be a way of buying some time. I do not really want to go there, I just want to say that the Bellozanne issue and the speed we have to move, we have to go quick with political direction, within a month, consultants in to appraise and talk very rapidly with the Parishes and develop a system that works with the way that Jersey works, that will deliver value for money, will deliver income and will deliver the maximum possible recycling taking into account the cost of carbon. We can do this in short order. I am not going to put a time on it, but the point is that if you add that time to the time that it takes to do an H.I.A. and an E.I.A. for equipment that is much less inherently dangerous than an incinerator, and the time it takes to get the planning permission, and the time it takes to take these bits of kit off the shelf and bolt them to the floor, it is a lot quicker than the incinerator. If you look at the table of lead times in my document you will see that 15 months is the longest lead time from start to commissioning of running and most of the gadgets are 12 months, and they are modular and they are flexible. So the point is I do not believe we should lose any time, that if it was one month we

would have a good chance of getting this on the road and done in the same time as the incinerator. I believe that Bellozanne has to be tackled almost as a separate issue. I have a campaign in mind called G.R.O.B. and I hope the local Deputies will join and let us all “Get Rid of Bellozanne.”

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the amendment? I call on Deputy Le Hérissier to reply.

10.3.6 Deputy R.G. Le Hérissier:

I think in a way the Deputy of St. Mary has, in fact, supported my case. I think the Minister for Transport and Technical Services has said if they were pushed this would be the least worst of 2 options. The Deputy of St. John, the Chairman of the Scrutiny Panel, I think he has just about supported it, if push were indeed to come to shove. To Deputy Wimberley, I would say one month is exceedingly ambitious even to get a political steer in a system which is not known for its speed of operation. When the Deputy outlined further the kind of issues he wished to deal with and the kind of follow-up work he was, as far as I am concerned, talking himself into a much longer study. I know I am in the realm of guesstimates, but I feel in order to make this viable (not in order necessarily to win it, but who knows) I think we have to look at 3 months. I cannot put it down to the day, but the kind of work the Minister is talking about, the kind of work the Deputy is talking about, 3 months is not the end of the world and I do counsel people: “Please compromise otherwise we are going to look, quite frankly, ridiculous with one month.”

The Greffier of the States (in the Chair):

The appel, Deputy? Yes, the appel is called for. I ask Members to return to their seats. The vote is for or against the amendment of Deputy Le Hérissier. The Greffier will open the voting.

POUR: 37		CONTRE: 7		ABSTAIN: 0
Senator T.A. Le Sueur		Senator S. Syvret		
Senator F.E. Cohen		Senator B.I. Le Marquand		
Senator A. Breckon		Connétable of St. Peter		
Senator S.C. Ferguson		Deputy of St. Ouen		
Senator A.J.D. Maclean		Deputy J.A. Hilton (H)		
Connétable of St. Ouen		Deputy S.S.P.A. Power (B)		
Connétable of St. Helier		Deputy A.K.F. Green (H)		
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				

Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

10.4 Energy from Waste Facility: rescindment (P.8/2009) - as amended

The Greffier of the States (in the Chair):

Very well, so the debate opens on the proposition as amended. Does any Member wish to speak on the proposition? If no Member wishes to speak I shall ask if you wish to reply Deputy and then put the matter to the vote.

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

It was a long speech from the Deputy of St. Mary, but he did cover a great deal of ground and I am not going to attempt to repeat the arguments that he made. I think there are a number of areas, though, a number of issues that need to be tackled. I think it is, first of all, useful to be reminded by the Deputy that other parts of the United Kingdom are rejecting incineration. Some councils which have gone quite a long way down the road towards that are now turning back from that as the environmental imperatives that Deputy of St. Mary is so well versed in begin to strike home. I was very grateful to him for setting out, I think, the green agenda perhaps more fully than has been done in this Assembly for many years. We are daily reminded about the consequences of global warming, and one of the problems I have always had with the incinerator project is that, as the Deputy said, clearly burning waste is going to be worse in terms of CO₂ emissions and other emissions. How ever much better they are than the current incinerator, it is always going to be worse to burn than to find other ways of recycling and reusing. I think these are very important points and, if not daily, certainly on a monthly basis they become more pressed home to us as we see on our television screens and read in our newspapers the mounting evidence that the global community has to take CO₂ emissions seriously and it has to really start thinking very carefully about what we do with what we do not need. I think it was important and timely to be reminded about these issues by the Deputy. Whether that concern is enough to waste a number of millions of pounds is, of course, one of the key questions that Members have to think about today. I was also grateful to the Deputy for mentioning an example of recycling in Jersey which is often left out. I have never understood why the zero waste scheme at Havre des Pas is so often ignored in the Island; it is certainly very rarely mentioned when the media talk about recycling schemes. The wonderful schemes in the rural Parishes are mentioned, and I have no problem with that, but the fact is that Havre des Pas' zero waste scheme has been operating extremely successfully for a number of years now and it is achieving higher levels of recycling than T.T.S. are aspiring to in the new incinerator. Indeed, just last week the Parish took delivery of a rocket. **[Laughter]** I should explain what that is. A rocket is a machine which digests kitchen waste, which satisfies A.B.P.R. (Animal By-Products Regulations) requirements in terms of heat treatment achieved and produces,

or will do within a couple weeks when the first load gets through it, compost which can be used anywhere, but certainly can be used in parks and gardens and, I would hope, can be used by the householders in Havre des Pas who have been collecting (successfully) kitchen waste and having it collected by the Parish for a number of years. Yet we regularly hear that the Island cannot improve its recycling; the kitchen waste cannot be collected separately and it cannot be composted. The fact is these things are going on and the Parish, certainly while I have anything to do with it, is determined to roll out recycling across the whole Parish and we have now a recycling manager working full time on a kerb-side collection scheme for the whole of St. Helier, including commercial premises. As I said to the previous Minister for Transport and Technical Services, we are not going to go to all that trouble and the ratepayers of St. Helier are not going to go to that expense simply to have the recyclables burnt in the new incinerator. They are going to want to know where these recyclables are going. They are going to want to see the end product, whether that happens via St. Malo or via a U.K. port. The fact is, these recyclables will be exported and we will keep our parishioners fully in touch with where these products are going and what they are being used for. I have to say, and I said it to the previous Minister and it probably will not cut any mustard, but the fact is that the Parish of St. Helier - as far as I can see - will attempt to take as much of the burnable fraction from the waste stream as it can; certainly the plastic, the cardboard, the paper. These things will not be sent to Bellozanne and as that improves and as the amount of packaging, hopefully, coming into the Island begins to decrease through national and international legislation best practice, one really has to answer what this oversized incinerator is going to burn. If it is to achieve (a) the electricity generation that has been so commended, and (b) if it is to achieve the low levels of toxins in the emissions from the chimney, then it will have to be kept running. My question is how is such a big incinerator going to run when the Parish producing about a third of the waste in the Island is doing all it can to divert waste from the incinerator? This is not cloud-cuckoo land. This is something we are doing now in a small scale in Havre des Pas and we are going to do across the whole Parish by the end of the year. We are not going to achieve the rates that will stop the incinerator working this year, but by the time it is commissioned I imagine that a lot of this waste that they would like to burn will not be available. So what will they burn? Will they burn waste from Guernsey? Will they burn oil to keep the burners running? I really do not know. I do not believe the time is appropriate to repeat all the arguments made in the previous debate, which is still fresh in many Members' minds and also they can probably still remember in the seat of their pants in some cases because there were some very long speeches, not as long as today's, but still pretty long. I want to really just make a couple of points to Members. First of all, the political climate, as I said earlier, has changed. The public is much more energised now than it was even 6 months ago when we were having this debate before. There has been a much greater level of interest I would say now than the last time when we debated it and, indeed, the political climate in this Assembly has changed. We now have, I suspect, 7 or 8 Deputies of St. Helier, the Parish in which this incinerator is to be built, against the plan, which I think is quite significant. Indeed, one of the disappointments - though I will not say it particularly surprises me because this has been going on in Jersey politics for more than 2 centuries - of the whole process is that it does seem that something can happen in St. Helier without the consent of the elected representatives [**Approbation**], but try and do it in St. Mary and it simply will not happen. St. Helier has always had to suffer the States decisions even though its elected Members have been unhappy with them. I do not say that the States is always going to be required to give St. Helier support, but at least it would have been courteous at some stage in the process if the States had come to the Parish representatives and said: "There is a rescindment debate coming up. What can we do to get you on side?" No move like that has ever been made, but as I said before, it was ever thus. Members, of course, are concerned about the cost of the cancellation. Certainly there have been some very interesting emails flying around challenging the cost that has been given to us by T.T.S. Of course, it is a terrible situation to be in, but I was thinking about what might happen if the debate was won and I was imagining the kind of press that would be going out of Jersey tomorrow or the day after, or however long it takes: "The Island of Jersey has decided to scrap its

plans for an incinerator even though it will cost the Island X million. States Members voted by a small majority not to proceed with the plans and so-and-so said that they would do all they could to robustly challenge the cancellation fees that Members were given in the House.” That does not sound to me too embarrassing as some Members have said. That does not make me think that large engineering firms will never work with Jersey again. That makes me think that people around Europe will prick up their ears and think: “My word, Jersey is moving on environmentally.” I have not at all ruled this out as a lost cause. It is a lot of money, but as the Deputy of St. Mary has said the savings that are possible from an appropriately sized, appropriate technology will still bring this in under the budget that the States have allowed, I have no doubt about that at all. It is a pity that when things are built in Jersey they always seem to have to be gold-plated. As I said earlier, we have in the Parish put in a piece of equipment for under £30,000 which will digest some of the kitchen waste from the Parish. It will not do the whole Parish and if it is successful we will need to look at, subject to the ratepayers’ agreement, increasing the number of units that we use, but it is modular technology and we can expand it and develop it to suit our requirements. I do not believe that the States have made the right decision. That is why I signed the proposer’s rescindment motion. I believe that he has laid out a great number of arguments which really deserve the fullest and most serious attention of Members. I do not believe that it is intellectually bankrupt to support his solution, and I do have grave doubts that the environmental reputation of this Island is being well served by the decision to build right on the edge of the Ramsar site. My question this morning we did not get to because time was not on our side in Questions, but it is very clear to me that the Ramsar issue is a valid one and even if you accept the view of the Health Protection Department that the new incinerator is so much better than the old one that we are going to accept it on health grounds, which I think is extremely limited thinking because this incinerator is going to generate toxic emissions - however much less there will be they are still going to be generated and the plume will still at times fall upon St. Helier as indeed the plume from the current chimney at the J.E.C. (Jersey Electricity Company) - in case Members have not noticed - regularly dumps soot on the harbour and it regularly lands on the houses in the La Collette area. So be under no delusions, the new incinerator, however much improved, will pollute. It will pollute houses in St. Helier in our most populous Parish and it will pollute the Ramsar site. I believe Members have to be courageous, they have to think about this Island’s long-term environmental interests, and for that reason I urge Members to support the rescindment. **[Approbation]**

10.4.2 Deputy A.K.F. Green:

I find myself surprised to be talking, despite my name being Green, in a green fashion because I would class myself as middle of the road in terms of the environment, probably in line with most of the population. It has been said to me, and in fact I was asked why I supported this rescindment motion and an accusation made of me that I was wasting time. Well, if keeping your promise during the hustings is wasting time then that is what I am doing. I have great concerns regarding the Energy from Waste project and I suspect, unfortunately, because of the costs involved in cancelling the Island may well end up continuing with the project as it stands. I suppose I should declare an interest. All my family live around the current chimney including my 7 year-old great niece. Clearly, the situation at Bellozanne is unacceptable. The plant is at the end of its life. What is also unacceptable is that there is no meaningful air quality monitoring at this time. The adjacent area has areas of dense population, for example, Pomme d’Or Farm. A new school built virtually on top of the chimney stack and we all know it is belching out illegal toxic substances, yet we continue to fail to monitor what our children are exposed to. The residents of this area, and around the chimney, have put up with this foul, illegal situation for years and understandably want an end to it now. But what they do not want to do is to move the problem somewhere else in the Parish. What is so unacceptable is that virtually at the stroke of a pen we could today immediately improve the situation and bring Bellozanne to a speedier closure. I refer to the immediate separation of waste plastic, rubber, paper, cardboard, and this would significantly improve the situation. Of

course, what it will not do is support the need for a new incinerator. I fail to understand building an incinerator that is so big on the grounds that it is large; therefore, it will last longer. If I can bring that to a domestic use as a caterer, does that mean if I buy a cooker twice the size I need it will last twice as long? Probably not. The case for investment is clear. What disappoints me is that at huge cost we have gone for old technology. Members might be interested to know that Plymouth has a new incinerator that cost £95 million for a population of 620,000 people. The assumption I have to draw from this, regrettably, is that we will not be pursuing recycling vigorously, that our population will continue to grow out of control, and we will hear arguments that recycling has had its day, that there is a reduced market for recycled goods, et cetera. From my point of view I would rather give it away than burn it. Surely this is better use of our natural resources, for the health of our children, and the spin-off - depending on which technology is chosen - is we have no toxic ash to deal with. Incineration, no matter how effective the filters are claimed to be, will and does result in pollution. What the long-term effect of this is, is not yet known, but what is known (and most medical experts agree, 32,000 of them within the European Community i.e. 32,000 doctors) is that there is huge risk to our health and to the environment. On a personal aside, over the New Year, regretfully, I sat with my father-in-law and watched him die the most painful, horrendous death. He had been suffering for many years from asbestosis. He had worked with asbestos 50 years ago when it was the building material of choice; commercial fridges, soffits, fascia boards, flues and pipes all lagged with this product. Unknowingly, millions were exposed to this health and environmental disaster and today we are planning knowingly to expose our employees, our population and to place our environment at risk. All this will be taking place next to a Ramsar site. As Members may or may not be aware (I bring to their attention) we place the whole of the shellfish industry on that coast which is re-emerging - it is a new industry - in jeopardy. Shellfish, like us, cannot pass heavy metals; they can pass through their system bacteria such as E-coli, but over time we will be left with a produce that will be unsaleable. Members may not be aware, and I can vouch for this because I have seen it myself, that on the very edge of this Ramsar site we have the oldest and largest fan coral ever found in the seas of the United Kingdom, over 100 years old, a sign of good water quality. If this appalling scheme is to go ahead I will expect to see, and we have been promised, the monitoring of air quality as well as monitoring of seaweed and sediment, but more than that I would like to see it monitored now so we have a base line to measure our ineffectiveness against. In information recently released to us by T.T.S. it was stated that every significant European and developed nation, and I quote: "Including Denmark, Holland, Germany and Switzerland" has Energy from Waste facilities, predominantly waste-based and conventional incineration like that approved for Jersey. These are a key part of their sustainable waste management strategy. I stress a key part; not exclusively. That is the difference; it is not in total isolation to everything else. We are told that the cancellation fees are a significant figure of £45.9 million one day, £55 million another. This has been calculated by a department and its advisers and yet to date I have seen no breakdown of these figures, just wide sweeping statements. I am afraid I find myself with more questions than answers. Have we learnt anything from previous environmental disasters such as the potatoes at Beauport and the pollution at the airport? No. Is this the right system for Jersey? No. Is it right in the last few weeks in the life of this House the biggest project and contract ever undertaken by the States is signed between the Senatorial and Deputies' elections (something I would like P.P.C. to look at for the future)? Was advice obtained from the Comptroller and Auditor General over the contract? With such a big project with significant payments in euros, if we were going to go ahead with it why on earth did we not hedge? Also, how can we rely on the information we are provided with when only 4 weeks ago I met at Warwick Farm and was assured that the green waste facility was to be a temporary one there and this morning the Minister told me it was to be permanent? I believe a great error has been made here. Some of us would continue with the project. That is another thing that has been said to me: "Do not worry, my boy, we can always blame the previous House." I know this particular Energy from Waste project is wrong and I will be supporting the rescindment. Finally, when voting I ask Members to reflect on a saying which hangs in the Minister for Education, Sport and

Culture's office: "We do not inherit the world from our forefathers, but we borrow it from our children."

ADJOURNMENT

Deputy R.G. Le Hérissier:

Can I move the adjournment?

The Greffier of the States (in the Chair):

Very well, the adjournment is proposed. We are clearly not going to finish this tonight so the Assembly will stand adjourned until 9.30 a.m.