

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 25th NOVEMBER 2014

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency The Lieutenant Governor:

May I begin by welcoming His Excellency to our discussions this morning? **[Approbation]**

The Bailiff:

1.2 Welcome to His Excellency the High Commissioner for Nigeria to the Court of St. James, Dr. Tafida, and Mrs. Tafida

Members will also be aware that we have the honour of a visit at present from His Excellency the High Commissioner for Nigeria to the court of St. James, Dr. Tafida, and Mrs. Tafida, together with a delegation from the High Commission. They have been attending meetings yesterday. We had the pleasure of hosting a dinner for them yesterday evening and they are attending further meetings tomorrow. It is a great privilege for us to receive them. The High Commissioner and Mrs. Tafida and the delegation are in the public gallery, and I welcome them on behalf of the Assembly. **[Approbation]**

Senator A.K.F. Green:

Could I just apologise to the Assembly? I will be absent for a while. I am meeting with His Excellency the High Commissioner, and my Assistant Minister, the Constable of St. Peter, will handle my questions.

1.3 Tribute to former Lieutenant Governor - the late Air Marshall Sir John Sutton:

The Bailiff:

Still under A, Members will know that Air Marshall Sir John Sutton, who was Lieutenant Governor of the Island from 1990 to 1995, passed away last Friday at the age of 82. Sir John was of an age when he had to do National Service and he did this at the age of 20 and having done so he chose to enlist in the Royal Air Force. As he put it, and I quote: "Flying jet fighters and being paid for it was very obviously a wonderful experience for a young man and so I decided to stay on in the R.A.F. (Royal Air Force." He eventually served for some 39 years, mostly flying jet fighters such as Meteors and Phantoms but also having a spell on Canberras. He had a distinguished career gaining promotion to the very highest positions. His final posting was as Air Officer Commanding-in-Chief at R.A.F. Support Command from which post he retired in 1989 before becoming Lieutenant Governor in 1990. As Lieutenant Governor he was soon faced with a difficult and challenging time when Mr. Vernon Tomes was dismissed as Deputy Bailiff for failing to produce judgments in a timely manner. Although this raised strong passions on both sides of the argument at the time it did not affect the respect and affection in which Sir John was held. He was a very approachable and unstuffy person and he and Lady Sutton took a great interest in Island life. They carried out their roles with great charm and an ease of manner. After his retirement as Lieutenant Governor he continued to take an interest in Island life and, indeed, he made a submission to the Carswell committee a few years ago. His life was however touched by tragedy in 2013 when his son, Mark, hit a mountain ridge after jumping in a wing suit from a helicopter and was killed. Sir John was proud of his son's achievements as a stuntman and was comforted by the fact that Mark had died doing something that he loved. Sir John was in the Island only a few weeks ago to attend a dinner to mark the retirement of Colonel Woodrow as Chief of Staff at Government House; Sir John, having been responsible for Colonel Woodrow's appointment in the first place. Something he felt he had got absolutely right. His death therefore has come as a tremendous shock and so at this time our thoughts are with his wife, Lady Sutton, and their 3 surviving children as well as other

members of the family. So I ask for Members to rise with me for a few moments in his memory. **[Silence]** There are no other matters under item A.

Senator I.J. Gorst:

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of the Deputy of St. Mary as a member of the Environment, Housing and Technical Services Scrutiny Panel

The Bailiff:

I understand that the chairman of the Environment, Housing and Technical Services Scrutiny Panel would wish to nominate an additional member, if he were here.

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

Apologies, Sir. I would like to nominate the Deputy of St. Mary.

The Bailiff:

I think you first of all need to tell us how many members of your panel you wish to have?

The Connétable of St. Helier:

Three, Sir, including myself.

The Bailiff:

The chairman wishes to increase it to 3 and to nominate the Deputy of St. Mary. Is that nomination seconded? **[Seconded]** Are there any other nominations for the vacancy? Then I declare the Deputy of St. Mary is duly elected as a member of the Environment, Housing and Technical Services Scrutiny Panel. **[Approbation]**

QUESTIONS

3. Written Questions

3.1 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING BALANCING THE CONSOLIDATED FUND:

Question

Will the Minister detail for members how he will deliver those measures to balance the Consolidated Fund that apply to the Chief Minister's Department and are listed on page 56 of the accompanying report to P.129/2014 'Draft Budget Statement 2015'?

Answer

Proposed reduction in 2014 carry forwards of ALL departments

Due to tight controls on spending in 2014 the Chief Ministers Department will be able to offer underspends that will not be requested to be carried forward. The exact figure is not known at this time as savings will continue to be made in the later part of the year.

Proposed savings from ALL departments 2% pay and gross non pay budgets

As part of the 2015 Budget it was identified that additional savings would be required from all Departments as part of a range of measures necessary to manage the consolidated fund balance in 2015.

The quantum of savings allocated to the Chief Ministers Department amounts to £486k.

The Department is fully committed to meeting this savings target and discussions are ongoing with Budget Managers regarding the range of detailed measures which will contribute towards the overall saving.

3.2 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOME AFFAIRS REGARDING BALANCING THE CONSOLIDATED FUND:

Question

Will the Minister detail for members how she will deliver those measures to balance the Consolidated Fund that apply to the Home Affairs Department and are listed on page 56 of the accompanying report to P.129/2014 'Draft Budget Statement 2015?'

Answer

Due to the short time period between the publication of P129/2014 and 1 January 2015 the Home Affairs Accounting Officers identified funds which could be made available to Services on a one-off basis if recurring savings proposals cannot be implemented immediately; this was agreed with the previous Minister. This will allow time for Home Affairs officers to review statutory obligations and consider sustainable options for recurring savings of 2% to be delivered from 2015 and future years.

Once the Home Affairs officers have identified savings proposals I will review them with my Assistant Minister and Accounting Officers alongside my top eight priorities for the Department.

During the CSR process all areas of non-staff expenditure were reviewed and the requirement for further savings will mean that, regrettably, it will be difficult not to impact upon staff numbers given that over 80% of the Department's expenditure is on staff costs.

Services delivered by the Home Affairs Department are, in the main, front line public facing services which require a critical mass, eg number of firefighters on a watch, number of prison officers, police officers and customs and immigration officers per shift. Due to the nature of the business any change in the critical mass would be significant and could require services to be ceased or delivered differently.

I will do my utmost to protect these services and the role they play in ensuring public safety as the alternative may not be acceptable politically.

3.3 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING BALANCING THE CONSOLIDATED FUND:

Question

Will the Minister detail for members how she will deliver those measures to balance the Consolidated Fund that apply to the Social Security Department and are listed on page 56 of the accompanying report to P.129/2014 'Draft Budget Statement 2015'?

Answer

The Social Security Department is required to identify a saving of £330,900 in respect of its 2015 cash limit.

The Department is committed to making further improvements to Customer Service and will therefore achieve this savings target without any impact to the frontline services it provides to the public.

The Department may also be affected by the possibility of the deferral of contributions into the long-term-care fund. This will have no impact on the operation of the fund itself. It would however reduce the potential to build up a working reserve in the fund in the first few years of its operation.

3.4 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING BALANCING THE CONSOLIDATED FUND:

Question

Will the Minister detail for members how he will deliver those measures to balance the Consolidated Fund that apply to the Treasury and Resources Department and are listed on page 56 of the accompanying report to P.129/2014 'Draft Budget Statement 2015'?

Answer

The Treasury and Resources Minister will present the Update to the MTFP Department Annex for 2015 to the States on the 25th November. This document identifies the approach being taken by departments to address the 2015 budget measures.

The total value of savings allocated to the Treasury and Resources Department (including Jersey Property Holdings and the Taxes Office) amounts to £778,800 and the Department is fully committed to achieving this target by a mixture of one-off and recurring savings. The detail is not yet available.

Within the Taxes Office provisional proposals are currently under consideration and work will continue over the coming months in order to implement the required measures. Emphasis is being placed on minimising the impact on revenue-generating areas.

3.5 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING BALANCING THE CONSOLIDATED FUND:

Question

Will the Minister detail for members how he will deliver those measures to balance the Consolidated Fund that apply to the Education, Sport and Culture Department and are listed on page 56 of the accompanying report to P.129/2014 'Draft Budget Statement 2015'?

Answer

The revised MTFP departmental Annex for 2015 sets out the level of savings to be achieved by each department to which the Minister's introduction refers as follows:

2015 Budget Measures

The proposed measures to balance the consolidated fund in 2015 – 2% cuts – would put significant pressure on our budget and is likely to have a direct impact on our ability to maintain frontline services. This is a particular concern in relation to standards, demographic pressures and the plans for Trackers, however we will continue to work on the effective delivery of these services within the constraints of the budget cut.

Due to the short time period between the publication of P129/2014 and 1 January 2015, the ESC department has reviewed its expenditure and made temporary plans to manage within the budget for 2015 and try to minimise the effect on front line services for 2015.

3.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING REGISTRATION CARDS:

Question

Will the Chief Minister set out for members the number of people who have applied for registration cards under the new Control of Housing and Work (Jersey) Law 2012, breaking down the numbers into the nationality and country of origin of all those who have applied during the following periods:

- (a) 1st April 2014 to 30th June 2014; and
- (b) 1st July 2014 to 30th September 2014.

Answer

The figures below show all those people applying for registration cards under the Control of Housing and Work (Jersey) Law 2012 during the requested time periods.

Applying for a registration card does not mean people are new to the Island, as everyone needs a registration card when moving house or changing jobs.

When issuing cards we ask for an applicant's nationality, not country of origin.

Nationality	1/4/2014 - 30/6/2014	1/7/2014 - 30/9/2014
British (Jersey born in brackets)	4,233 (2,319)	4,792 (2,635)
Portuguese	824	739
Polish	527	395

Romanian	222	114
Irish	107	123
French	62	55
Bulgarian	55	9
Indian	30	22
South African	26	35
Kenyan	24	11
Thai	20	21
Hungarian	19	12
Italian	17	14
Latvian	17	24
Dutch	16	17
German	16	16
Filipino	13	22
Slovak	12	4
Spanish	12	21
Canadian	11	9
New Zealander	11	7
Zimbabwean	11	8
Lithuanian	8	6
Swedish	8	7
Australian	7	13
Austrian	7	5
Czech Republic	6	9
Mauritian	6	3
American	5	9

Pakistani	4	3
Bangladeshi	3	9
Brazilian	3	6
Jamaican	3	1
Japanese	3	
Malaysian	3	3
Russian	3	5
Turkish	3	2
Croatian	2	1
Danish	2	2
Egyptian	2	1
Moroccan	2	2
Swiss	2	2
Ugandan	2	2
Belgian	1	3
Cambodian	1	
Chinese	1	7
Cuban	1	1
Cypriot	1	2
Estonian	1	2
Finnish	1	2
Gambian	1	
Ghanaian	1	2
Greek	1	1
Grenedian	1	
Icelandic	1	3

Israeli	1	
Jordanian	1	
Kazakhstani	1	
Maltese	1	4
Nepalese	1	
Saint Vincentian	1	
Singaporean	1	
Slovenian	1	5
Sri Lankan	1	2
Tongan	1	
Tunisian	1	1
Venezuelan	1	
Zambian		3
Malawian		2
Mexican		2

Argentine		1
Bosnian		1
Guyanese		1
Norwegian		1
Republic of Belarus		1
Vietnamese		1
Total	6,393	6,609

3.7 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COST OF THE NEW POLICE STATION:

Question

Will the Minister advise members:

- (a) the cost of the new police station at the time of the States decision to proceed with the Green Street car park site;
- (b) details of all subsequent amendments to the design and construction of the building and the site together with their associated costs and the reasons for the amendments and changes.

Answer

- a) The decision to proceed with the construction of the new Police station on the Green Street site was taken by the Assistant Minister for Treasury and Resources under delegated authority on the 19th September 2014, when approving the drawings and accepting the lowest tender under paragraph 1(d) of Standing Order 168 (decision reference: MD-TR-2014-0106).

At this time, the total costs of the project, which includes both the development of the new Police Station and Headquarters and the extension to Green Street car park, were identified as £24.37m. This is in line with the available budget of £24.371m which comprises £22.871m for the Police Station and £1.5m for the extension to the car park.

Members will recall that, when answering an oral question from Deputy Le Fondré on the 3rd June 2014, the Minister for Treasury and Resources set out the project cost estimate and stated his intention to seek a contribution from the Criminal Offences Confiscation Fund to meet the costs of identified items within the scheme. On the 19th September 2014, the Minister for Treasury and Resources agreed by public ministerial decision, following consideration and endorsement by the Council of Ministers, to the application of £1.81m

from the Criminal Offences Confiscation Fund to the Police Station capital budget (decision reference: MD-TR-2014-0105). This sum forms part of the overall project budget.

- b) Since the above decision, there have been no amendments to the design and construction of the building and no associated cost implications. A contractor has been appointed, construction work has started on site and the Minister fully expects the development to be delivered within the current budget allocation.

3.8 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING A SUBMISSION MADE BY THE FORMER CHIEF OFFICER OF THE STATES OF JERSEY POLICE:

Question

Will the Minister advise members whether she will be publishing to members a redacted copy of the submission of the former States of Jersey Police Chief to the Wiltshire Police (Operation Haven) which her predecessor advised the Assembly would be published after the release of the Wiltshire Report?

Answer

On 11 September 2012, in response to an oral question by the former Deputy Shona Pitman, when asked about the publication of the affidavit submitted to the Wiltshire investigation by the former Chief of Police, my predecessor said the following:

As a follow-on from previous answers, I needed to obtain specialist legal advice on the issue of libel. That advice was that, as I was not under any legal duty to make the statement - it is a statement, not an affidavit - public, the risks of a libel action were substantial. As a result of this, it became clear that there would need to be substantially more redaction of the document, probably with whole sections being redacted. Indeed I wondered whether it might be better to ask the former Chief of Police to rewrite his statement so as to explain his position while omitting the potentially libellous references. However, during the summer there was a further development with what purports to be the majority of the statement being placed with minimal redaction on a blog site. In the light of this I cannot now properly proceed with this task as originally envisaged because any person reading a fully redacted version could then find elsewhere the full text, which would completely defeat the whole purpose of redaction. I have to say that throughout this process, including the disciplinary process, I have constantly faced a situation in which confidential documents have been put into the public domain and this is yet a further example of that.

In response to the follow-up question he then added:

I must make the position clear. In relation to this situation, I was not under a duty to do this piece of work. I was urged to do so by the former Scrutiny Panel. I decided so to do, so that alongside the Wiltshire Report could stand, for posterity, the former Chief Officer's statements in a redacted form. Redaction was incredibly important because there were all sorts of allegations contained there that should not be in the public domain: references to individuals. I have to think about fairness to the other individuals involved. Now, the fact is that purported versions of the document now do exist on another website. Frankly, I cannot go ahead. It would simply be totally unfair to the people who should have the benefit of the process of redaction. I do, however, still leave open the possibility of going back to the former Chief Officer, as I have mentioned, and saying to him: "Look, we cannot now do this as originally intended because this has been cut across by the

irresponsible actions of people who have put an unredacted form into the public domain but would you like, as an alternative, to have the opportunity to produce an alternative statement which takes out the potentially libellous matters?" That, I think, is the very best I can do.

On first consideration the concerns that my predecessor expressed in 2012 appear to me to be as valid today as they were at the time of his statement in this Assembly. Even were I, after further advice, to consider it otherwise I would also need to consider whether or not it would be appropriate now to publish a redacted copy of the submission in the light of the terms of reference of the Independent Jersey Care Inquiry.

3.9 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING GRANTS MADE FROM THE INNOVATION FUND:

Question

Will the Minister advise members of each and every grant/loan that has been made from the Innovation Fund explaining:

- (a) to whom the grant/payment was made;
- (b) the purpose of the grant/loan;
- (c) the amount paid;
- (d) the conditions, if any, attached to each grant/loan;
- (e) the return or benefit, if any, that the Department would expect to receive from the recipient for the grant/loan and the average timescale set for this;
- (f) what due diligence, if any, was carried out on the recipients; and,
- (g) whether the number of employees working for the recipient in the Island is a consideration when applying the grant, and if not why not?

Answer

The Jersey Innovation Fund became operational at the beginning of 2014, since when the Advisory Board has met on a monthly basis to discuss applications for funding:

- (a) To date, the Minister for Economic Development (the Minister) has approved two loans from the Jersey Innovation Fund (the JIF). The recipients of these loans are:
 - Stumpydog Innovations Ltd
 - Total Billing Solutions Ltd
- (b) The first of these recipients requested a loan to support the development of a product entitled 'BabyHub': an innovative, portable play-pen for babies.

Such a loan will enable Stumpydog Innovations Ltd to secure initial stocks of product, support product selling-in in the UK and international markets, and secure distribution deals in key markets.

The second, requested a loan to support the development of a product entitled 'MediBooks': an innovative billing system that has the potential to play an important part in the reforms currently going on in the Health services of both Jersey and the UK.

Such a loan will enable Total Billing Solutions Ltd to pursue a combination of further product research and development, but also to expand its sales & marketing activities within the UK and international markets.

- (c) Total funding released from the JIF to date is £410,000
- (d) This information cannot be shared, due to its commercial sensitivity
- (e) The amount of the loan, plus interest. Both loans are repayable over a five year period
- (f) In making any recommendation to the Minister, the JIF Advisory Board (the Advisory Board) confirm:
 - 1. That their assessment has been undertaken in accordance with the assessment framework, as detailed within the Operational Terms of Reference (P.124/2012 Amd.)
 - 2. That the assessment and due diligence has been appropriate for the loan of that level and nature
 - 3. That the assessment and due diligence has been appropriate to inform the recommendation
 - 4. Whether any other external expert opinion, assessment or diligence is required and has been sought
- (g) The States of Jersey Economic Advisers Unit undertake a comprehensive Economic Impact Assessment (EIA) against each application before the Advisory Board makes a recommendation to the Minister.

One of the factors fundamental to any such EIA is the number of full time equivalent employees (FTE) based on-Island and the forecast growth of local employment as a result of receiving JIF support.

3.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SERVICE LEVEL AGREEMENT BETWEEN THE DEPARTMENT AND LES AMIS:

Question

Will the Minister release the terms of the Service Level Agreement between the Department and Les Amis covering the provision of group home, outreach and respite care services and state how service levels compare with UK or international standards, in particular in the terms and conditions and training of care workers?

Answer

The Service Level Agreement forms a commercial contract between Health and Social Services and Les Amis and, as such, the department could not share details of the document with any States Member, or other third party, without the express consent of Les Amis.

In any event, it would not be appropriate for details of the SLA to be discussed in a public domain, as the contract contains commercially sensitive information. My Department and the Management at Les Amis would, however, be prepared to meet with Deputy Southern privately to discuss any specific issues he may have with the agreement.

The terms and conditions for staff working for Les Amis is an operational issue, and is a matter for Les Amis. It does not form part of the SLA and the information is not shared with the Health and Social Services Department

3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE MINIMUM WAGE:

Question

Will the Minister advise –

- (a) What mechanisms, if any, are in place to check that employers are paying at least the minimum wage and what conditions apply in order to engage such mechanisms?
- (b) On how many occasions, if any, have employers been investigated for allegedly failing to pay the minimum wage and in how many cases have prosecutions taken place?
- (c) Whether any complaint has been registered on behalf of Gigabit Field Force (GFF) employees relating to the conditions placed on hours worked on Gigabit Jersey by CH2M, with only hours worked on successfully completed connections being registered for payment, and how this relates to the application of minimum wage requirements?

Answer

- (a) The Employment (Jersey) Law 2003 provides that the Minister for Social Security may appoint officers or assign responsibility to officers to act for the purposes of the Law. The powers of the assigned officers of the Social Security Department's Contributions and Enforcement team include the power to visit premises to inspect and require an explanation of records kept in relation to the Employment Law, and to require the production of any other information that might reasonably be required in order to establish whether the Law has been complied with. The exercise of these powers may be triggered by an affected employee or any third party advising the Social Security Department of a suspected breach of the minimum wage provisions. Officers would take into account any information provided and consider whether to undertake an inspection of that business.

An enforcement officer may visit a company and ask to inspect the employer's wage records or require them to be produced on reasonable notice. An employer who fails to comply with the minimum wage provisions may be served with an enforcement notice requiring that the Law be complied with. In accordance with the Department's Business Plan, employer

surveys are also carried out routinely for new employers that registered in the last 12 to 18 months to check that all documents are in order.

Social Security Enforcement officers and officers of the Jersey Advisory and Conciliation Service (JACS) routinely advise employers of their obligations under the Employment Law. If an employee who is not being paid the minimum wage makes contact with JACS, JACS officers will support the employee to make enquiries of the employer and to assert their right to the correct wage, or, with the permission of the employee, JACS officers will contact the employer directly to provide advice on the correct wage and how to calculate it.

The Employment Law also provides that, if an employee has reasonable grounds to believe that he or she has not been paid the minimum wage, the employee has a right, following reasonable notice to the employer in writing, to inspect and to copy relevant employment records. If the employer does not allow access to records within 14 days, the employee may lodge a complaint with the Tribunal. If the Tribunal upholds the complaint, it may instruct the employer to pay the employee the minimum wage pay that is owed as well as a sum up to 80 times the current minimum hourly wage.

- (b) During 2013, a total of 372 employers were surveyed. Of these, 5 employers were found to have not paid the correct minimum wage to a total of 5 employees. An enforcement notice was issued to one of the employers. All minimum wage issues were resolved.

During 2014, a total of 339 employers have been surveyed to date. Of these, 7 employers were found to have an issue relating to the minimum wage in respect of a total of 19 employees. All issues have been resolved without the need for an enforcement notice.

Since the Employment Law came into force in 2005, there have been no prosecutions in relation to non-payment of the minimum wage.

- (c) If the Social Security Department receives a complaint about the employment practices of a particular business, officers will consider whether to undertake an inspection. The Minister cannot report to the States Assembly as to whether a complaint has been received or whether any particular business has been inspected.

3.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DELIVERY OF GIGABIT JERSEY:

Question

Will the Minister update members on the previous and current targets for the delivery of Gigabit Jersey home and business connections by Jersey Telecom through its subsidiary Gigabit Field Force (GFF), including what proportion of -

- (a) homes; and
- (b) businesses

have so far been connected along with how many remain to be completed?

Answer

The previous and current target for broadband connections remain the same and the current status and year end targets of the three separate phases of work involved in the programme are as follows:

Network element	Completed 13/11/2014	Target 31/12/2014	Likely outcome 31/12/2014	Variance
Core network equipment	All core network successfully installed (100%)	All core network successfully installed (100%)	All core network successfully installed (100%)	0%
'Premises Passed' network	1,078 kilometres (98%)	1,100 kilometres (100%)	1,100 kilometres (100%)	0%
'Premises Connected'	11,509 (33% of total)	13,697 (40% of total)	11,708 (34% of total)	1,989 (6% of total)

The original target date for the completion of switchover of all broadband subscribers was 31st December 2016.

The **'Core network equipment'** relates to equipment installations in the JT network, most of which resides in the various exchange site across the Island.

The **'Premises Passed'** element is the spine of the fibre cable network that runs throughout the Island.

The **'Premises Connected'** element relates to the final metres of fibre cable that connect the spine of the Gigabit network (the 'Premises Passed' piece) directly into the individual premises.

The Minister is advised that the programme did not distinguish between homes and business as it was replacing copper connections with fibre connections irrespective of whether it was a home or a business.

The Minister is advised that the delivery of the programme is currently subject to a review, which will be completed by 30 June 2015.

3.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DELIVERY OF GIGABIT JERSEY:

Question

Will the Minister inform members of the latest predictions for tax revenues for 2016 given the forecasts for economic growth in the UK, Europe, and the world, which have emerged from the

latest G20 meeting, and what regard, if any, is being given to this when considering the budget for 2016?

Answer

The Treasury are in the process of updating the States income forecasts to ensure that work beginning on the new MTFP 2016-2019 and Strategic Plan are as up to date as possible. This work is being informed by new economic assumptions to 2019 provided by the States Economics Unit which take account of the latest information on the global economic outlook, including that highlighted by the OECD ahead of the G20 meeting. A further full update of all States income forecasts will be carried out in February/March 2015, following the provisional 2014 outturn figures.

Ahead of these revised figures, the current forecast of tax revenues for 2016 was provided in R136/2014, Long-Term Revenue Planning Review, alongside the 2015 Budget debate. These figures have been updated for the tax and duty proposals agreed at the budget debate in September.

3.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING AN ALLEGED DISPUTE BETWEEN GIGABIT EMPLOYEES AND THE THEIR EMPLOYER:

Question

Will the Minister, as the shareholder representative, advise:

- (a) Whether he has investigated any dispute between Gigabit employees and their employer Gigabit Field Force, a wholly owned subsidiary of Jersey Telecom, concerning the accuracy of the recording of hours worked by Gigabit employees, and if not will he do so?
- (b) What steps, if any, he has taken to resolve any dispute, and if none, what steps will he take to bring about resolution?
- (c) Whether he considers the use of zero-hours contracts to be appropriate to the delivery of Gigabit connections and if so, can he offer a justification for this?
- (d) Whether he considers that, when employees work between the hours of 7 a.m. and 7 p.m. and their place of work may be anywhere on the Island, non-payment for travel time, waiting time (while the owner of a property is contacted) or hours worked when a connection is not completed, constitutes best employment practice?

Answer

- (a) The Minister has met with the CEO and senior officers from JT to gain an understanding of the circumstances and facts around this issue, and has emphasised the importance of resolving them fairly, recognising that JT is as interested in ensuring the accurate recording of hours as the

workers and the sub-contractor, CH2M Hill. The Minister has made it clear that he expects full and speedy resolution of any issues in line with the requirements of the Memorandum of Understanding with JT.

(b)The Deputy understands that it is for the independent board of directors to run the company, but in the Minister's role as shareholder representative he has emphasised the points made under (a) and highlighted the role of the company in terms of the Memorandum of Understanding between JT and the Minister. The Minister is, however, in no doubt about the seriousness with which JT are treating this matter.

(c)Zero-hours contracts are just one form of engagement used by the company and the majority of the 104 contractors are on a minimum guaranteed 30 hour per week contracts. The Minister believes that there is a place for zero-hours contracts in the market generally. In the case of delivering Gigabit connections where the work requirements fluctuate and there is no guarantee of work from day-to-day or week-to-week, the Minister believes it an appropriate basis for employment but would restate the importance of clear terms and conditions that are fairly applied.

(d)Taking the items listed at face value the Minister would agree that it would appear not to constitute best practice. However, the Minister is advised that to get to the truth of these issues, JT and CH2M Hill have been holding helpful surgeries with workers over the last two weeks where concerns (such as those listed) were more clearly laid out and GFF/JT/CH2M requirements were more clearly understood.

[9:45]

4. Oral Questions

4.1 Deputy S.Y. Mézec of St. Helier of the Minister for Housing regarding security of tenure for residents of lodging houses:

Does the Minister have any plans to bring forward proposals to improve security of tenure for residents of lodging houses?

Deputy A.E. Pryke of Trinity (The Minister for Housing):

All rented accommodation in Jersey that is self-contained is already covered by the Residential Tenancy Law, which gives tenants security of tenure. This does include a significant majority of lodging house tenants. However I am keen to see what more can be done for the minority of occupants who do not have this protection. For this reason, one of my first acts as Minister has been to ask officers to undertake a review of this area. I will be reporting on this in the first quarter of next year.

4.1.1 Deputy S.Y. Mézec:

That is good to know. Is there any particular thing you may anticipate that would be useful to progress with to improve tenure for residents? Any specifics she thinks might be a good idea?

The Deputy of Trinity:

One thing too is about increasing the minimum standards. I think that is important, as we have discussed here before, but it is the security of tenure, especially for the minority of occupants who are not covered. But I am very happy to work with the Deputy. If he thinks of any specific area that should be covered then I am very happy to talk to him about it.

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

Could the Minister inform Members what distinguishes those who already have some protection and those who do not? Could she delineate between the 2 groups? She said some have protection, some have not.

The Deputy of Trinity:

Yes, it depends on many factors, which includes the type of accommodation that they are living in and what the law says. Self-contained means that only the occupants use it so it must contain all of the following: a bath, a shower, wash hand basin, a kitchen or kitchenette, a place to sleep or toilets. If it is not part of the self-contained then my understanding is that it does not fall into the Residency Tenancy Law.

4.1.3 Deputy G.P. Southern:

Supplementary, if I may. Has the Minister any idea of what proportions, what numbers, she is talking about who are not covered by this protection?

The Deputy of Trinity:

Yes, about 600 fall under this category and 25 per cent of that 600 do not fall into the Residential Tenancy Law.

4.1.4 Deputy M. Tadier:

Can the Minister confirm that there is a political at will to end this discrimination and this apartheid, if you like, about those who are caught outside of the regulations?

The Deputy of Trinity:

I think that I made that very clear in my original answer, and I am very happy to work with Deputy Tadier as well.

4.1.5 Deputy M. Tadier:

Supplementary question. Will the Minister confirm that there is talk already in her department from officers about whether or not the unqualified sector and the qualified sector is the optimum situation, i.e. should we just be having one type of residential status for rentals rather than 2?

The Deputy of Trinity:

I cannot confirm whether that is or is not. That is something that I need to look at and get further information about.

The Bailiff:

Do you wish a final question, Deputy Mézec?

Deputy S.Y. Mézec:

No, thank you. Just to thank the Minister for her helpful answer.

4.2 Deputy G.P. Southern of the Minister for Treasury and Resources as shareholder representative regarding the contractual relationship between Gigabit Field Force and CH2M:

Will the Minister, as shareholder representative, examine the contractual relationship between Gigabit Field Force and CH2M to establish whether the latter can deliver broadband connections at a profit without being required to reduce overheads such as the wage bill for its workforce?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

With the greatest of respect to the Deputy, CH2M HILL are a specialist global American company with 26,000 employees and assets in excess of 3 billion dollars. There is no basis on which I can accurately assess whether this company can deliver broadband connections at a profit other than to say they are clearly not short of experience, they are in business to make a profit, and freely entered into a contractual arrangement with J.T. (Jersey Telecom) to install the Gigabit Jersey infrastructure. However, what I am concerned about is that they live up to all the obligations that they freely entered into in Jersey and one of those obligations is the payment of wages for works completed. This is not a matter of making reductions elsewhere to ensure that a profit is secured, but a matter of CH2M paying legitimate obligations as they fall due, one of which is workers' pay.

4.2.1 Deputy G.P. Southern:

Under the Memorandum of Understanding between the Minister for Treasury and Resources and Jersey Telecom, Jersey Telecom has the objective of being a good employer in its business operations. Will the Minister state what his criteria are for being a good employer and whether he considers that Jersey Telecom, through the Gigabit Field Force, has succeeded in its objectives.

Senator A.J.H. Maclean:

I think, in summary, a good employer is one who meets all his legal obligations; that is an absolute minimum. With regard to the Gigabit project and whether indeed CH2M HILL have managed to fulfil all their obligations, there have clearly been some teething problems and I am pleased to say that having called the Chief Executive and staff from J.T. into my office, we now appear to be having some progress, and I am delighted that all parties are working together and seeking to resolve the misunderstandings and difficulties that have been the case in recent times.

4.2.3 Deputy M. Tadier:

Can the Minister confirm whether he considers that when employers work between the hours of 7.00 a.m. and 7.00 p.m. at their place of work - wherever that may be - non-payment for travel time, waiting time, *et cetera*, at the owner's property for hours worked when a connection is not completed, does this constitute best employment practice?

Senator A.J.H. Maclean:

I think the Deputy is referring in particular to those employees of the 104 - about half, 49 I believe - who are on zero-hour contracts. On those contractual arrangements the terms are simply for work undertaken. What one needs to focus on is what employees have been paid, on average around £36,000. Up to July of last year, the average employee has received the highest it has had, £48,000, and more than double the minimum wage has been paid to employees for the work undertaken.

4.2.4 Deputy M. Tadier:

Listening to the Minister one would think that everything is rosy and there are no problems with Gigabit and their sub-contractors and the employees, whereas we know the reality is very much different. Can the Minister answer specifically that whether on a zero-hour contract or not, when driving between one job, when waiting at a premises for an owner to turn up, that all constitutes work and that work should be paid for, especially when the fall-back guarantor is the States of Jersey as the shareholder of Jersey Telecom?

Senator A.J.H. Maclean:

I would first of all say, and make it absolutely clear, that all is not rosy in the garden, that is patently obvious. There have been problems on all sides and I have no doubt whatsoever about that. With regard to the arrangements of payment for driving time or waiting at a premises, that should be contained within the contractual arrangements which are undertaken and the employees are made aware of it before they start the project.

The Bailiff:

Do you wish a final question, Deputy Southern?

4.2.5 Deputy G.P. Southern:

Does the Minister, as shareholder representative, have the ability to call an extraordinary general meeting of Jersey Telecom and, if so, will he do so in order to discuss the treatment of its G.F.F. (Gigabit Field Force) employees and to examine the ability of CH2M to deliver its targets for completion of Gigabit Jersey in budget and on time?

Senator A.J.H. Maclean:

In extreme circumstances, yes, I would have that ability. But frankly my first port of call has been to first of all call into my office the Chief Executive of J.T. and its senior team. I have done that. My intention very shortly is to speak to the board and have a general update, which I will do on a regular basis anyway. I expect J.T. to act in an appropriate manner with regard to this matter, and I believe they are now doing and making every effort to put these issues right.

4.2.6 Deputy G.P. Southern:

Final supplementary. Can the Minister give a brief résumé of what his conversation was about yesterday and what solutions were offered by the representative of J.T.?

Senator A.J.H. Maclean:

I think the Deputy knows what the conversation was about. It was solely about this particular issue. I was interested to know how indeed the matter had arisen in the first place and how it was going to be resolved satisfactorily, and indeed the true extent of any problem that existed. I was given a clear outline from J.T. about the problems that had existed, the reasons for them. It would take me far too long if I were to outline the full extent of my 2-hour conversation here, but I am satisfied that there is progress being made by all sides and I am satisfied with what I have been told but I have been monitoring it and expect to hear an update next week.

4.3 Deputy A.D. Lewis of St. Helier of the Minister for Transport and Technical Services regarding the disposal of Guernsey's waste:

Can the Minister state whether the department has been unable to provide the States of Guernsey with a competitive quote to provide temporary services for the disposal of Guernsey's waste using the Energy from Waste plant, and if so why?

Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services):

The Transport and Technical Services Department supplied Guernsey with indicative costs for the processing of waste in the La Collette Energy from Waste plant in August 2013. These costs were provided in response to an expression of interest request for the transport and treatment of residual waste from the States of Guernsey. The T.T.S. Department took care to point out to our Guernsey counterparts that while indicative costs could be provided the principle of importing waste into Jersey is still subject to States of Jersey approval and waste regulation. We are happy to continue to work with our Guernsey colleagues to develop a solution, which is beneficial to both Islands, however it must be remembered that the Jersey plant is relatively quite small and it is unlikely that it will be able to compete on a commercial gate fee basis with much larger European plants.

4.3.1 Deputy A.D. Lewis:

In the recent process the States of Guernsey asked 5 E.f.W (Energy from Waste) plants for expression of interest for disposal of Guernsey's waste. Of the 5 Jersey's gate charge was by far

the highest. Does the Minister agree that the acceptance of waste for disposal from Guernsey would not only greatly assist the other bailiwick, tangibly demonstrating meaningful co-operation, but also provide vital income anywhere between £2 million and £4 million a year for which there is currently no other revenue source?

Deputy E.J. Noel:

I agree with the Deputy of St. Helier that in an ideal world it would be beneficial for the Islands to work together and, indeed, we are. I can advise Members that the Guernsey Public Services Department are due to visit Jersey to continue with talks prior to Christmas of this year just on this very topic. However, I would also like to point out to Members that although we could offer Guernsey a cheap short-term solution to their waste problems we should not do so using Jersey taxpayers' money to subsidise such an activity.

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

The Minister's answer has encouraged me. I just want to check that the price did include the capital depreciation of the cost of the actual plant and that is why it may be so high?

Deputy E.J. Noel:

Yes, I am happy to confirm that is the case.

4.3.3 Deputy S.M. Wickenden of St. Helier:

All over Europe countries are bidding on a commercial basis for waste as a fuel for Energy from Waste plants. Can the Minister assure the House that he has sufficient fuel for the Energy from Waste plant to generate the electricity for the C.I. grid that the business case for the E.f.W. plant was partially predicted on?

Deputy E.J. Noel:

Yes, Jersey is producing currently some 70,000 tonnes per annum. The capacity in pure tonnage terms is 105 tonnes per annum but that is dependent on the calorific value of that tonnage. So it is not a straightforward matrix of weight. It is a matrix of the calorific value of that. But we do have sufficient waste to put through the plant for it to be running at reasonable efficiency and to create the energy that is required.

Deputy M. Tadier:

In his conversations with our Guernsey cousins will the Minister undertake to analyse what scope there is for recycling in Guernsey so maybe Guernsey could avoid the disaster of having an oversized monstrosity on their shores, which we cannot now do.

The Bailiff:

Deputy, I am sorry too far off the subject of the original question. Any other questions? Deputy Lewis do you wish a final question?

4.3.4 Deputy A.D. Lewis:

Can the Minister assure the House that he and his officers will do everything they can to maximise his potential opportunity for mutual benefit for both Islands?

Deputy E.J. Noel:

Absolutely, but I am not going to do so at the detriment of Jersey taxpayers subsidising Guernsey taxpayers. There must be a win-win situation, which I am confident that we will be able to deliver.

[10:00]

4.4 Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding the department's Deputy Directors of Commissioning:

Will the Minister confirm whether both Deputy Directors of Commissioning have left or will be leaving the employ of the Health Department shortly, and outline what steps, if any, have been taken to fill those roles given that the officeholders were undertaking key pieces of work, including the Mental Health Strategy and Service Review?

Connétable J.M. Refault of St. Peter (Assistant Minister for Health and Social Services - rapporteur):

It is neither the Minister's nor my intention to discuss or make statements in this Assembly on any personnel matters that relate to identifiable individuals other than to reassure Members that appropriate procedures are in place for dealing with all matters relating to the recruitment of staff within Health and Social Services. Both the Minister and I would be happy to meet with the Deputy privately outside of the Assembly to discuss any specific concerns or issues she may well have. I can however reassure the Assembly that the key work around the mental health strategy is on track.

4.4.1 Deputy J.A. Hilton:

One of the Deputy Commissioners was heavily involved in the primary care review, which is already delayed. Can the Assistant Minister tell me whether... or tell the Assembly how this piece of work is going to be progressed in the absence of that key member of staff?

The Connétable of St. Peter:

The work is continuing on. It is being shared for the moment. We will, if required, bring in interim staff to assist us to further that work for the primary care review and community services review. G.P.s (general practitioners) are already involved within the primary care system and are working with us on the community services section of that as well. It is not our intention to seek to bring staff in from the U.K. (United Kingdom) but I am sure the Deputy will recognise that sometimes it is useful to bring an external view in to ensure that we are working in the best possible way going forward, and this may well give us an opportunity to do that in this particular case.

4.4.2 Deputy J.A. Hilton:

Can the Assistant Minister confirm that the mental health strategy and service review is going to be on schedule? My understanding was that the Minister for Health was going to report back to the Assembly with a timeline as to when this is going to be delivered. Can he assure us that there is not going to be any delay involved in that?

The Connétable of St. Peter:

I can do that. I had a briefing earlier this morning that confirmed that that strategy is on schedule and continuing to go forward. I cannot give the timeline - I did not address the actual timeline this morning - but certainly the officers assured me there will be no delay in delivering that project.

4.5 Deputy M. Tadier of the Chairman of the Education and Home Affairs Scrutiny Panel regarding the implementation of recommendation 7.19 of the report of the Education and Home Affairs Scrutiny Panel S.R.7/2009:

Will the panel press for the implementation of recommendation 7.19 of the report of the Education and Home Affairs Scrutiny Panel S.R.7/2009, namely that: "The Minister for Home Affairs should implement a new system, enabling independent members of the public to sit on the Board of Visitors."

Deputy L.M.C. Doublet of St. Saviour (Chairman, Education and Home Affairs Scrutiny Panel):

The short answer to this question is we have no plans to at the moment. Can I give a brief background on this for new Members? There was a report published in 2009 by the Scrutiny Panel about the Prison Board of Visitors, which is comprised of 7 Jurats and they visit the prison regularly to ensure that it is being run efficiently, that there is good use of public funds, that there are no abuses and prisoners are treated fairly. The report produced was very well-evidenced, it was comprehensive and as a panel we do not feel that we need to rescrutinise this area. We did discuss the matter, as a panel, and we felt that this was perhaps a matter for the Minister given that Scrutiny have already looked at this issue.

4.5.1 Deputy M. Tadier:

There was of course no suggestion that the area should be rescrutinised, and I am grateful that the current chairman thinks that that report was effective. The underlying question is a very basic one. Does the chairman and her panel - and I am sure they have had the time to discuss it - agree with the recommendation of that previous Scrutiny Panel that independent members of the public should sit on the Board of Visitors?

Deputy L.M.C. Doublet:

Personally, I do agree with that but the fact is the report has been done. The recommendations have been made by a different Scrutiny Panel and it has been passed on to the Minister, so I feel it is for the Minister to answer.

4.5.2 Deputy J.A. Martin:

I do agree with the chair of the panel that it is down to the Minister. Unfortunately we have been waiting since 2009 and the actual recommendation does not bar Jurats, it just could be a mixed panel. Would the chair not consider, as she is a new chair, and we do also have a new Minister for Home Affairs, to meeting up and finding out whether this can be brought forward because it is very important. The people visiting to make sure that everything is okay are the same people who sit, not necessarily on each case, but they are the people who are putting the people in the prison. There is some sort of conflict there.

Deputy L.M.C. Doublet:

All I can say is we have discussed it as a panel; that was our decision. I can bring it up for discussion again with the panel.

4.5.3 Deputy G.P. Southern:

This proposition came to the States and was rejected by the Chamber on a tied vote. Will the chairman engage with the Minister appropriately to bring back a proposition to this effect to the House, and if the Minister does not agree to doing that will her panel bring a proposition to the House so that this House can resolve this issue once and for all?

Deputy L.M.C. Doublet:

As I already stated, we have no plans to do that at the moment as a panel and I am certain that any Member could bring a proposition of this nature if they wished.

4.5.4 Deputy G.P. Southern:

Is it not more appropriate that a proposition which the chairman and presumably her panel's support is not brought to the House with their weight behind it rather than by a Back-Bencher should it prove necessary to resolve this issue?

Deputy L.M.C. Doublet:

Possibly but, I will state again, my answer is as a panel we have decided not to pursue this matter at present but I would invite Deputy Tadier, possibly, to come and talk to us about it if it was something that he feels to be important.

4.5.5 Deputy M. Tadier:

I am quite happy as a member of a different Scrutiny Panel and also Back-Bencher to come and meet the panel and chairman, but it does seem that we have a potentially strange scenario where the chairman of the panel and seemingly all of the members of that panel support the recommendation, agree that the report was a very good one and it was well-evidenced and that we do need to get to a situation where the Board of Visitors is not solely and entirely comprised of Jurats but the panel themselves do not wish to take any action to achieve that goal, even though they have got a readymade Scrutiny Report there to be launched in the Assembly. Can I ask the chairman to give an undertaking that she will seriously think about who is best placed to lodge this potential proposition, if a proposition is necessary, whether it is her panel with the evidenced work already done or a member of a different Scrutiny Panel and a Back-Bencher?

Deputy L.M.C. Doublet:

I will speak to my panel about this again but the fact is that we are currently setting our work programme at the moment and we do have other priorities. This was something that was carried out by a previous Scrutiny Panel. We are a new panel and we have new priorities. So we will have to see where this comes on our priority list.

4.6 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the possibility of a structural deficit in States finances from 2016:

Will the Minister outline his definition of what constitutes a structural deficit in States finances and state whether he believes there will be one going forward from 2016 based on the current figures and projections available to him, giving his reasons for this?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

There are of course a number of different definitions of structural deficit. I would describe a structural deficit as a permanent mismatch where expenditure is greater than revenue over a defined period of time. Whether there is a structural deficit going forward from 2016 is a complex question requiring extensive analysis and where there is no simple answer. I listen to expert advice on such important economic and fiscal questions. The Fiscal Policy Panel in their 2014 annual report stated that there is a risk of an underlying structural shortfall between States income and expenditure. Let us be clear. There is a risk but we do not know the answer and perhaps more critically the scale of any structural deficit, if indeed there is one. The F.P.P. (Fiscal Policy Panel) have stated that they will advise us further on the underlying structural position in the next report they produce. This is due to be published at the end of January to assist in the preparation for the next Medium-Term Financial Plan.

4.6.1 Deputy M.R. Higgins:

Does the Minister not accept that when we have a tax system whereby the only companies that pay tax are financial services firms who pay 10 per cent and utilities who pay 20 per cent and no other companies are paying any tax whatsoever, and that the only people paying tax are employees of those companies ... the owners do not pay it because the deemed distribution rules were deemed unacceptable to Europe and discriminatory. So therefore does the Minister not accept that he has a problem? He will not be able to get sufficient revenue from companies, any companies that he

brings into the Island. The only people who are going to be paying tax will be their employees, so therefore does he not accept that unless we change our tax system we will be going forward with a structural deficit because there simply will not be enough money to pay for all the services we provide?

Senator A.J.H. Maclean:

I do not choose to view this as a problem. I choose to view it as a challenge. Yes, of course there are challenges. Jersey is not the only place that is suffering and has seen, due to the economic climate over the last 7 or 8 years', extremely difficult climate where revenues have fallen. Tax receipts have fallen. Our structure is, in many respects, quite unique but it had to be produced for a competitive environment that we were living in and I believe that although there needs to be adjustments, and there have been over the last few years, that it meets the needs that we have at the moment. That does not mean that we are not going to suffer from continuing challenges to our revenue line and continuing challenges to expenditure. As such, we are going to have to ensure that we drive for even greater efficiencies through States departments; that is going to be absolutely essential for all planning.

4.6.2 Deputy S.Y. Mézec:

It is obviously the responsibility of the Minister for Treasury and Resources to endeavour to see that in 2016 we do not have a budget deficit. Since he was in the media last week saying that raising taxes would be a last resort can I ask him what public services he will be cutting instead?

Senator A.J.H. Maclean:

I made no statement of cutting public services, but clearly we are going to have to look at all the lines of expenditure across the States of Jersey in all departments and some difficult decisions will probably have to be taken as a result, but it would be inappropriate for me to make any clear statements at this stage without going through an appropriate process. There is a long way to go. We have not yet had the outturns from 2014. We have not yet, as I said in my opening remarks, had the review from the Fiscal Policy Panel due at the end of January next year.

4.6.3 Deputy S.Y. Mézec:

Supplementary please? The Minister has just said that they will be looking at all departments. I recall a couple of weeks ago when I asked a question about education funding he seemed to indicate that that was an area where cuts could not be coming from. So can I ask: is there any coherence at all in his plan?

Senator A.J.H. Maclean:

Very coherent indeed if the Deputy listened closely to what I said. What I said was, and I made it clear that there are priorities, and clearly education, health and growing the economy are 3 areas of priority as far as this Government is concerned. That does not mean that departments like Health and Education cannot drive greater efficiencies. They cannot afford not to be efficient and I will insist that we do drive efficiencies in those departments and get best value for money. Every pound of taxpayers' money should maximise the return that one would expect.

4.6.4 Deputy G.P. Southern:

Whether one calls a deficit a problem or a challenge is neither here nor there. If the Minister looks on page 75 of his supplementary addendum to the Budget 2015, he will see a shortfall of over £50 million on the books, followed by a list of ways in which he can amend that for 2015, suggested by his predecessor. Does the Minister have any other resources on which he may amend the budget, correct the budget, balance the budget in 2016? Does he know of any funds because

they do not appear to be on this sheet and they do not appear, I think, anywhere in our particular structure.

Senator A.J.H. Maclean:

What the Deputy is saying is correct. What was proposed by my predecessor were a range of largely one-off measures to balance the books for 2015. We are focusing on dealing with those and working with departments and once we are clear about the latest updated forecast we will be working on plans for 2016 and beyond and, as Members know, that is the period 2016 to 2019, which covers the Medium-Term Financial Plan, and it is that piece of work that we are focusing our attention on.

[10:15]

4.6.5 Deputy G.P. Southern:

Supplementary, if I may. Has the Minister got anything up his sleeve? Does he know of any resources that he can divert to maintain the level of public services, which came in last in this year's J.A.S.S. (Jersey Annual Social Survey) as third on the list of priorities; maintaining public services? Does he have any access to secret funds that we do not know about?

Senator A.J.H. Maclean:

I am not quite sure what the Deputy is referring to. Why he thinks there is some form of secrecy and secret funds I have no idea. I think public finances are fairly clearly laid out; the Deputy indeed has the statements in front of him. If he wants any further detail I am more than happy to speak to him about it.

4.6.6 Deputy M. Tadier:

I think it relates to the structural deficit, it may well do. Will the current Minister for Treasury and Resources explain to us what was contained in the note that the outgoing Minister for Treasury and Resources left for him and did it say anything about the structural deficit? And did it say anything about good luck with that?

Senator A.J.H. Maclean:

Good luck was about all it said.

4.6.7 Deputy M.R. Higgins:

Does the Minister not accept that if economic growth does not grow substantially over the next few years - and I mean substantially not marginally - then if he is not going to raise taxes he is going to have to slash public sector services or transfer them into the private sector or something in order to balance the books for the projected deficits going forward?

Senator A.J.H. Maclean:

The Deputy uses emotive language like "slash". I have said it once and I will repeat it again: we have to continue to look to drive efficiencies through the whole of the public sector. There are savings that can be delivered without necessarily cutting or, using the Deputy's term, slashing services. Make no mistake though - and I am sure Members will not either - we do face an extremely challenging period over the Medium-Term Financial Plan 2016 to 2019 that is going to require difficult decisions to be made. Members of this Assembly are going to be party to those difficult decisions. At this stage we are assessing the position, we are waiting for the outturn from 2014, we are waiting for the latest forecast updates and we are waiting for the review from the Fiscal Policy Panel. I make decisions based on expert advice and when the time is appropriate that will be made public and the measures in which we are going to deal with the problems that we may face.

4.7 Deputy J.A. Hilton of the Chief Minister regarding the status of the Joint Safeguarding Board:

Will the Chief Minister explain why the Joint Safeguarding Board is not on a statutory footing and detail what measures, if any, he intends to take to address this?

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

May I ask my Assistant Minister with responsibility for safeguarding to answer?

Senator P.F. Routier (Assistant Chief Minister - rapporteur)

Work is being undertaken to review the legislative changes required to ensure compliance with the United Nations Convention of the Rights of Children, which was extended to Jersey earlier this year. This work will be finalised early in the New Year. At this point I will bring forward a range of legislative changes and the timeframe it will take, including placing the Joint Safeguarding Board on a statutory footing. In the meantime, a Memorandum of Understanding is in place and those members who had the opportunity to join us at the corporate parenting safeguarding meeting the other day heard the independent safeguarding chair say that it is an effective arrangement which is currently in place pending the development of the relevant legislation, which will be brought forward as soon as we can.

4.7.1 Deputy J.A. Hilton:

Supplementary question? The Safeguarding Board was set up several years ago and the Memorandum of Understanding was brought in because we did not have the legislation in place. Does the Minister not agree with me that a number of years have elapsed since then and we should have done a lot more?

Senator P.F. Routier:

The original Children's Safeguarding Panel, which was established... because we have only recently established the adult's one. When the new independent chairperson came into place a year or so ago she identified to us the suggestion that it should be on a statutory basis. Prior to that there had not been a suggestion of the need to have it on a statutory basis that I am aware of, but certainly when the new chair came into place she identified that that would be a thing to have and that is something we are aiming to do as soon as we effectively can.

4.7.2 Deputy J.A. Hilton:

I was certainly aware, after talking with the previous chair of the Safeguarding Board, that he expressed surprise that the idea of it being put on a statutory footing had not been explored further, but I accept that maybe the Assistant Minister had not had that conversation with him. Can the Assistant Minister assure Members that this will come back to the House at quick speed?

Senator P.F. Routier:

Certainly. The intention is to do a scoping of the work that is required under the United Nations Convention for the Rights of Children, which will have obviously various elements to it, but it will include putting the Safeguarding Board on a statutory footing, and we will do that as soon as we possibly can.

4.8 Deputy S.Y. Mézec of the Minister for Treasury and Resources as shareholder representative regarding an apparent dispute with workers on the Gigabit project:

What progress has been made by Jersey Telecom to resolve the apparent dispute with workers on the Gigabit project and what role has the Minister played, as shareholder representative, in trying to ensure that all workers are paid for the work they have done?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

I think I have largely answered this question. I have invited the chief executive and senior officers from J.T. to my office for an up-to-date explanation of the situation. J.T. and CH2M HILL have been holding helpful meetings or, as they have described it, surgeries with workers over the last 2 weeks where all concerns and requirements have been worked through. They have assured me - that is J.T. - that good progress is now being made in what has clearly been a very unsatisfactory situation for all concerned. I have asked for a further update next week.

4.8.1 Deputy S.Y. Mézec:

If this update turns out to be unsatisfactory, and if it looks like the employers are not making progress to resolving this dispute, what powers does the Minister have to get involved to help sort it out and would he be willing to use them if it came to it?

Senator A.J.H. Maclean:

Ultimately the effective running of a business and indeed ensuring that that business operates under its obligations, both legal and contractual, is a matter for that business and for its board of directors. Clearly in this circumstance, I have the responsibility, as Minister for Treasury and Resources, as the shareholder, and as such I will apply whatever pressure I can to encourage J.T. where appropriate to undertake obligations that they have to ensure that employees are properly looked after. I am reassured from the meeting that I had recently that they are doing all in their power to do that and, indeed, most workers appear to be now reasonably satisfied with the progress being made and the discussions that are being undertaken, so I hope we will not need to take any further action.

4.8.2 Deputy G.P. Southern:

When push comes to shove surely the net impact of what has been going on at CH2M is that they have failed to reach their targets by some 2,000 connections. They are 6 per cent behind on their target for the end of this year. What actions will the Minister take to ensure that this major arm of I.T. (information technology) developments on the Island is completed on time and to budget by CH2M?

Senator A.J.H. Maclean:

I think there is a great deal of misinformation. In fact there was a very good letter in the *Jersey Evening Post* last night which covered part of this issue. First of all, I should point out with regard to the Gigabit Jersey project, 98 per cent of houses have now been passed. More than 1,000 kilometres of fibre have been laid, 12,000 properties have been connected already and no country in Europe has more fibre connected - 34 per cent - than we have in Jersey. We are leading the world and, as an Island that is aspiring to be a digital sector of excellence, that is something, in my opinion, which should be applauded. The issues here are issues relating to largely 2 things and that is the job specs and the timesheets of workers. Unfortunately when workers go out to connect a property they have to fill in a job sheet and a timesheet. Those have not been properly completed in some circumstances and that has caused J.T. to have to return repeatedly to premises 7 or 8 times in some circumstances where a job sheet has said that the connection, for example, has been through the cellar whereas it has been through the attic. So they have wasted time and therefore cost and costs have been run up but those are contained within the contractual arrangements with the supplier, who is taking the hit on those additional costs.

4.8.3 Deputy G.P. Southern:

The question was about targets. If I may, with his own answer earlier in the day, question 12 in written answers, it indicates that there is a mark for premises passed at 100 per cent. There is also a category "Premises actually connected" and that target is 2,000 under what the target is. The actual achievement is 2,000 connections not made on the target. What measures is the Minister going to take to make sure that the connections ... that houses and businesses are connected, not just passed?

Senator A.J.H. Maclean:

This is not for the Minister to make any adjustment. Quite frankly there is a board of directors. There is an executive of the J.T. They have a specialist contractor, as I pointed out, who is a multi-billion dollar business that is a specialist in this particular field. More than 12,000 properties have been connected. Yes, there have been problems with the project, which is clear. Yes, at times it has fallen behind schedule and the company is working in order to address that. But we should applaud where they have got to. I think the project is a fantastic project for the Island. I am very hopeful, certainly from what I have been told by J.T., that they will finish the project on time and on budget, and they are going to update me later next year with further progress.

4.8.4 Deputy S.Y. Mézec:

I was not particularly satisfied with his answer to my last question where I asked what powers does he have to specifically get involved and he did not give any specifics, so I would like some specifics. He has spoken about the problems there about workers not filling in timesheets properly. I have sat with some of these workers who have shown me printed out emails going back months and months of their timesheets. They have the date they were sent. I cannot see any problem there whatsoever and it is a problem that they have not had in the past. It seems to have just started all of a sudden and started when it looks like the company is not meeting its target. So does he believe there is a connection between those 2 things?

Senator A.J.H. Maclean:

I think where the connection is, is that the company providing the services has undergone a change of management at the top and they have been reviewing the way in which the project has been running. The project, quite frankly, has not been managed as well as it could have been by CH2M HILL and in relation to that they have quite simply, in relation to the contractual arrangements they have, made certain that they have met all those terms that are in the contracts and the timesheets are properly filled in and the job specs are properly filled in because it is quite appropriate under contractual arrangements that should be done. They have been enforcing the terms of the contract. What J.T. have done, getting together with all parties, have helped to ensure that employees or workers, more to the point, are properly appraised of what their requirements are and obligations are in this regard. So all parties are clear and I think, as I have already stated, progress is being made. With regard to the other part of the question the Deputy asked and powers; the powers quite simply are to ensure that the company under the Memorandum of Understanding, which is published and available as Deputy Southern has already referred to, that companies operate in a way that is fair to staff under their obligations. I can insist that the board undertake that but it ultimately is the decision of the board how they carry out those duties.

4.9 Deputy M. Tadier of the Minister for Treasury and Resources regarding the gap between the poorest in Jersey society and the wealthiest:

Given that on 6th November 2014 the then candidate for Minister acknowledged that the gap between the poorest in Jersey society and the wealthiest was growing, what action, if any, will he be taking to seek to reverse this trend?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

This is an issue faced by all governments. I mentioned previously the skills agenda is absolutely critical to ensure that more Islanders have an opportunity to improve their likelihood of securing jobs and improving their earning potential. I also mentioned that a growing economy creates job opportunities, provides a higher standard of living for all and of course higher standard of public services. While we work to grow the economy the tax system is one of the ways we can support people. For example, from 2009 to 2013 the exemption thresholds increased by 9 per cent meaning that low income registered personal income taxpayers were protected from paying tax. The Social Security Department assisted those with earnings not enough to pay income tax through the medium of income support.

[10:30]

In summary, I believe our taxes and benefit system worked to protect the least well-off in our society but must be regularly reviewed and that ultimately economic growth is the key to improved living standards for all Islanders.

4.9.1 Deputy M. Tadier:

I thank the Minister for his answer. He seems to acknowledge that at least an element of redistribution is necessary in any system which seeks to protect from poverty. Will the Minister give an assurance, given his previous answers this morning, that when pursuing his efficiency drive in Government he will not fall into the trap of other right-wing governments which have, in putting through efficiencies, those efficiencies have affected the most vulnerable in society disproportionately, including the disabled and women, and those who rely on public services because they cannot fund things like health care, education and housing privately and rely on those front line services. Will he give an undertaking to make sure that no one in those categories, the most vulnerable, is affected by any of the efficiencies that he will be putting through?

Senator A.J.H. Maclean:

The Deputy seems to suggest we are a right-wing Government; I am not sure where he gets that from. With regard to the other point that he makes; he makes of course a very valid point and that is that all in our community should be protected and in particular those who are most vulnerable. So I would say to the Deputy that it is the duty of Government therefore to ensure that those individuals, the vulnerable, the needy, are those that are appropriately protected and appropriately looked after. I believe Jersey has that balance more or less right but we have to continue to review all benefits and taxes and other ways in which we might support or otherwise pay for services. Thank you.

4.9.2 Deputy S.Y. Mézec:

At some point in the near future we will be getting a review into the living wage and knowing exactly what that is in Jersey. Does the Minister accept that one fantastic way you can reduce the gap between the poorest and wealthiest in Jersey is by introducing a real living wage? What scope does he think there is with the States of Jersey departments to help not enforce a living wage, but encourage a living wage in the public and private sectors? Does he believe that doing things like prioritising businesses that pay their workers a living wage when giving out States contracts is something that he will be willing to consider?

Senator A.J.H. Maclean:

The concept of a living wage of course can be seen in other jurisdictions in the U.K., for example, and, as the Deputy says, work is being undertaken to consider what a living wage might be in the context of Jersey. The principle of a living wage of course, as Members will be aware, is

voluntary. I think the encouragement of businesses and... frankly, where you have a strong and growing economy, we tend to see that businesses are more likely to be more generous with employees and pay higher wages. We have been talking this morning about J.T., we have been talking this morning about the wages relating to zero-hours contracts of which some of those employees in the Gigabit project are involved in and they are getting double the minimum wage, which I think is something that should be recognised and applauded. I think that it is encouraging. But a strong economy will tend to see more businesses paying more money and so greater encouragement by all businesses and indeed the public sector to pay a fair wage is absolutely right and something that should be supported. But of course we have to maintain, as businesses do, a competitive economic environment.

4.9.3 Deputy M.R. Higgins:

The Minister, part of his answer, was talking about the tax system. Is the tax system not part of the problem? For example, there appears to be an awful lot of evasion of tax going on in Jersey now in the sense that people who are paying tax at 20 per cent has halved from 12,800 to 6,800 over the last 6 years. We are seeing changes in the way the taxpayers pay. So in other words those who were paying the 20 per cent tax rate between 2008 and 2012 fell from 59 per cent to 47 per cent whereas those paying the marginal rate have gone from 41 per cent to 53 per cent. Does he not think that the problem - or part of the problem - the inequality in wealth is our tax system and evasion?

Senator A.J.H. Maclean:

Evasion, I am not quite sure where the Deputy gets that particular term or interpretation from. Certainly tax yield is important and we do need to make absolutely certain that those that are due to pay their tax pay it. There is no reason to believe in the Jersey tax system that the majority of people who should duly pay their tax are indeed so doing. It might be of interest for Members to know that it is the top 10 per cent of taxpayers in the Island who pay more than 50 per cent of the tax in the Island. In fact, it is the top 20 per cent who pay, I think, 70 per cent of the tax in the Island. But, yes, yield is important; we must make sure continuously - and the Tax Department do an excellent job in this regard - that collection is made for those that are due to pay their appropriate levels of tax.

4.9.4 Deputy M.R. Higgins:

A supplementary? Can the Minister explain then his reasons for why he thinks that the people who are paying 20 per cent of tax has fallen from 12,800 to 6,800 over the last 6 years? What is going on?

Senator A.J.H. Maclean:

I think what the Deputy is referring to are the utility companies as opposed to personal income taxpayers and I do not think that that is particularly an issue. If he is referring to the 20 per cent rate from a personal income tax point of view, there are possibly some issues around deemed distribution but that is a matter that would need to be looked at in more detail and indeed it is on the agenda to consider.

4.9.5 Deputy G.P. Southern:

The Minister has just been talking about the top end of the scale; I prefer to concentrate on the bottom end of the scale. Will the Minister, as a new broom, take a thorough examination of the minimum wage which currently produces in-work poverty and requires at least a £9,000 subsidy from Income Support and supplementation in order to support workers in a low-wage economy? Will he consider and examine the possibility of making a rise, not just a move to the living wage,

but raising the minimum wage so as to reduce the subsidy that the taxpayer is paying for those low-paid jobs?

Senator A.J.H. Maclean:

The minimum wage and the matter of minimum wage is a matter for the Social Security Department and in fact there is an independent body, as the Deputy knows, because he tends to bring an amendment each year when the minimum wage is set by that independent panel. It is quite appropriate that it is set and looked at in an independent way like that. I do accept the point earlier made about a living wage, as indeed other places have done, but again it has to be a matter for a voluntary basis that companies, and indeed the public sector, would consider as it comes along.

4.9.6 Deputy G.P. Southern:

If I may, a final supplementary? The Minister made reference to Social Security being responsible for this area, does he agree with the recent statement from the Minister for Social Security that our benefit system was too generous or in fact does he think we have got it just about right which is what he said in his answer to the question earlier?

Senator A.J.H. Maclean:

What I said also was that it is important that all tax and benefits are reviewed on a regular basis. I would assume that the new Minister for Social Security is looking at the benefits system, and will be drawing her own conclusions. I look forward to hearing in more detail what those are and working closely with her to help her deliver on her aims.

The Bailiff:

Very well. Deputy Tadier, do you wish a final question?

4.9.7 Deputy M. Tadier:

The Minister need not be offended addressing his council as a right-wing Government. All States Members, the majority, were elected by the public and they chose a right-wing Government; there is nothing to be ashamed of. It will remain to be seen in the next couple of weeks whether they are also socially right wing when it comes to a debate on medicinal cannabis where they have got a way to prove themselves otherwise. But getting back to the question, the Minister has already said that he knows the gap between the rich and poor in Jersey is widening, not just simply staying the same, and that has presumably happened on his watch; he has been in this Assembly since 2005 as Minister for Economic Development during part of that time. Does he believe that there is a possibility that that is not a coincidence? It is because part of the ideology that he espouses is predicated on making the wealthy even wealthier and keeping the poor in poverty. That is what you get from a low-tax, low-spend economy and if we are to do something serious about shortening that gap rather than widening it we need to challenge that very ideology which has been the *status quo* in Jersey for so many decades.

Senator A.J.H. Maclean:

No, I do not agree with that. The wealthy will of course become wealthier because they are the wealth creators. They are, if you like, those that run the businesses that employ people and put a significant amount of money into the local economy. I do not know why Deputy Southern finds my answer amusing but I see him laughing in the corner. It is just because it may not meet his ideology but the fact of the matter is that any successful economy needs wealth creators. They are the employers; ultimately they are the ones that make businesses successful; they are the ones that put money into the economy and ultimately pay the taxes that support the benefit system that we were referring to earlier on that paid for the good quality public services that we enjoy. We have a role to drive inward investment, to bring high-value businesses and wealthy individuals to the

Island. It is small numbers but high value and it benefits the whole community. I think that is something we should continue to focus on. It is a good strategy and it is working.

4.9.8 Deputy M. Tadier:

A supplementary? I think we have hit the nub of the problem. In my original question I would have liked to ask whether the Minister thought it was a good thing that the gap between rich and poor was increasing. He has just stated that he thinks it is inevitable that the wealthy will always become wealthier. He has just said that now and therefore he seems to take a fatalistic view that that is the way it must always be. So rather than saying that is a bad thing, the Minister is saying the gap must by necessity always get bigger and he will do nothing to challenge it. Can I just add for the record ...

The Bailiff:

Are you coming to a question, Deputy, rather than a speech, please?

Deputy M. Tadier:

I think it does need to be said that the wealth creators are the workers. It is workers who create wealth, not capitalists. The question is: does the Minister think that there is any way to close that gap or does he adopt a fatalistic view saying the wealthy must get wealthier? That is either good or simply a *status quo* that cannot be changed?

Senator A.J.H. Maclean:

The point I was making was that as the tide comes in all boats rise. It is not a question that it is bad for wealthy people as the Deputy seems to think. In fact, these are entrepreneurs, as I have said, wealth creators. That is a good thing. What we have to concentrate on doing, as I alluded to in an earlier question, is ensuring that as many people within our community have the skills and the training to be able to take advantage of the jobs that are being created to earn more money and therefore to enjoy a better quality of living. As I say, it does not have to mean that there is a widening gap necessarily. We have seen somewhat of a widening gap. It appears there needs to be a lot more analysis on that because conclusions and indeed additional possible remedies can be put in place but at the moment that is the position as I see it.

4.10 Deputy G.P. Southern of the Minister for Social Security regarding the use of zero-hours contracts:

I smile because I have just heard a phrase I have not heard since the 1960s; certainly not from any economists. Will the Minister inform Members when she intends to report to the Assembly the results of her research into the extent of the use and abuse of zero-hours contracts as requested in P.100/2013 Zero-hours contracts: regulation?

Deputy S.J. Pinel of St. Clement (The Minister for Social Security):

As the Deputy is aware, this piece of work requires data from a combination of surveys that will be available by the end of 2014. In addition to the information that will be publicly released by the Statistics Unit, some additional detailed analysis of the data will be necessary to provide the particular information that we need for this piece of work, for example, to determine the characteristics of zero-hours contract workers such as age, gender and sector of work. The relevant departments, the Population Office and the Statistics Unit, are liaising with my department, and officers have recently reviewed what information relating to zero-hours contracts can be derived from the 2 surveys and when this might be provided.

[10:45]

When the information is available I will need some time to consider the findings and I intend to report the results to the States as soon as possible; realistically, this will be in the first quarter of next year. I understand that the J.A.S.S. results will be released tomorrow and I look forward to seeing the outcomes in relation to the questions that we asked about people's experiences of zero-hours contract work.

4.10.1 Deputy G.P. Southern:

Could the Minister say whether the practice that her predecessor had of using 27 agency workers on zero-hours contracts within the department, despite the fact that these people were employed over a long time and worked basically 9.00 a.m. till 5.00 p.m., if it was a regular job, they never received anything other than a zero-hours contract, whether it is her policy to continue with this practice or has she stopped this practice?

Deputy S.J. Pinel:

Again, as the Deputy is aware, valid zero-hours contracts remove mutuality of obligation so that work is offered and accepted on a casual basis. Zero-hours contracts have been criticised because of the lack of certainty that they provide to employees but when used appropriately such contracts can provide flexibility for both employees and employers.

4.10.2 Deputy G.P. Southern:

Does the Minister justify the use of zero-hours contracts for people, in this case, 27 agency workers, who are clearly working full-time and have been with the department for a length of time? Does she have arrangements to make sure that holiday pay, sick pay and pensions are also contributed to or is it getting employees on the cheap? Is her department leading the way in the abuse rather than the use of zero-hours contracts?

Deputy S.J. Pinel:

No, the department is not abusing zero-hours contracts. Zero-hours contracts permit flexibility to working hours. If the working hours extend to 35 or 37 hours a week then a permanent contract, or fixed contract, is offered. Zero-hours contracts often involve the inclusion of holiday pay which is normally rolled up to be given ...

Deputy G.P. Southern:

May I just ... a clarification?

The Bailiff:

No, no, I am sorry, you have asked 3 already and you will have the final question at the end. Deputy Martin.

4.10.3 Deputy J.A. Martin:

I thank the Minister for the replies; it sounds that this is being taken seriously. In the meantime, the Minister for Social Security does have it in her power for those who are finding, not abuse in that they are working the 35 hours, but these are the people who have come off income support, put their faith in the zero-hours contract and then find they have 2 weeks' work and then none. Is the Minister checking her internal practices that these people are paid quicker from Income Support and that their rent and their food money is there? Because this is the complaint I had from people who are on the zero-hours contracts. Thank you.

Deputy S.J. Pinel:

I thank the Deputy for her question and if she would like to come and see me at the department then we can look through this together. But the whole essence of zero-hours contract, as I have said

before, is to provide flexibility and if they are used correctly it is far better to have people in work than not working and just on income support. In a lot of cases zero-hours contracts provide this and often lead to an opportunity for somebody to get permanent employment from where they have been on a zero-hours contract with a business beforehand.

4.10.4 Deputy M. Tadier:

Can the Minister confirm or state how many of those 27 agency workers on zero-hours contracts have been offered permanent or full-time employment, if any?

Deputy S.J. Pinel:

No, I do not have those figures with me but I will get back to the Deputy with them. Thank you.

Deputy M. Tadier:

Would she seek to circulate that information widely to the Assembly?

Deputy S.J. Pinel:

Yes.

4.10.5 Deputy S.Y. Mézec:

We know that zero-hours contracts in Jersey are 3 times more prevalent than they are in the U.K. if we are looking at it proportionately. How does the Minister account for this? What does she think it is about the Jersey economy that means zero-hours contracts get used more here? Does she believe that there is a link between abuse of zero-hours contracts and poverty?

Deputy S.J. Pinel:

There is concern in the U.K. about the increasing use of zero-hours contracts in many areas of the economy. An Office of National Statistics study of 5,000 firms earlier this year showed 1.4 employee contracts that did not guarantee a set number of hours but provided work during a 2-week period. I think the zero-hours contracts, as I have said before, allow the flexibility of businesses to employ people without the necessary permanent contractual obligations which by dint of their obligation cost the company money and it is far better for somebody to have work, albeit not 37 hours per week, than not have any employment at all.

4.10.6 Deputy M.R. Higgins:

Does the Minister accept that zero-hours contracts and the uncertainty that normally comes with them for many people who are engaged on those contracts, together with the very low salaries that are paid to many workers in our society, and with the lack of annual wage increases for many, are a major factor in the slowness of the Jersey economy to recover from its recession? As long as these patches have been there we are stunting our own growth going forward and we are just going to be in a perpetual recession or near recession. Does the Minister accept that?

Deputy S.J. Pinel:

No, I do not. I believe, as I have said before, that zero-hours contracts allow people to get back into the workplace. It is a known factor that it is far better for people to be working than not, even if that is only for 2 weeks at a time. As the Minister for Treasury and Resources said earlier, that the minimum wage is “the” minimum wage that these contracts are subject to but in a lot of instances a lot more than the minimum wage is paid to these people.

4.10.7 Deputy A.D. Lewis:

Will the Minister agree that perhaps the reason for the prevalence of zero-contracts in Jersey is because there are over 7,000 small businesses in Jersey that struggle with Employment Law,

administering it and understanding it? What would her department do to try and educate those small businesses better so that they do not fear Employment Law, therefore do not resort to zero-hours contracts to mitigate it? Thank you.

Deputy S.J. Pinel:

Social Security fund an employment adviser under the auspices of J.A.C.S. (Jersey Advisory and Conciliatory Service) who goes out to employers and businesses at all times of the day and evening and weekends to answer any questions that small businesses and employers might have on this subject.

4.10.8 Deputy A.D. Lewis:

Is the Minister saying that she does not believe then that that is part of the reason why there are so many zero-hours contracts, fear of the Employment Law?

Deputy S.J. Pinel:

No, I am not saying that. I am just saying that an adviser which is funded by Social Security but employed by J.A.C.S. goes out to help people with their queries on Employment Law specifically.

4.10.9 Deputy G.P. Southern:

We were promised back in January 2014 at the very beginning of this year that a policy on the use of the zero-hours contracts was under development. Is the Minister in a position, notwithstanding her previous answer, to deliver a final complete report by the first quarter next year to state how far that policy has developed?

Deputy S.J. Pinel:

Yes, I think I answered that in my opening remarks that it will be delivered in the first quarter of next year which is in line with the P.100 that the Deputy brought to the States in 2013.

4.10.10 Deputy G.P. Southern:

A final supplementary, if I may? Does the Minister accept that many employers use zero-hours contracts to avoid or evade the current light touch Employment Law?

Deputy S.J. Pinel:

No, I do not think the Employment Law is light touch. It is constantly under review by the Employment Forum and any "abuse" - as the Deputy mentioned and I do not like the word - of the zero-hours contract immediately goes before the Employment Tribunal and resolved by the Employment Tribunal. Thank you.

4.11 Deputy M.R. Higgins of the Chief Minister regarding the proposed International Finance Centre:

In the light of the concerns outlined in a letter from industry professionals about the proposed International Finance Centre, will the Chief Minister state whether he shares those concerns and whether a full review will be carried out before any further development proceeds?

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

I do not share the concerns expressed to which the Deputy refers and therefore I do not believe a review needs to be carried out. There is a need for modern Grade A office accommodation and the Council of Ministers has always believed that it is healthy to have competition in the marketplace. Prospective tenants will decide which office schemes best suit their needs. The Jersey

Development Company's objectives as prescribed by the States of Jersey is to deliver the Esplanade Quarter in accordance with the Masterplan and the Esplanade Quarter Design Code.

4.11.1 Deputy M.R. Higgins:

A supplementary? Does the Chief Minister reject all their concerns or does he have sympathy with any? Will he explain to Members which concerns he agrees with and which concerns he does not agree with?

Senator I.J. Gorst:

As I said, I do not share the concerns expressed. This Assembly has made its position clear when it comes to the Masterplan. The proper process of planning applications has been approved and the S.o.J.D.C. (States of Jersey Development Company), if I may refer to them as that, is in the process of finding tenants. Once tenants have been found, then they can start to build. There is a shortage of Grade A office space and we need new offices.

4.11.2 The Connétable of St. Helier:

Would the Chief Minister agree with me that the industry professionals that the Deputy refers to are in fact competing developers? Would he further agree with me that the new Assembly in 2012 had the opportunity to debate the future of the Esplanade Quarter when I brought a proposition P.175/2011 to the Assembly that they endorse the Masterplan and now it is time for St. Helier-elected representatives to get behind the development of the scheme which will of course include replacement parking?

Senator I.J. Gorst:

I thank the Connétable of St. Helier for his intervention because I believe that if we are going to have a strong and vibrant future for Jersey we need to have a strong and vibrant St. Helier. If we want inward investment, if we want jobs, if we want economic growth, we need offices of a suitable quality in St. Helier. The Connétable is right. Those individuals who appeared to write to the media before they wrote to me - but that is my life - of course did not communicate to the public which particular land owners, developers, builders, tenants were their clients. That of course is their prerogative. They do not have to do that but Members should be under no illusion about that. Some Members in this Assembly do not want to see building on the Waterfront by the States of Jersey Development Company. That again is their prerogative but with that belief they have to accept that they will be taking developer profit from that site, putting it into the pockets of private developers and therefore that means that that profit will not be regenerated into parts of St. Helier that we know need to be regenerated. Those individuals in those parts of St. Helier deserve better. That is why I support building on the Waterfront.

4.11.3 Deputy M. Tadier:

The question is not about building on the Waterfront, it is about what is built on the Waterfront for whom. The Chief Minister is no doubt correct that there is a need for Grade A office space but there is also a need for a new hospital. There is also a need for social housing in Jersey, for a new Les Quennevais school which I suggest does not get built on the Waterfront. There is also a desire, if not a need, for a cultural centre, a university, a gallery which could also go on the Waterfront on the Esplanade Quarter. The difference is there may be a need for office space but there is not a need for the States of Jersey to build that office space when the private sector can do it. Does the Chief Minister agree that the private sector are quite capable of building and sourcing their own land and building their own offices on that land but when it comes to things like hospitals and social provision that can only be done by a government and it can only be done on States-owned land? He should be taking into account the fact that the voices, not just from these lobbyists who I

think have the right idea, but voices across Jersey are telling the Government: “You need to consider your plan for the Waterfront.” Will the Chief Minister undertake to do that?

The Bailiff:

Do what? I am not quite sure; that was a very long question.

[11:00]

Senator I.J. Gorst:

Answer the question. What a fantastic opportunity the Deputy has given me and I thank him for it. I reiterate what I have just said. The Deputy is one of those who believes that the profit from building on the Waterfront should go into the pockets of private developers. That is his prerogative; I do not believe that. I believe that the reason we set up the company that we did is so that we can generate profit and we can re-invest it into the parts of St. Helier which have been under-invested in, that have problems with social housing, that need greater social provision. That is why the Waterfront is so important. Of course, the Deputy belongs to a party that believes we can just simply tax and spend and deal with every issue in that regard. I do not accept that approach. I believe that we have a prime site on the Waterfront. We have a need for inward investment, we have a need for Grade A office space on that site. It can be delivered and that profit can be ploughed back into the social provision that I think the Deputy was really trying to ask about.

4.11.4 Deputy M. Tadier:

May I respond? This is becoming quite interesting. We seem to have a Council of Ministers which is now espousing state capitalism. It must be all their journeys to China no doubt which is inspiring them to do that. Can I suggest that he does not speak for our party and when we talk about taxation and redistribution we believe that an optimum amount can be obtained for all of Jersey society to be better off and more harmonious even if some people at the top are earning slightly less than they usually do. But if the Chief Minister really has a problem with private developers making profit, then there is an opportunity for him to do that, and his Council of Ministers to do that, through the tax system rather than focusing on one narrow piece of land in Jersey which is in public ownership and could be put to much better social cultural use rather than building office blocks which there are many other areas for them to be built in. Does the Chief Minister accept that this is not an either/or? We can support state capitalism in the building trade if that is the desire of this Assembly and the Council of Ministers. But if we want to tackle the vast profits that private developers are making across the Island, then he needs to look at the land transaction tax, property taxes, land value tax. Do that with his Minister but not use that as a distracting tactic for this very serious issue.

The Bailiff:

So the question, Deputy, is ...?

Deputy M. Tadier:

The question is if he has an issue with private developers making money, will he bring back a joined-up package to make sure that those issues can be dealt with without using this as a political football for a different issue?

Senator I.J. Gorst:

I have no issue with private developers making profit. What I am simply saying is that this site is in States ownership, this Assembly has agreed the method of development that we should deliver.

Of course I do not wish to speak on behalf of his party when it comes to taxation. I think he has just done it for them. His answer to all these issues, it appears, is tax. I do not accept that.

4.11.5 Deputy A.D. Lewis:

I do not think it was this Assembly that approved it; this is a whole new Assembly. But does the Minister really believe that Government should be involved in commercial property development? There are better ways of getting involved in this area, lower risk ways that will still benefit the taxpayer. Does the Minister agree that the States of Jersey Development Company was completely out-manoeuvred by the private sector in attaining an anchor tenant for that site?

Senator I.J. Gorst:

When I refer to “this Assembly” I refer to it as a continuum, not just the Members that sit in it from time to time. [Laughter] Of course, one of my concerns is that we have a need to deliver economic growth, we have a need to deliver inward investment and we want people to bring their businesses to our community because we want to create jobs and we want to create wealth for all members of our community. If we do not therefore provide those office spaces we are going to be hindered in that aim and we are not going to have the economic growth, we are not going to have the jobs and we are not going to be able to provide socially for members of our community that we want. That has sadly become a political football. There are of course competitor sites, competitor developers, competitor tenants and they are using Members of this Assembly to deliver for themselves. I regret that. I hope that now we can move on. Decisions have been made and we can allow the States of Jersey Development Company to deliver what we have asked it to deliver because ultimately we want to provide for those who are in great need in our community. That is what this development is going to be able to provide for.

4.11.6 Deputy A.D. Lewis:

I am not sure the Minister answered my question. Does he believe that the Government should be competing against the private sector for commercial development?

Senator I.J. Gorst:

I quite clearly answered that question. Tenants should have choice. If tenants want to move into sites which are delivered by the States of Jersey Development Company they should be allowed to do that and we should not use it as a political football for the benefit of other private developers. That is the thing that I find most frustrating about where we are today because I know that if we are going to deliver on the commitments that every Member has given to the electorate during the election, we need those new sites to be developed.

4.11.7 Deputy M.R. Higgins:

I find it strange that the Chief Minister talks about all the benefits of economic growth coming from the public sector when it could equally be delivered by the private sector in this case. However, the question I was going to ask finally is: the Chief Minister has previously stated that there will be further job losses in the finance sector due to rationalisation worldwide due to G20 measures figures, *et cetera*. He is also notified of these job losses in advance of them before they are announced in public. Does he really believe there is a demand for an international finance centre as was originally set out in the Masterplan and that they are pursuing?

Senator I.J. Gorst:

I absolutely do. I speak to businesses; that is part of what my job is. I go promoting Jersey around the world and I see what financial services businesses want and desire in their growth strategies. One of those elements is Grade A office space in a defined centre like we see in other centres around the world. We cannot live in isolation and we cannot believe that we are going to attract

these businesses and inward investment and consolidation into Jersey if we are expecting them to live and work in substandard office space. We have a straightforward choice and I am going to choose the future for Jersey that I believe will best deliver for all members of our community.

5. Questions to Ministers without notice - The Minister for Treasury and Resources

The Bailiff:

Very well, that brings questions on notice to an end. So we will now come to Questions without notice and the first period is to the Minister for Treasury and Resources. Deputy Martin.

5.1 Deputy J.A. Martin:

I will try and keep this simple because it was put to me simply by members of the public. The collection of I.T.I.S. (Income Tax Instalment System)/long-term care is not being collected until January 2015. There are many people who are on this year's tax collection and the previous year's 2013 tax collection. Can the Minister confirm which year the long-term care is coming from or does everybody start at zero in 2015? Because there is much made about the collection not until 2015 but which year and is it the same for everyone this is being collected from?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

An increase of 0.5 per cent from January 2015 which is the same across the piece and starts from January 2015 so is applicable immediately.

5.1.1 Deputy J.A. Martin:

Just to be quite clear, the 0.5 per cent is based on the earnings of 2015 in the current year? The new people are on the current year 2014, so in 2015 it will be the 0.5 per cent on your current year's earning? This is the question I have to get through to the constituents who have asked me this, so I need to understand it quite simply.

Senator A.J.H. Maclean:

That is my understanding.

5.1.2 Deputy J.A. Martin:

The Minister says it is his understanding, can he completely check that before it goes out there in the public. It has to be absolutely definite.

The Bailiff:

The question, Minister, is whether you would check it before it goes out?

Senator A.J.H. Maclean:

Yes, of course.

5.2 Deputy S.Y. Mézec:

The Minister's predecessor often used to visit dictatorships with appalling human rights' records in part of his role as Minister for Treasury and Resources and in fact he is currently in one of those right now as part of his new role. Could I ask the new Minister which dictatorship is top of his list to visit?

Senator A.J.H. Maclean:

I do not think that is worthy of an answer.

Deputy S.Y. Mézec:

Well since this is a democratic-elected parliament, could I ask him to try?

Senator A.J.H. Maclean:

In my former role as Minister for Economic Development I did travel and visit a number of countries globally that we thought there was potential for Jersey to do business with. We follow the Foreign Office policy carried out and laid out by the United Kingdom, and I think that is an absolutely appropriate way in which to operate. We will continue therefore to engage with countries that we believe are going to be in the interests of the Island and indeed that follow the policy of the U.K. Foreign Office.

5.3 Deputy A.D. Lewis:

Will the Minister be publishing a scope of works for his plans for public sector reform and once he has done so, will he engage with the P.A.C. (Public Accounts Committee) and the Corporate Services Panel to ensure full scrutiny and co-operation of all Members in this important process?

Senator A.J.H. Maclean:

In fact there has been a considerable amount of work already undertaken. I am happy to facilitate that the P.A.C. first of all has a full briefing on what has been undertaken to date and indeed on the programme as it is laid out over the next 12 months and beyond. I will ensure that that gets facilitated in early course.

5.3.1 Deputy A.D. Lewis:

How confident is the Minister of getting his fellow Ministers and the chief officers to buy into the concept of public sector reform which may well result in smaller empires for Ministers and their chief officers?

Senator A.J.H. Maclean:

I am an optimistic chap by nature and I have to say that I have been first of all encouraged by the way in which the programme started. It is a significant undertaking for an organisation such as the States of Jersey, the way in which it is structured, but the foundations have been set. What we need to now do is ensure that we increase the speed of delivery. It is absolutely critical that the speed of delivery changes. I am confident, based on the Council of Ministers that the Chief Minister has put together and the first meetings that we have already had, that there is a willingness to engage in this programme and we will work as a team to deliver on it.

5.4 Deputy G.P. Southern:

Could the Minister outline what progress his department has made on developing a system for individual taxation rather than household taxation as was promised by his predecessor and also what progress he expects to make and what plans he has for resolving the issue of past year/current year taxation which has been hanging around for some years now? Or is he going to wait 30 years for all those on past year to work their way into pensionable age?

Senator A.J.H. Maclean:

The Deputy raises 2 very good points. I think I made some comments in my earlier answers to questions that we must continually be reviewing the tax system and indeed the benefit system in relation to the question I previously answered. I can tell the Deputy that certainly both those issues are matters that are on the agenda for review, and not in 30 years' time, he will be pleased to know. I am happy to come back during the course of next year and give him an update on the progress that we are making.

5.4.1 Deputy G.P. Southern:

Can I push the Minister to be more specific about his timeline, as I often do? Can we talk first half of the year or not?

Senator A.J.H. Maclean:

I would hope so. If the Deputy would bear with me, I have barely 2 weeks under my belt and I am still trying to assess the priorities the department needs to deliver on. Clearly the Medium-Term Financial Plan is a significant piece of work but I would very much hope that we will do it earlier rather than later and I will certainly report back a more accurate timetable to the Deputy in due course.

5.5 Deputy M.R. Higgins:

Returning to the question of tax, we are facing a deficit, a public sector deficit, of up to £100 million over the next few years. That is quite a sizeable sum which when we take into account the Zero/Ten policy has failed the Island and is responsible for a lot of that deficit quite simply because no companies are paying tax other than finance companies and utilities, there has been a shortfall because deemed distribution was declared unfair and the E.U. (European Union) would not allow it. The question is: what is the Minister going to do to try and deal with the problem that his predecessor could not do and that is get money from companies to try and bridge the shortfall?

[11:15]

Senator A.J.H. Maclean:

The Deputy would appreciate there are a number of measures being looked at should indeed there be a structural deficit, which is basically at the heart of the question I think he has just asked, from 2016 forward. Yes, there was a shortfall in 2014 and 2015 which Members are aware of. Measures are being listed as to how those particular shortfalls are going to be dealt with in the year for 2014 and for 2015. Those are of course, I should emphasise, largely one-off measures to resolve those issues. So from a longer-term perspective the key is quite simply updated forecasts which we will have in the New Year and also the Fiscal Policy Panel's view on the structural deficit. We then have a range of measures that will be considered and prioritised for how we will deal with the Medium-Term Financial Plan challenges of 2016 and beyond taking into consideration a situation where revenues may indeed, from a taxation perspective, fall below current expenditure levels.

5.5.1 Deputy M.R. Higgins:

A supplementary? The Member is talking a range of measures will be brought forward. His predecessor did not deal with the problem of companies not paying tax. He did come up with the idea of property taxes which he shredded during the election. Is the question of property taxes going to come back to try and fill the shortfall instead of getting money from companies?

Senator A.J.H. Maclean:

I do not wish to avoid the Deputy's question. There are a range of measures and he mentions the Property Tax Review. That Property Tax Review was commenced by my predecessor and indeed it was due to complete at the end of December, at the end of this year. In fact what we have done is decided to extend that to the end of January. That process will be completed. The Property Tax Review will be completed and will quite naturally feed into all the considerations that we need to make. Largely, I should point out, again as my predecessor said, that the purposes of the review was to look at a fair and equitable tax system and it was considering and posing questions in that area to deliver on that objective.

5.6 Deputy M. Tadier:

Let us follow up on that about the fair and equitable system. Does the Minister think that we currently have a fair and equitable tax system? If not, why not, and what would he seek to do to change that?

Senator A.J.H. Maclean:

I think generally we do. There are some, perhaps, imbalances and I would suggest that Deputy Higgins has identified some areas of challenge that we face and that is why, as I have said, several times already this morning, we need to continually be looking to review our taxation arrangements and that applies to all areas of government and I have talked about benefits and other support and that is an ongoing process.

5.6.1 Deputy M. Tadier:

How can the Minister say that we have a fair and equitable tax system first of all when we know we do not have individual taxation? We know that we have essentially a 1 per cent tax rate for some of the most very wealthy immigrants in Jersey while their counterparts, who are locally born millionaires, multimillionaires, have to pay 20 per cent tax and when we know that ... especially when we look at disposable income, those at the very bottom of the quartiles, pay more when we take into account G.S.T. (Goods and Services Tax) *et cetera* because they spend all of their income rather than just part of it and, therefore, they are taxed disproportionately. Can the Minister seriously say, with a straight face, that we have a fair taxation system?

Senator A.J.H. Maclean:

No taxation system is ever going to be perfect and I suspect no taxation system, certainly with Jersey, would satisfy the Deputy. His view is that ...

Deputy M. Tadier:

That is not true.

Senator A.J.H. Maclean:

... any realistic tax system in Jersey would satisfy the Deputy. I would say that the Deputy continuously pushes an argument that we should be increasing the burden of taxation on wealthy individuals in the Island, missing the point entirely that it is the wealth creators that are highly mobile and can leave Jersey as easily as they come to this Island and the contribution they make is far and away above the headline tax rate that they pay. They contribute in many other ways to the Island life, Island community charities and so on and it is an invaluable element to our overall community.

5.7 Deputy L.M.C. Doublet:

On 3rd November I questioned the Chief Minister about the 1001 Day Commitment which focuses on the early years of children's lives and he asserted that we need to make sure that centres, such as The Bridge, have appropriate funding in place. Do you support this as well?

Senator A.J.H. Maclean:

I certainly agree to the principle of that. Yes, I think it is a very good initiative. Again, we will face, I have no doubt, the same challenges with funding worthy projects in that way. What I have said continuously is that as a Council of Ministers we need to prioritise. Certainly, there is a clear priority with health and education and investment in the economy but we will have to prioritise those services that need to be delivered. I would imagine the service that the Deputy has just referred to is one that would be high up on that list but until one sees the overall prioritisation and listing it is difficult to say but in principle am very supportive.

5.8 Deputy M.R. Higgins:

The Minister just said that the high net worth clients or the very wealthy of the Island make a much greater contribution than the amount they pay in tax. How do we know this? What objective, transparent measure, is there to assess that? We are all told they do but we do not really know that they do. I am aware of some who do not make their contributions. Therefore, the question is, how can we take the Minister's word for it that these people are making such a generous contribution to the Island when there is no way of really knowing?

Senator A.J.H. Maclean:

I accept in certain circumstances there are very wealthy individuals who make significant contributions and quite naturally wish to do so on an anonymous basis. Those contributions are made aware to enough people for it to be quite clear that there is value there. The bottom line to the Deputy is that jurisdictions around the world are falling over themselves to attract and invest in inwards investment to bring net high net worth and inward investors or the wealth creators to their jurisdictions because they recognise the value of the employment they create and there is data available around businesses and employment and investment so a certain amount of evidence is clearly available based on these individuals. I have no doubt whatsoever of the significant contributions they make. They are a low number in the overall scheme of things, do not forget.

5.8.1 Deputy M.R. Higgins:

Supplementary. Is the Minister prepared to, for example, produce for Members a document so we can see, for example, the companies that these people bring to the Island, how many people they employ and their contribution to the Island in terms of income because at the present time we talk about bringing high net worth or high productivity companies, low footprints and so on, but in reality I think they bring very little. Is the Minister prepared to give us some objective proof?

Senator A.J.H. Maclean:

I am delighted to do that. In fact this is something that has been done before. We have published, in my former role at Economic Development, data on inward investment businesses and I am more than happy to procure an updated version of that which will clearly demonstrate to the Deputy and to Members, those that have any doubt whatsoever, of the significant value of inward investment to our economy.

5.9 Deputy S.Y. Mézec:

Following on from the questions by Deputy Tadier, could the Minister explain to us why it is that it is only foreign multimillionaires living in Jersey, whose mobility is a concern when coming up with their final tax rate and not our own local multimillionaires who can still pay 20 per cent and not run off somewhere else? Could he also tell us why ...

The Bailiff:

I think that is one question, Deputy.

Senator A.J.H. Maclean:

Yes. So it is quite simple, it is a difficult situation but at the end of the day it is a competitive matter and we operate in a competitive world. Therefore, we are seeking to attract inward investors of the type that the Deputy is referring to and in order to do that we have to ensure that the rates on offer are comparable to others elsewhere and that is quite simply the way it works.

The Bailiff:

Very well. I am sorry, Deputy, we have run out of time. The clock has stopped. So we move then to questions to the Chief Minister.

6. Questions to Ministers without notice - The Chief Minister

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

Further to news that the Channel Islands Co-op will be closing the last major food warehouse in the Island with the loss of up to 58 jobs plus many jobs with the independent suppliers, what steps will the Chief Minister and his Ministers be taking to preserve these jobs and equally importantly, preserve food security for the Island?

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

Yes, the members of the Co-op that attended the meeting, as I understand - I did not attend and I was one of the shareholders who had other things on the night of the meeting - they voted to support the proposal of the executive of the Co-op and that is how mutual operations like the Co-op should operate, the members should decide, and they did that. With regard to those people who may now, therefore, be made redundant, of course they have a programme in place of offering other employment for those individuals. Some may not wish to avail themselves of that because of their skills and length of time working in a warehouse rather than on the shop floor. Any that are not able to do that of course they will then be supported by Social Security to get into other work. With regard to food security that will be reviewed by our Preparedness Committee.

6.1.1 Deputy K.C. Lewis:

Supplementary. Would the Chief Minister give consideration to taking this up with his emergencies officer as a matter of importance being as there are many events happening in the world that could result in the Island being cut off temporarily? Obviously weather is one, terrorism and others and would he give consideration to a possible subsidy because obviously the Co-op will be moving their supplies to the U.K. because it is obviously cheaper to do so.

Senator I.J. Gorst:

As I understand it, the Co-op have reassured their shareholders that they will have emergency transportation in place should such an incident occur. However, I still think that it is suitable for Government and the emergency planning apparatus to keep these issues under constant review and that is what will take place.

6.2 Deputy R. Labey of St. Helier:

Following on from his recent answers, does the Chief Minister not think that we should call time on the days of individuals or developers or companies making unseemly millions from rezoning and redevelopment without any share of those millions going to the Island to build social housing, to redevelop Fort Regent. The Waterfront wrecked Fort Regent, the Waterfront should now pay for its redevelopment. I just wondered; it sounded like he has ruled out any kind of land transaction tax or windfall taxes in that area.

Senator I.J. Gorst:

Absolutely not. I was one of probably only 2 Senatorial candidates that supported the Property Tax Review. It will not be surprising to know who the other was because I think there are issues within that Property Tax Review which are important, which can deliver fairness and can deal with some of the concerns that members of the public and this Assembly rightly have with regard to what might be considered in some quarters, super profits on rezoning of land.

6.3 Deputy G.P. Southern:

In the light of 3 posts advertised for his department amounting to some £200,000 in salary, which I saw last week advertised in the *J.E.P. (Jersey Evening Post)*, could he state whether these were new posts or replacement posts in order to help his department achieve proposed savings of 2 per cent

on pay and non-pay budget? Is he proposing from now on a recruitment freeze or a pay freeze for civil servants in his department in order to save £250,000?

Senator I.J. Gorst:

I am not sure that those questions are connected. The Deputy is right. I thought, perhaps, it was not on this occasion but often it is made clear in the advertisement whether it is a new post or simply the filling of an existing post, where the post-holder has moved on for whatever reason. We are going to need to think creatively about how we manage the difficulties that we are facing, not only in 2015 but in 2016, and the Minister for Treasury and Resources has answered questions in that regard this morning. I, personally, think that we need to consider how we manage our staff but the staff in the Chief Minister's Department that were advertised were I.T. staff. They are not serving the Chief Minister's Department, they are a central resource serving departments right across the States. So I am not, at this point, convinced that we should have a blanket recruitment freeze. However, we do need to make sure that we have got the appropriate management of staff right across all departments. That means that sometimes that needs to be managed centrally and sometimes it will need to be managed in the departments but it will need to be managed creatively.

[11:30]

It might be that some positions are held over and people are not put into those posts in the same timescale that might have happened previously.

6.3.1 Deputy G.P. Southern:

Supplementary if I may? What targets does the Chief Minister have for the total sum of savings to be achieved from the modernisation process to State employees?

Senator I.J. Gorst:

We do not have those figures at the moment. It has been very much about preparatory and groundwork, changing of culture and we move on to the next stage. It is about individuals, right across the departments, and politicians putting in place the right policies but the individuals providing front line services; they are the ones who can tell us and that is what is arising through the Lean process of where savings and efficiencies can be made. So it is not a large centralised programme that is going to deliver what we need but it is going to be individuals looking at how they work and making suggestions about where money can be saved in their particular service area.

6.4 Deputy S.Y. Mézec:

In light of the fact we know that the Chief Minister will soon be proposing the creation of a new Ministry and knowing that there is currently one Member of this Assembly who is essentially acting as Assistant Minister for that post now unofficially, can the Chief Minister confirm whether or not he is committed to the principle of the Troy Rule and how he reconciles this with his proposed new Ministry?

Senator I.J. Gorst:

I was convinced of the need to retain the Troy Rule when the previous sub-group of P.P.C. (Privileges and Procedures Committee), the Machinery of Government Sub-Panel, looked at this particular area, but the Troy Rule is currently about having a minority government or a minority executive. We know that Assistant Ministers do not have to vote with the Council Ministers. The only collective responsibility for Assistant Ministers is with their particular Minister so the Government is already in minority. We currently are not allowed any more than 21. Personally, I think a simple minority, so taking Ministers or Assistant Ministers up to 24, is something that we should consider so that we keep the Executive in the minority but we do not have the 10 per cent

rule on top of that. Because inclusivity, using people's skills and experience in departments is equally as important.

6.4.1 Deputy S.Y. Mézec:

Supplementary. That is an absolutely astounding answer. Is the Chief Minister honestly saying that he is proposing completely reworking the Troy Rule and ending the system that secures minority government that we have now whereas ... he is saying that Assistant Ministers will not be bound. He knows that that is just complete nonsense. Assistant Ministers are going to see themselves as part of the wider government and want to see progression leading forward. Is he genuinely proposing that he is going to change the numbers of the Troy Rule like that?

Senator I.J. Gorst:

The Deputy seems to be getting very excited about a straightforward solution. Because the problem with the debate that we have had in this regard is, do we have a minority government, which I support and I continue to support. Do we need to have the 10 per cent rule on top of that? I am not so convinced about that issue. Do we need to deliver inclusivity trying to use people's skills and experience on behalf of the public of Jersey? I think we have to reconsider whether we are doing that in the best way possible. So I do not think it is astounding or surprising or any other word that the Deputy might use. I think it is common sense.

6.5 Deputy M. Tadier:

It is with some reticence that I raise an individual matter regarding ... the Chief Minister will know what it is about, to do with a former detainee of a Japanese prisoner-of-war camp and his claim for compensation. Could the Chief Minister give an update as to how his request is progressing? I am only using this as a last resort because it seems to have been dragging on for quite a while without any resolution.

Senator I.J. Gorst:

It is not really appropriate for us to get into individual cases during Ministers' question time; simply to say that this issue is one that has been dragging on for many years and was prior to my coming into office 3 years ago. My officers have been instructed to work on the issue and try to deliver a fair solution for the individual concerned but it is connected to the United Kingdom and a scheme that they have there, which currently, for a reason which I do not fully accept, this individual is not able to get that support. I do not think that is right. Officers are working on that and taking it to the Ministerial level in the United Kingdom to try and get a satisfactory solution for the individual to which the Deputy refers.

6.5.1 Deputy M. Tadier:

As a follow up, would the Chief Minister either inform us of the number, if he knows it, of how many other Jersey residents have been paid compensation or sought compensation and are in the same boat as this individual and if he does not have that information would he also seek to represent those individuals who may be affected in a similar manner when deliberating with the U.K. authorities?

Senator I.J. Gorst:

Yes, the Deputy is right, I do not have that information but I am more than prepared to try and ascertain it. It might not be quite as straightforward as we think. If the Deputy does have other individuals that he thinks might be similarly entitled then if he could let us know and we will add them to our compensation.

The Bailiff:

Does any other Member wish to ask any questions?

6.6 Deputy M. Tadier:

I do have a question about the Chief Minister's preferred outcome of States reform, if any. How does he see the constitution of this Assembly, the proposed way forward, and which will he be pushing for, if any?

Senator I.J. Gorst:

I think the Deputy asked me that question a month ago and I declined to give an answer then for what I think are fair reasons and that is that we are all going to have to find a solution which is acceptable to the majority of Members in this Assembly. I stand by that answer and I do not want to give an indication that I am committed to one particular solution at this point in time because I think we all need to try and find a solution, as I say, which the majority can accept.

6.6.1 Deputy M. Tadier:

In that case I think the answer is simple. The majority could probably accept no change whatsoever seeing as that was what won the day in the end. Is that what the Chief Minister is therefore proposing, no change, leave things exactly as they are?

Senator I.J. Gorst:

If the majority of Members stood up now and said that they did not want to see any change to the Assembly then I probably would be just as shocked as Deputy Mézec was in response to an answer I gave some moments ago. The problem is not whether Members want to see change. I think the majority ... there are some, of course, that have for many years said they do not think there is a need for change but I think the majority want to see change. The problem is quite what that change will be.

The Bailiff:

Does any other Member wish to ask any questions? No, then we will bring questions to the Chief Minister to an end.

PUBLIC BUSINESS

7. Draft Freedom of Information (Jersey Heritage Trust) (Jersey) Regulations 201- (P. 146/2014)

The Bailiff:

So then we move on to Public Business, there being no matters under J or K, and the first matter is the Draft Freedom of Information (Jersey Heritage Trust) (Jersey) Regulations - Projet 146/2014 - lodged by the Chief Minister. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Freedom of Information (Jersey Heritage Trust) (Jersey) Regulations 201-. The States, in pursuance of Articles 17 and 53 of the Freedom of Information (Jersey) Law 2011, have made the following Regulations.

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

These Regulations deal with situations where information has been transferred to the Jersey Heritage Trust obviously in their capacity with regard to the Jersey Archive for retention. The purpose of these Regulations is to lay down the procedure for access to the information held at the Archive in response to a request for that information. In essence, if the records that the Archive

holds on behalf of an authority are non-exempt then the Archive will handle disclosure in accordance with procedures the archivist may lay down based on reasonableness, the medium of the record and potential damage to that record. If the records that the Archive holds are potentially exempt then a request will be passed to the relevant authority normally on the same working day but the Regulations provide a deadline of 5 days which may be required in complex cases. I maintain the principles.

The Bailiff:

Are the principles 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 matter falls within the Corporate Services Scrutiny Panel of which the chairman is Deputy Le Fondré. Is there another member in the Assembly of that panel? Do you wish that matter to be referred to your panel?

Deputy S.M. Bree of St. Clement (Member, Corporate Services Scrutiny Panel):

I do not believe so.

The Bailiff:

Very well, we have taken the answer of one of your members. So do you wish to propose the Regulations *en bloc* then, Chief Minister?

7.2 Senator I.J. Gorst:

If I may. Regulation 2 deals with public records transferred by scheduled public authority to the Trust on or after the introduction of freedom of information. Regulation 3 deals with how the Trust will handle a request under freedom of information to access non-exempt records. Regulation 4 deals with how to request for access to exempt records held at the Archive and how they will be handled. Regulation 5 deals with public records that are transferred to the Archive by a public institution that is not a scheduled public authority. Regulation 6 provides for records that were transferred to the Archive, again, before the Freedom of Information Law came into force, where access to a record was available before the Freedom of Information Law was introduced, saying it will then be treated as non-exempt. Regulation 7 is when the Regulations will come into force, which is the same time as the Freedom of Information Law.

The Bailiff:

Are Regulations 1 to 7 seconded? **[Seconded]** Does any Member wish to speak on any of the individual Regulations? All those in favour of adopting the Regulations please show. Those against. They are adopted. Do you propose the Regulations in Third Reading, Chief Minister?

Senator I.J. Gorst:

If I may.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading please show? Those against. The appel is called for in relation to the Regulations in Third Reading. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 34		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				

Senator P.M. Bailhache				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy P.D. McLinton (S)				

8. Draft Freedom of Information (Schedule 1 to Law) (Amendment No. 2) (Jersey) Regulations 201- (P.154/2014) - as amended

The Bailiff:

Now, the next matter on the Order paper is Projet 149 which is the proposition of the Deputy of Grouville but there has been some consultation, I think, with the Greffier and with the Deputy of Grouville and the Chief Minister. It is proposed, I believe, that we should take Project 154 immediately before Projet 149. The reason for this being that Andium Homes Limited, for which the Deputy of Grouville wishes to extend Freedom of Information, is also dealt with in Projet 154 and if we were to take the Deputy's proposition first and if it were to be rejected then we would not be able to take Project 154. So if Members agree I would suggest that we take Project 154 first. Do Members agree? Very well, I will ask the Greffier to read the citation of Projet 154, the Draft Freedom of Information (Schedule 1 to Law) (Amendment No. 2) (Jersey) Regulations 201- lodged by the Chief Minister.

The Deputy Greffier of the States:

Draft Freedom of Information (Schedule 1 to Law) (Amendment No. 2) (Jersey) Regulations 201-. The States, in pursuance of Article 6 of the Freedom of Information (Jersey) Law 2011, have made the following Regulations.

The Bailiff:

Now, this is a matter where the Chief Minister has lodged an amendment to his own Regulations. Chief Minister, I presume you wish to propose them in their amended form?

Senator I.J. Gorst:

If I may.

The Bailiff:

Very well. I invite the Chief Minister to propose the principles.

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

This is a straightforward amendment which will bring the Parishes into the scope of Freedom of Information from 1st September next year. Of course the amendment to the Regulations will then bring in Andium Homes as well but we will deal with that in the Regulation.

The Bailiff:

Very well, are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show. Those against. The principles are adopted. Now, Deputy Le Fondré, do you wish this matter referred to a Scrutiny Panel?

Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):

No, thank you.

The Bailiff:

Very well, if you would propose the Regulations in their amended form then, Chief Minister.

8.2 Senator I.J. Gorst:

So they are hopefully straightforward Regulations bringing the Parishes into the scope of Freedom of Information from 1st September 2015. The amendment brings Andium Homes into the scope of Freedom of Information from 1st January 2015 which is the same as other Government departments.

[11:45]

I think because of the change from the Housing Department to Andium Homes there was some uncertainty about whether it was included or not. I wish to clarify that and believe, as I hope Members of the Assembly believe, that it should be included from day one and that is why I have proposed the amendment.

The Bailiff:

Are Regulations 1 and 2, as amended, seconded? **[Seconded]** Does any Member wish to speak on either of those Regulations? Very well, all those in favour of adopting ... sorry, did someone ask for the appel? No. All those in favour of adopting Regulations 1 and 2 kindly show. Those against. They are adopted. Do you propose the Regulations in Third Reading, Chief Minister?

Senator I.J. Gorst:

If I may.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in ... the appel is called for in relation to the Regulations, Projet 154, in Third Reading. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 37		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

9. Freedom of Information: extension to companies owned or controlled by the States (P.149/2014)

The Bailiff:

So then we come to Projet 149, Freedom of Information: extension to companies owned or controlled by the States, lodged by the Deputy of Grouville. I will just ask the Greffier to read the citation. The difference here will be that the States having already agreed that they will extend to Andium Homes, this proposition will now relate simply to the other companies referred to by the Deputy.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to agree that the scope of the Freedom of Information (Jersey) Law 2011 should be extended so that it applies to – (i) Andium

Homes, the States of Jersey Development Company, Jersey Post, Jersey Telecom and all other companies wholly owned by the States; (ii) the Jersey Electricity Company, Jersey Water and all other companies in which the States hold a controlling interest as majority shareholder; (b) to request the Chief Minister to bring forward for approval the necessary legislation to give effect to the proposal, with the measures to come into force as soon as practicable after the coming into force of the Freedom of Information (Jersey) Law 2011; (c) to request the Chief Minister to investigate the feasibility and desirability of further extending the scope of the Law to other entities that receive a majority of their funding from the States, and to report back to the States with recommendations within 6 months.

9.1 Deputy C.F. Labey of Grouville:

So to reiterate what the Greffier has just read, I am asking that the scope of the Freedom of Information (Jersey) Law be extended to companies wholly-owned by the States and therefore owned and funded by the taxpayer, companies like the States of Jersey Development Company who have had millions or billions worth of our assets in the form of the Island's real estate transferred to them for nothing. Companies like Jersey Telecom who do not only own the machinery and equipment but whose whole underground infrastructure runs throughout our Island. I am also asking for Members of the States to agree that the scope be extended to companies where the States own the controlling interest. To my mind this is a perfectly reasonable request. Most members of the public I have spoken to are astonished that this long awaited Freedom of Information (Jersey) Law does not include all States-owned bodies but especially those I have listed. In fact I believe that there are some States Members, past and present, who did not fully appreciate that they had not been included in the law and would have taken an entirely different view when agreeing to transfer the assets to these entities if this had been made clear. How will Members feel, I wonder, when asked in the future for perfectly sound commercial and competitive reasons, which I fully appreciate, to transfer more of the Island's assets; ports and harbours for example, to a new entity that will not be subject to the same open scrutiny as they have now. The Council of Ministers, rightly, albeit in the eleventh hour and after I had lodged my proposition, decided to include Andium Homes and the £500 billion worth of housing stock but companies like the States of Jersey Development Company, who are meant to be coming forward with plans to turn our Waterfront into the iconic vibrant hub we are all awaiting, should also be included. They manage the public assets. Now, I fully understand the nature of the commercial sensitivity and so did we all when approving the law, as the law does not give a blanket right to information. There are a number of exemptions that can be invoked which would cover commercially sensitive material or where disclosure would prejudice commercial interests. So the argument for the F.O.I. (Freedom of Information) Law exposing and putting the States-owned bodies at commercial disadvantage can be dispelled immediately. Likewise, the Council of Ministers' excuse for imposing higher costs and a more rigorous requirement than their competitors would put them at a disadvantage. Commercial companies are answerable to their directors and shareholders. They have to supply information in a timely manner to those responsible for their management and to their shareholders. So why should we, in effect, the shareholders, not have a perfect right to this non-commercially sensitive information? Surely it sets up double-standards to what we expect from our administration. Why should the hospital, our education service, our police force and even our Parishes with limited staff have the imposition of the F.O.I. law placed upon them but arms' length States-owned bodies managing millions and billions of our monies should not? The question has got to be, why not? Who will they be accountable to if not the people who own them? I am afraid the more the Council of Ministers dig themselves into a hole on this one the question will become even bigger. I was disappointed to receive the Council of Ministers' response to my proposition. In a new Council one would like to believe we are in a new dawn and we can take them at their word at wanting to be open, transparent and wanting to apply a consensus working environment but their comments,

delivered to a Back-Bencher's proposition the day before the debate, is not only disappointing but I find them to be completely contradictory. My proposition asks the States to agree that the scope of the F.O.I. 2011 law should be extended to some of our entities and bodies where we have a controlling interest, a perfectly reasonable request. My proposition does not say when the scope should be extended. It does not put them under an unreasonable timetable. In fact it does not set the timescale at all. It simply asks this Assembly to agree to extend and include more of our, the public's, assets into the Freedom of Information Law, a law which they themselves brought in. The Council of Ministers rejects this request. They say they strongly support openness and transparency. They say Freedom of Information will enhance how we are perceived by the public we serve and will demonstrate our commitment to being transparent about the decisions and services that affect Islanders. However, they then go on to say: "At this time and pending experience of the law and further examination, the Council of Ministers rejects this proposition." My proposition is asking for greater openness and transparency over public assets. Hopefully, this Assembly will have a greater sense of duty to the public and the people we serve because the ridicule continues. My final request is to ask the Chief Minister to investigate – investigate - the feasibility and desirability of further extending the scope of the law to other entities that receive a majority of their funding from the States and report back with recommendations within 6 months. They reject this but say they will report back within 6 months in more detail. I make my proposition.

The Bailiff:

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

9.1.1 Senator A.J.H. Maclean:

Progress towards accountability and transparency is, of course, always welcome. This principle is something that we can all agree on. However, the matter of how we deliver on these commitments must be seriously debated and therefore I do welcome this proposition from the Deputy of Grouville. Done well, a Freedom of Information Policy has the ability to be a positive enabler for change and accountability. Done badly, of course, it risks generating costs and workload that potentially far outweigh any benefits that might, therefore, be generated. As an example, in 2013 in the United Kingdom there was a review undertaken of local government impact of a Freedom of Information Law which identified costs of £31 million and more than 1.2 million hours of time on reviewing and undertaking such requests. Applied inappropriately or too widely freedom of information has the potential to seriously damage healthy competition and take us into legally dubious areas. Within the States we have significantly improved our publication of financial information in recent years and now provide some of the most in-depth and detailed data of any government in the world. This has been reflected across the board within our planning documents, our budgets and our financial report and accounts. We publish a wide range of information on a proactive basis including details of expenses, salaries and grants as an example. We are considering doing more. The Treasury and Resources Department is actively considering publication of data relating to procurement and States-owned properties. This approach mirrors that of the U.K. local authorities' best practice. We are making positive progress and we continue to do so. However, this proposition to widen Freedom of Information to include private States-owned companies goes too far at this stage. We have sought views from Jersey Electricity, Jersey Post, J.T., Jersey Water, S.o.J.D.C. and they are all the same in the response that they have given. While being supportive of the concept of Freedom of Information they have serious concerns about what is being brought within the scope of the legislation. Firstly, the most fundamental of these organisations are designed and intended to be independent of government. They are accountable to their shareholders, subject to professional audit and corporate governance. To include them within a government Freedom of Information Policy is contradictory and undermines their very nature. A

significant level of regulation already exists for a Jersey company and there is an additional layer of accountability to the States through the shareholding of the Minister for Treasury and Resources. The resource implications for these organisations of having to deal with Freedom of Information queries would be significant. We have tasked them with the objective to be profitable. To now undermine their ability to do this with our own policy is, at this stage, unreasonable. Quite apart from the extra cost of administration there is also the potential that business partners and suppliers may be deterred from doing business with them if they consider there is a possibility that information about the relationship could be placed into the public domain. At the same time privately-owned competitors would operate wholly unburdened by the requirements of this law. Indeed, competitors could actively use the Freedom of Information Law to seek information to their advantage against our own States-owned entities. This could seriously impact the financial return to the States at a time when protecting and growing our revenue streams are of the utmost importance.

[12:00]

All companies of the same type, regardless of ownership, need to be subject of the same laws. It is also not currently clear if such organisations are even capable of being considered as a public authority under the law. Added to that, much information relating to these companies is already subject to the legislation as this information is held by the companies on behalf of the States. Any such information will already be open to request provided that other exemptions do not apply. There are also a number of other companies wholly-owned by the States and registered in Jersey which are not named in the Deputy of Grouville's proposition. There may also be companies registered in Jersey that do not operate in Jersey and companies owned by the States that are not registered in Jersey, for example the Bureau du Jersey, which operates in France, in Normandy. The practical difficulties and cost of implementing the Deputy of Grouville's proposition mean I am unable to support it at this time, and ask Members to reject it.

9.1.2 Deputy R. Labey:

Of course, J.P. (Jersey Post), J.T. and S.o.J.D.C. are going to reject this if they are given the chance, because it might be costly and inconvenient but, in 2014, that is not an argument against Freedom of Information. **[Approbation]** Let us not forget, we are lagging behind here. When was it brought in in the U.K., the year 2000, something like that, and updated again 2005, updated again when Northern Rock came into public ownership. If only they knew it, the Council of Ministers is being provided here with an opportunity by the Deputy of Grouville to demonstrate a sea change in attitude, to demonstrate a new era, ushering in a new era of openness and transparency. Because, if they do not, and I am afraid their comments demonstrate this, it will be seen as sinister again by the public, something to hide. It will be seen as, once again, the establishment closing ranks. I am not accusing the Council of Ministers of anything like that, but that is how this will be viewed, so we are lagging behind. I do not see the issue here. It seems to me, if the law allows for exemptions on the grounds of trade secrets or commercially-sensitive material not to be sought by people seeking Freedom of Information, if the law allows for those exemptions then, surely, if there is an issue, it is arbitrated on by an information commissioner or the Data Protection Commissioner, and there is no reason why any commercially-sensitive trade secrets should be let out into the public domain if it is going to harm these businesses. It really is as simple as that, is it not? That is what the law is there for. I do not think we should be afraid of this; in actual fact, I do not know if people are worried about the press leaping into these companies, *et cetera*, but it is only about 10 per cent of Freedom of Information requests come from the press; 60 per cent of Freedom of Information requests in the U.K. just come from individual people wanting to know what is written about them on files or other information. I do not see the issue here. I think we should be open and transparent and accept the Deputy of Grouville's proposition.

9.1.3 Deputy M. Tadier:

The Council of Ministers in their one page of comments - or less than a page; it is not a full page - make an opening statement: "The Council of Ministers strongly supports openness and transparency in Government." Now, there is a counterproposal which one could make which, if one reverses it, says that: "The Council of Ministers does not strongly support openness and transparency in government." One of those 2 statements is likely to be true; I think one of those 2 statements will be true, and one has to ask themselves which one is most likely to be true of those 2 statements given the fact that we know the history of most of the incumbents of the current Council of Ministers and we know of their stance on supporting openness and transparency, both in terms of this proposition and in terms of my forthcoming proposition, which asks them to be more transparent and open. So it is very easy to say: "We support openness and transparency" and then the first 2 opportunities that they are given to show and make good on that promise, the words completely outweigh the actions. There is a disconnect there. It is very easy and cheap to say something, which I think may potentially border on misleading the Assembly; it does not, but I think that one could make that argument in a different forum that it would, because their actions do not tally with their words. In other words, we know that the Council of Ministers in an ideal world would like to be completely operating in secrecy and without transparency because the public gaze and the onerous nature of accountability is something that they could quite happily do without. That is one interpretation and that is where the evidence certainly points, to me. If we look at the arguments that were made by the opening gambit of the Council of Ministers with the Minister for Treasury and Resources, he is essentially making an argument against F.O.I. altogether. If it is such an onerous task to do, if it has cost so much and the financial benefit so far outweighs any other benefit - which is essentially his argument - then why is Government even doing it at all? If it is so onerous, why are we even asking our departments to do it? Why do we value Freedom of Information? Is it just because we want to tick the boxes? Is it because it is what is expected of us as an open and transparent Government? I think it is, I think that is expected; it would look very strange if we did not do that but more fundamentally I, and I hope that the majority of this Assembly, as previous Assemblies, realise that information fundamentally needs to be free, as we were told when I was on P.P.C. I think the issue here is that there are various contradictions because we made the decision, or rather, the previous Assemblies made the decision to make Jersey Telecom, for example, a private company, albeit entirely States-owned; we made that decision and had that decision not been made, it would still be a States department. So the comments made by the Council of Ministers when they talk about things like Andium, which we know thankfully has been brought into there, the rationale which they talk about, Andium Homes have been brought into the scope of the law from the start as they are a service provider of affordable homes for the most vulnerable in our society, not a commercial enterprise, and because they were a government department until recently. I think many of those arguments can be extended to Jersey Telecom: they are a service provider for telecommunications for the Island; they are the sole provider of the infrastructure which ultimately belongs to residents of the Island, via us, and they were a government department until recently. Certainly, the argument for Jersey Telecom needs to be made. We have seen this morning the difficulties and the potential pitfalls when something goes wrong in a department that used to be a States department and now is a quasi-private enterprise; it becomes very difficult for any States accountability to be made for that department. I think Freedom of Information is one of those tools which could be used in not just the States and the official Scrutiny bodies looking at what goes on, but the ultimate scrutiny, of course, is the Fourth Estate, which is either the official media or people who do decide to submit questions and hold their Government to account. It is not simply States Members Back-Benchers and Scrutiny who hold the Executive and their Government to account, it is wider society, and you do that with information. If you do not have the information in the first place, then you cannot be holding government to account, which is surely a desirable thing for all of us. I think, looking at the

proposition, we need to support it. Deputy Labey from St. Helier has already concentrated on the fact that there is a public interest test anyway: if it is not in the public interest for certain information to be given out because it would be detrimental to the States and the public in terms of commercial interest, *et cetera*, that is already provided for in the law, so we do not need to make that argument, we can discount that argument straightaway. We know that there are already existing bodies; let us take one shining example of success which is States-run, which is the Active scheme at Education. It is a great scheme; I use it myself, not enough, but I do use it. At Les Quennevais, for example, we know that the Fort Regent scheme overall washes its face more than adequately; it makes a profit, I believe - I stand to be corrected - and that can be cross-subsidised within the department. But Fitness First does not come under Freedom of Information; Active presumably does, because it is part of the States body. Does that put them at a financial disadvantage? Do the arguments include Active in the Freedom of Information or should we be taking that out because it puts them at a financial disadvantage? It is a nonsense and if it is not a nonsense, it certainly is not a strong enough argument to say that these other entities should not be included. So I think we can be supporting this debate. I would suggest that the opposition from the Council of Ministers is unfounded because the proposition does still give the Council of Ministers the opportunity; in fact, it requests them to come back and bring forward the approval for necessary legislation to give effect to the proposal, and that is the point at which the detail will be put on the table. There is time to look at what goes in it and what does not, and that is where the discussion can be had. So the proposition from the Deputy of Grouville is entirely moderate, it is entirely sensible and it is something we, as a new Assembly, if we truly support transparency and openness, which I know certain new Members have put in their manifestos, this is the time to press the pour button to show that we are in favour of that.

9.1.4 Connétable J. Gallichan of St. Mary:

I was not planning to speak on this. Obviously, Members who have been in the Assembly for some time will know that I had a particular interest in Freedom of Information, having been the chairman of P.P.C. when it was brought in. I only want to make a couple of observations, really: firstly, that one of the most crucial pieces of background work that we did leading up to the presentation of the legislation was to consider how implementation had been effected in other jurisdictions, and to look at the stresses that had been raised there and how they could be effectively managed. We wanted to make sure that, when Freedom of Information came in, it was not a burden, that it did what the public expected it to do, but it did it in a managed way that organisations could react to and could accept. There is, I think, quite irrationally, a fear of Freedom of Information that certain organisations do need to overcome, but I just wanted to say that the proposition that the Deputy of Grouville has brought today is pretty much what was intended in the original legislation that was put to the States. It was always intended that everything would happen in a phase and that entities would be added on the schedule as and when it was appropriate to do. The important thing was to introduce the law to bring in the first phase and to evaluate how that affected the public authorities that were caught, and how well the law fulfilled the expectations of the public. It was always going to be a question of bringing it in slowly, evaluating it then making more additions. It was always intended that the law would be, and is, fully retrospective, so effectively, when these organisations are put under the schedule really is immaterial; the information that is developed that is available in any intervening period will be accessible to the public. At the time when the law was presented to the Assembly, P.P.C. did not recommend that utility companies should be covered, but there was always the scope to review that in time. I think today, the fact that Andium Homes has been included, and I think, as Deputy Tadier mentioned, was something that had to be done because it would have been included as a department, it should be included, and I think that shows the Chief Minister's commitment that this will happen over time. It is a question for Members: there is nothing in the Deputy of Grouville's proposition to be frightened of, there is nothing that was not

anticipated as a phased approach. The question is timing, and the Assembly needs to be convinced that the implementation is pitched at such a level where the maximum benefits of the law for the public - which is what this is all about - are obtained with the minimum of disruption and the minimum of negative effect. Really, I do not have a clear mind one way or another on this, except to say this Assembly needs to decide where it is going, it needs to make a plan and it needs to get there. It was only in July of this year that this Assembly passed amendments to the schedule which, effectively, took out some of the things that were originally proposed, or took out what was then perceived to be an unclear definition; the administration of the States was not clearly defined and was removed.

[12:15]

Already - and it has been only 3 years since this has been put to the Assembly - we have changed our minds several times on the best way to play it. The important thing is to implement phase 1 and then see how we can improve further implementations as and when they are slid-in. This Assembly needs to make its mind up whether it wants to go softly or whether it wants to go with a more, shall we say, comprehensive initial tranche. Really, that is all I have got to say.

9.1.5 Deputy G.P. Southern:

Once again, we hear the Council of Ministers in their inimitable way saying: "Trust us, we know what we are doing." Once again we hear them saying: "Softly, softly approach, light-touch approach is always the way forward." I am reminded when I look at this about the issues that we have around data protection and seeking advice of the Data Protection Commissioner at the time. She said clearly: "You must take a political decision as to what uses you want to put any personal data to." Do not get dragged-in to a situation where you have a limited start and then you have mission creep along the way so it becomes: "Oh, and we can use it for this and we can use it for this. Oh, and by the way, we might be able to use it for stop and search on the streets" and they will be asking for your identity card with its mug shot on there some time in the future. Mission creep is to be avoided. Decide, make the decision what you want, who you want included in Freedom of Information and do not wait for the argument to come later: "Oh, we can always include them later." That will not happen. It will not happen because the issue here has been almost uniquely about commercial sensitivity. It is commercially sensitive now and we do not want it on the list now, then 5 years down the line, 10 years down the line, 20 years down the line it will still be commercially sensitive and we will not see it. If we take the decision now to, in principle, include these various bodies so that individuals, ourselves as Back-Benchers, can get the information of service providers on what is going on. That is not just the States, we have to see that obviously; that is the utilities which we either in part or wholly own, and that we should be responsible for the release of information concerning those. Now, the fundamental question is: is the transfer of government business, attitudes, philosophies from one of secrecy to one of openness, easy? Experience elsewhere says no, it is like pulling teeth. It is a very difficult process and to get Ministers to say that they should be more frank and open about decisions they are making is a very difficult thing indeed. In the U.K., for example, we have seen evidence of Ministers using their private email address, using the email addresses of their special advisers, their spouse, to transfer information so that those emails do not get caught-up in a Freedom of Information request because they are private.

Senator L.J. Farnham:

Sir, might the Deputy give way, please? He is misleading the Assembly, Sir.

Deputy G.P. Southern:

No. I am almost finished, Sir.

The Bailiff:

Well, you can deal with that in your speech.

Deputy M. Tadier:

He just alleged that you are misleading.

Deputy G.P. Southern:

I could not hear him, anyway. I very rarely can hear him. In the U.K., we have seen clear evidence of Ministers sending their emails about public business to private email addresses in order to avoid the trawl that is inevitable with the coming along of the Freedom of Information Act, and they say: "Oh, no, they were private emails; you cannot have those." But they contain government business, government decisions. Clearly, Ministers in the U.K., of course not here, will try anything to escape the net and admit what they are doing, what decisions they are making, what the policies are and what the effects might be. We have just seen today a tremendous absence of real information about what is going on at Jersey Telecom. It looks like, to me, that we are going to miss some targets, we are already missing targets that this contract and this essential element of our new Gigabit Jersey I.T. initiative is going to be dragged-down into the mud as this particular contract drags on and on and on and the target dates get missed and missed again. Yet, what do we learn today from the normal process of asking questions? Very little. Earlier in questions, I posed a written question to the Minister for Health and Social Services: "Will the Minister release the terms of the service level agreement between the department and Les Amis", which has just become a limited company. I would have thought the provision of services by Les Amis, both in their group homes and in their new initiatives of outreach, are a matter of essential information as to what is going on; certainly for those with learning difficulties, certainly for Members of the States, certainly for holding the Health Department to account for the degree of their diligence in negotiating a new contract with Les Amis. I am told straightforwardly: "The service level agreement forms a commercial contract between Health and Social Services and Les Amis and, as such, the department could not share details of the document with any States Member or third party without the express consent of Les Amis." Quite right, and if we do not include Les Amis as a service provider under the Freedom of Information Act, say: "Well, we do not want to tell you and we do not want the department to tell you what our service level agreement contains" then they will be able to do so. We must include those service providers for whom we are responsible or, in this particular case, we have got a service level agreement with. What are the terms of that service level agreement? How was it negotiated? What was the tendering process? We ought to know, and that is something that is within the remit of the transparency engendered by the Freedom of Information Act. When it comes down to judging the Council of Ministers and their commitments, I say: judge them not by their words: "We are fully in support of Freedom of Information" but rather by their actions. The actions suggest that, as far as those bodies which are owned by us and provide services to the public are concerned, they will not be included and they never will be.

9.1.6 Deputy S.M. Wickenden:

My colleague, Deputy Labey of St. Helier, earlier pointed out that 60 per cent of Freedom of Information requests are for personal data. This does not fall under Freedom of Information; that falls under Data Protection. Now, are the Council of Ministers able to give the Assembly the numbers of the Data Protection requests that these companies are currently receiving? Because I think it is about knowing what is Freedom of Information and what is Data Protection to try and reduce the numbers of Freedom of Information requests.

9.1.7 Senator L.J. Farnham:

Following Deputy Southern's speech, I just wanted to make sure Members were clear - and there have been a number of briefings on it - that regardless of whether emails are sent on government or private email systems, they still fall into the Freedom of Information responsibility, so Deputy Southern was a little bit misleading on that.

The Bailiff:

He was incorrect.

Senator L.J. Farnham:

Yes, Sir. Thank you.

9.1.8 Deputy J.A. Martin:

Just briefly, because I am on the same thread: I thought that arm's length companies and money that was paid for by the taxpayer should be introduced into the Freedom of Information Law. I have just again looked at the Deputy of Grouville's proposition and it is not saying "tomorrow" and it is not even saying "next year"; it is saying "in principle". In fact, it should say: "In principle, do you agree that companies that get taxpayers' money [not our money] of a percentage more than 50 per cent should be included in how this is spent?" There was a very good speech, in defence supposedly, from the Minister for Treasury and Resources saying why J.T., Jersey Post, Jersey Electricity could not possibly do this. It is much more onerous on these so-called arm's length now private companies. Many of you may not have been here as long as me, but the reason we went private, or arm's length, was because we could not possibly do this work as well as a private arm's length company could because they were going to be much more efficient, their office staff much better, their record-keeping immaculate, so it should all be ready. That argument really does not add up. It is one of them ... I will support the Deputy of Grouville, definitely, because I see this will be coming down the line. I am sorry the Council of Ministers cannot see what they themselves are saying, because it does not give a date and it is not saying, and I repeat myself: "Not tomorrow" and it is asking to have a look. They cannot be open and transparent. I sat with the Constable of St. Mary on the implementation with Deputy Higgins. We scrutinised and scrutinised this, and things that are commercially sensitive, that before the event, not after the event, we are not even attempting, and I do not think the Deputy of Grouville is attempting to put into this law. Now, how you got to that afterwards, how somebody got this contract or that contract and why, is absolutely information that should be in the public domain when the public are supplying the money for those companies. It is a no-brainer to me. I will support the Deputy of Grouville, and I really urge Members to look at it in principle. Do you really not want these companies to be up-to-scratch, really, to be inspected and be up to the Freedom of Information Law?

9.1.9 Senator I.J. Gorst:

Many Members, or a number of speakers, have tried to make what should be a red-letter day for Jersey to be anything other than that. On 1st January 2015, Jersey will have a Freedom of Information Law and, providing we adopt the Appointed Day Act at the next States sitting, it will be in force. Members of the public in Jersey, members of the public around the world, members of the media will be able to request information under that law and receive that information. Deputy Southern said that the Council of Ministers should be judged on their actions and not on their words... he is not here now. I absolutely agree with him. When I became Chief Minister it was intended that we would not have the Freedom of Information Law until 2016. This Council of Ministers ... the Deputy of Grouville is shaking her head; that is absolutely true. It was this Council of Ministers that found the millions of pounds to bring into force Freedom of Information, so we can be judged on our actions. We do not simply make statements and platitudes, we deliver. It has taken courage, it has taken the finding of resource to deliver Freedom of Information. We are not behind the curve. Yes, of course, we are not the United Kingdom, we do not have the law that the

United Kingdom has, we do not want to have the law that the United Kingdom has and they have around Europe. I ask any Member - now I am going to be proven wrong with modern technology - to find a similar jurisdiction to Jersey that has got an all-encompassing Freedom of Information Law like we will have on 1st January. If there are, then they are few and far between. Just hedging my bets there, Sir. **[Laughter]** They are few and far between.

[12:30]

We should be proud of what we are doing on 1st January. The Connétable of St. Mary was right; the decision that this Assembly took was that we would bring in a law and we would bring in entities in phases. The Deputy of Grouville and I, it would appear, had opinions that were aligned with regard to Andium Homes ... whoever decided to call it “Andium” obviously had not realised quite the difficulty of pronouncing those 2 words in sequence; or perhaps it is only me. Because it became apparent a number of months ago that perhaps Andium would not be covered under the Regulations, and I instructed officers to liaise with Andium to ensure that they were up-to-date with their data holding, and they were, and that they were more than happy to be included from day one, and that work was going on at the same time that the Deputy of Grouville lodged her proposition. So, once again, where it is possible, where the information has been received, then the Council of Ministers is committed to bringing forward other entities into the scope of this law. I suppose the reason we arrived where we did with regard to the other elements here, is that I do not believe that any Member of this Assembly yet has all the information upon which they can make a decision about when these entities could come within the scope of the law. It is costing us in the States to bring in government departments, I think something like £4 million. Other Members that say it does not cost anything and it is not administratively burdensome, they are, with the best will in the world, somewhat unaware of what this law will cost. That does not mean to say we should not do it, it simply means that we should make appropriate provision and we should make the decisions about extending the scope in light of the information and the costs that will be incurred, and we do not yet currently have those for these extra entities. It was Deputy Tadier who said the Council of Ministers did not want the light of the public glare, they did not want to be held accountable. I am absolutely happy to be held accountable for the decisions I have made and I want to be in a position for all information to be put into the public domain so that all the information upon which I have made a decision, and I know that other Ministers will feel the same upon which they have made a decision, can be taken into account, rather than partial information. It is the partial information item which causes difficulty and, of course, the context in which the decision was made. I think it bears restatement of the point that Deputy Wickenden made; that members of the public wanting information about themselves will not use the Freedom of Information Law; they use the Data Protection Law, and we must be careful to recognise that this law is not about individuals’ personal data; that, they access under different protocols and under a different law. Is there going to be difficulty over the first 3 to 6 months of this law being enforced? Well, I hope that “difficulty” is too strong a word, but are we going to see a great flow of requests and are we going to see a testing of the administrative system that we have put in place to deal with information flows? Of that, I have no doubt whatsoever, because that is the experience from jurisdictions around the world where they have introduced such laws. It was initially intended to be the case by the P.P.C. which brought forward this law, that it would come in in phases; it is far better for us to understand the experience of the first few months, to report back to the Assembly and then to report back with where we think we can learn. It was Deputy Labey that said there have been several amendments to the U.K. legislation, and I have no doubt that in due course we will need to see amendments to our legislation as well. That is what was intended, and it does not give me any pleasure, because this should be a good day for Jersey, a good day for transparency and a good day for providing information because, as I say, we are going to be one of the first small jurisdictions to do so. Once we have learnt, once we understand the costs, we can then make a decision about phasing in other

entities within the scope of the law. I did just want to read ... I think it was P.39/2011, where the then P.P.C. made it absolutely clear that entities like Jersey Post, Jersey Telecom, were not to be included in the first wave of Freedom of Information Law issues. I suppose the reality is that we are not so far apart, but I believe that we do need that further information, we do need the experience of introducing the law before we suddenly make decisions to extend it to these commercial entities, because we need to rightly consider competitive issues as well. So I ask that, in this instance, Members do not support the proposition of the Deputy of Grouville, but I have no doubt that, if they do not support it and when the Council of Ministers brings forward their report, they will rightly expect to see it extended in due course.

Deputy M. Tadier:

May I ask a point of clarification? What is the information that the Chief Minister thinks that we need in order to be able to make this decision and how does he envisage that we get there?

Senator I.J. Gorst:

I think I answered that in some of my closing remarks, and I said also it is in the Council of Ministers' comments that I think we say we will report back in 6 months. I do not have those comments in front of me, but I think that is what was said.

9.1.10 Deputy M.R. Higgins:

While the debate has been going on, I have been trawling through some of the documentation from the U.K. in relation to this area. One thing that becomes obvious is the fact that companies, like Ministers, basically believe that everything is either commercially sensitive or secret and should not be disclosed. They also believe that information should be kept secret or not given out for almost time immemorial. What you have to understand is a lot of information that is held by governments and departments, including these publicly-owned companies, may be commercially sensitive for only a matter of a week or 2, or a month or 3 months, or no more than a year; there is absolutely nothing that would prevent the information being released, for example, a year after the event. There is no reason, for example, if I use a government department as opposed to a company for a moment, that Transport and Technical Services Department do not release a lot of the information about the Energy from Waste plant that they previously felt was commercially sensitive. It may have been commercially sensitive in terms of people who were in competing business at the time, but the plant has been built and in operation for some time; that information should be out there. The same is also true of companies: there is very, very little that may well be commercially sensitive and should be restricted. Also, we need to differentiate between trade secrets that companies have, where it is quite legitimate for them to be protected and not have to be given to anyone else, but there is a difference between the 2. What I would say is that these companies, I think, are fearing an awful lot. There is a tremendous amount of guidance from the Information Commissioner in the U.K. and through the case law that has gone through the U.K. courts, that provides the guidance. What I would say here is that I think they fear too much and, as a Member, I have always believed in freedom of information, whether it be from government or publicly-owned bodies, and I would urge Members to support the Deputy of Grouville. One other point too is these companies can avoid having to even reveal any confidential information by not agreeing to confidentiality agreements in the contracts that they make. That is exactly what happens in the U.K.: the U.K. Government tells departments and companies not to engage in those types of agreement and, if so, keep it to a very minimum, in which case they would not be revealed in certain cases anyway immediately, but would be later. I would just say finally that I urge Members: start as you mean to go along. Let us restore trust of the people of this Island by having an open and transparent government, and that extends to our publicly-owned utilities.

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

I was not going to speak, but I was prompted by first the Chief Minister and the Connétable of St. Mary. I was very interested in the comments from the Connétable of St. Mary, who I know has a very strong interest in the subject. I suppose, to paraphrase the comments from the Chief Minister, yes, it is a good day for freedom of information; the question is, can we make it a better one? I did come into this debate somewhat open-minded. I was certainly very happy to support part (c) and, to an extent, I was a little bit disappointed with the comments from the Council of Ministers. Timing is not good and it is understandable in the circumstances because we have had the break in the middle. I will just point out to new Members in the Assembly that in the past, certainly in the last year, comments have been coming through on propositions quite late in the day, and I just hope this is a one-off because of circumstances and that the Chief Minister will undertake to ensure we get comments well in advance of propositions. What some of the focus has been about is the issue around commercial confidentiality which, to anybody, will of course, be of concern. However, if I have understood the comments that have been made, from the Chief Minister in particular, that cannot be an issue because the companies are going to be caught by Freedom of Information at some point anyway. Therefore, all we are talking about is timing. Just to try and narrow down the argument to a very simple level, I think it is just an issue of timing, because we have heard from the Chief Minister that at some point these companies will be brought in. Then we heard from the Constable of St. Mary that it was always the intention to bring them in eventually. I think it was the Connétable that said that. Now, one comment in the proposition is that there is not a timescale on there. It does say: "As soon as practicable" so I would have said that leaves the exact timing, to be honest, in the hands of the Chief Minister. So, for example, the Parishes, I think, are coming in in September, I believe, of this year, and therefore to me, if the Chief Minister, after taking the soundings from the companies that are affected by this, thinks that the date that it is practicable is the end of this year, then I do not see a problem with that. The point is, it is an undertaking that is going to happen. I think that probably brought me round to being minded to support the whole proposition. I would suggest to the Deputy of Grouville that, if it is possible, to take it in 3 parts, because I think certainly part (c) should be capable of being endorsed. Obviously, Andium Homes we have already done. I think on the basis of that, the argument about commercial confidentiality must fall away because it is going to happen to them anyway, therefore, it is a timing issue and my reading of the proposition is that, with a fair mind, the timing of implementation is in the hands of the Chief Minister. So on that basis, I am happy to support the proposition.

The Bailiff:

It will be a matter for the Deputy. I think (a) and (b) have to go together because (b) is consequential on (a), but (c) can be separate. Does any other Member wish to speak? Yes, Senator Routier.

9.1.12 Senator P.F. Routier:

The difficulty I have with this ... I can understand it is fairly tempting to people to support this because of the need to be open with everything that we do, but what I am struggling with is that the detail of how these bodies: the Jersey Electricity Company, Jersey Water, Jersey Development Company, Jersey Post, and Jersey Telecom, how they are going to be able to cope with this. The work has not really been done to understand what it means to them, to their operation.

[12:45]

In the States we have got to a position where we know what it is going to do, we know the costs we are going to be involved with; it is going to be considerable and all our departments know what we are heading for and we are ready for it. But I find it difficult to be supportive of this, well, in fact, I cannot support it, because we do not have that information. I think, if we were to support the Chief Minister coming back to investigate, as in (c), the feasibility and desirability of extending it further,

I could certainly go along with that, but I think it is very difficult to commit ourselves today to include these other companies without us knowing how it is going to affect them and if they are able to meet the requirements of F.O.I. So I am unable to support certainly (a) and (b) but I could support (c).

9.1.13 Deputy M.J. Norton of St. Brelade:

Like many, I am torn between one side and the other here; I think it is a very, very good argument on both sides. The problem I have that has just been alluded to is regarding costs, first of all; we do not know how much this is going to cost those companies. We do not know if they are ready to do this yet and, like the previous speaker, I think item (c) is one that is less radical, it is not a “now, now now” but it should be done, but we do need more information. I am torn between the 2 sides of this, like many in this Assembly, however, I do feel that when it comes to signing-off hard work for companies, money that will be put out as far as costs ... and, at the end of the day, utility companies have consumers. Are they going to pay for it as well? So we need to look at it a little bit more carefully and perhaps we need to have a few more facts and figures before we start voting on it.

The Bailiff:

It is after 12.45 p.m.; does the Assembly wish to adjourn?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, the Assembly will adjourn and reconvene at 2.15 p.m.

[12:47]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

Very well, we are debating Projet 149 lodged by the Deputy of Grouville. Does any other Member wish to speak? No? Then I invite the Deputy of Grouville to reply.

9.1.14 The Deputy of Grouville:

Listening to the arguments this morning, there was absolutely nothing in them that would persuade me that not extending the F.O.I. Law to the companies I have listed and indeed more, as Senator Maclean said, why have I not included the Bureau. Well, yes, I think all States-owned companies ought to be included. The ones that I have highlighted and included in my proposition are the ones where I feel the public are most concerned about and certainly I am concerned as well. There were 2 arguments principally that were put forward, the timescale; the timescale is not relevant. I am asking the States to agree to include the F.O.I. to the companies and entities I have listed but I have not given a timescale. Senator Gorst said that the law was not due to come in until 2016 anyway. Well that is absolutely fine. The utility companies can be given a date, just as the Parishes have been given a date of 1st September, to be included in the law and they are going to manage this, most of them, if I can choose my own Parish, with 3 staff. So to use the argument of cost against far bigger entities is to my mind a non-argument. So, I am asking the States here to agree to this in principle. We do not need more analysis. What are we going to do? What are we going to do when we analyse this information? Are we going to say: “Okay, you do not have to be included”? But then again, the Chief Minister this morning was suggesting that all companies and entities will eventually be included. So, the argument about cost and timescale I am afraid just fall apart. But my concern is that to hive-off public assets into entities which then puts them out of reach from

public inquiry will be detrimental; far more detrimental than allowing access to the information. So rather than enhancing how we are perceived, setting up focus-driven entities when we believe they are the best vehicle to manage our assets will become a negative act and will be met with suspicion when it need not be. I hope States Members, especially new Members, will have a greater sense of duty to the public of this Island and the people we serve and will vote for my proposition demonstrating a real commitment to being open and transparent. Sir, I make my proposition and ask for the appel.

The Bailiff:

How do you wish the vote to be taken, Deputy?

The Deputy of Grouville:

I am quite happy to take them separately but I believe (a) and (b) go together.

The Bailiff:

So you ask for (a) and (b) to be taken as one vote and (c) as a second vote?

The Deputy of Grouville:

Yes, please, Sir.

The Bailiff:

Very well. So the matter for the Assembly is first of all paragraphs (a) and (b), they are taken together. The appel has been called for. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 22		CONTRE: 19		ABSTAIN: 0
Senator Z.A. Cameron		Senator P.F. Routier		
Connétable of St. Lawrence		Senator A.J.H. Maclean		
Connétable of St. Martin		Senator I.J. Gorst		
Connétable of St. Saviour		Senator A.K.F. Green		
Connétable of Grouville		Connétable of St. Peter		
Connétable of St. John		Connétable of St. Mary		
Deputy J.A. Martin (H)		Connétable of St. Ouen		
Deputy G.P. Southern (H)		Connétable of St. Brelade		
Deputy of Grouville		Connétable of Trinity		
Deputy J.A. Hilton (H)		Deputy of Trinity		
Deputy J.A.N. Le Fondré (L)		Deputy E.J. Noel (L)		
Deputy M. Tadier (B)		Deputy S.J. Pinel (C)		
Deputy of St. John		Deputy of St. Martin		
Deputy J.M. Maçon (S)		Deputy R.G. Bryans (H)		
Deputy S.Y. Mézec (H)		Deputy of St. Peter		
Deputy of St. Ouen		Deputy R.J. Rondel (H)		
Deputy L.M.C. Doublet (S)		Deputy S.M. Wickenden (H)		
Deputy R. Labey (H)		Deputy M.J. Norton (B)		
Deputy S.M. Bree (C)		Deputy of St. Mary		
Deputy T.A. McDonald (S)				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Bailiff:

Very well, then we will reset the machine in order to take the vote on paragraph (c) and the Greffier will open the voting.

POUR: 28		CONTRE: 12		ABSTAIN: 0
Senator Z.A. Cameron		Senator P.F. Routier		
Connétable of St. Lawrence		Senator A.J.H. Maclean		
Connétable of St. Brelade		Senator I.J. Gorst		
Connétable of St. Martin		Senator A.K.F. Green		
Connétable of St. Saviour		Connétable of St. Peter		
Connétable of Grouville		Connétable of St. Mary		
Connétable of St. John		Connétable of St. Ouen		
Connétable of Trinity		Deputy of Trinity		
Deputy J.A. Martin (H)		Deputy E.J. Noel (L)		
Deputy G.P. Southern (H)		Deputy S.J. Pinel (C)		
Deputy of Grouville		Deputy of St. Martin		
Deputy J.A. Hilton (H)		Deputy of St. Peter		
Deputy J.A.N. Le Fondré (L)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

10. Draft Pet Travel Scheme (Amendment) (Jersey) Regulations 201- (P.150/2014)

The Bailiff:

Very well, then we come next to the Draft Pet Travel Scheme (Amendment) (Jersey) Regulations P.150 lodged by the Minister for Planning and Environment. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Pet Travel Scheme (Amendment) (Jersey) Regulations 201-. The States, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, have made the following Regulations.

The Bailiff:

Just before I invite the Minister to begin, can I just remind Members there was a lot of interruption to the microphone this morning and I am told that it is if you have your telephone on near the microphone when it is speaking even if it is in silent mode it will still create that noise. So if you could please turn your mobile phones off when you turn your microphone on. Very well, then I invite the Minister to propose the principles.

10.1 Deputy S.G. Luce of St. Martin (The Minister for Planning and Environment):

The legal movement of animals and their products between countries for economic or social benefit is controlled to mitigate the spread of diseases which may affect animals, humans or both. Controls vary depending on the disease and the risk. In global terms, classical rabies is a very important disease because it can be transmitted from animals - mainly dogs and cats - to humans and is invariably fatal. More than 65,000 people die of the disease annually, chiefly in countries where controls are non-existent or inadequate. The Pet Travel Scheme, which was introduced into the U.K. in February 2000 to enable *bona fide* owners to travel with their pets, is now familiar to many pet owners who travel to Europe and beyond and return with those pets. The scheme is not for pets being traded. To continue the unrestricted and non-commercial movement of these pets between Jersey and the U.K., the Pet Travel Scheme was adopted simultaneously in Jersey and has proved very popular with pet owners. In round figures 7,000 dogs and cats entered the Island under the scheme between 2010 and 2013. By the end of October this year 1,800 imports have taken place. To protect the Island's animal and human populations, strict adherence to the scheme conditions has been enforced. Some Members may recall significant changes to the scheme, which made compliance simpler and costs less, were introduced in 2011. Principal among these changes was the removal of the requirement for blood tests and a 6-month wait for movements between certain but not all countries. The Pet Travel Scheme (Jersey) Regulations 2011 were brought before this Assembly on 7th December 2011 and unanimously accepted by those present. Experience across Europe has shown that the scheme has been used fraudulently for both trade and commercial imports which has been disguised as pet imports. The risk of disease introduction by such fraudulent movements is greater than the risk of moving pets accompanied with their owners. This experience has resulted in new governing legislation coming into effect across the whole of Europe on 29th December 2014, in just over a month's time, and which must be introduced into Jersey to provide the necessary level of control and enable continued unrestricted movement between Jersey and the U.K. mainland; that is very important. The main requirements of the scheme will stay the same; that is, pets must be individually identified, they must be vaccinated against rabies and wait 21 days before travel. That vaccination must be maintained by a booster administered within the correct time period. Dogs entering Jersey must be treated for tapeworm in the period 24 to 120 hours before their scheduled time of arrival. All those procedures must be correctly certified on a pet passport or equivalent official document and pets must enter Jersey using an approved carrier. The changes which will come into effect on 29th December next are the introduction of a new style passport with measures to prevent tampering. But I have to stress here that anyone with an existing passport can continue to use it. Pets must be of a minimum 12 weeks old before they are vaccinated against rabies. Anyone travelling with more than 5 pets, unless that travel is to go to a show or to a competition, will have to meet additional notification requirements on those movements and travel from registered premises will have to take place and only under the use of an authorised transporter. Only domestic dogs, cats and ferrets can travel under the scheme and this means that wild animals cannot be moved under the scheme as there are implications for the owners now of hybrid pets such as wolf dogs. Finally, there is a new introduction of controls of individuals that are authorised to insert transponders; those are the microchips that animals have in them for identification purposes. While we here in Jersey are obliged to introduce these regulations in accordance with E.U. legislation, I am sure Members will agree that the changes will be welcomed by our pet owners and visiting pet owners who will continue to enjoy their companions while keeping the human population safe from the introduction of rabies and other diseases with application of tighter controls to prevent the fraud and abuse by this pet travel scheme. The Regulations before the Assembly today amend those that have been in place since 1st January 2012 and the necessary changes will be introduced across Europe on 29th December. I maintain those principles.

The Bailiff:

Are the principles seconded? [**Seconded**] I have seen Deputy Tadier. I was not sure whether you had spoken.

Deputy M. Tadier:

I was wondering when it was going to be referred to the panel, that was all. Afterwards.

The Bailiff:

We have got to adopt it first. Yes.

10.1.1 Deputy M. Tadier:

I am wondering if in summing-up the Minister could address the issue as to whether those pets who have no parents or grandparents from the U.K. will have a stamp in their passport and whether it will affect their right to attend potentially dog shows, cattle shows, outside of Jersey which may be constituted as working in Europe.

10.1.2 Deputy J.A.N. Le Fondré:

Only briefly. Members will have seen the email that came from, I think it was the Animal Shelter which attached a 40-page thing from the Dog Trust and what I was curious about, have we got, I think, no option but to vote for what is before us today because it does appear to represent an improvement.

[14:30]

The email that was circulated, as I said, to those people who are the front line dealing with issues, and I know very little about this other than a very brief conversation, is that they remain sceptical as to the effectiveness of the new measures because apparently there are certain countries where you can still get fraudulent passports and there are issues there, and I note that the report accompanying the proposition makes reference to there being no cases of rabies associated with the legal movement of pets, but I am informed there have been some cases involved with the illegal movement of pets within Europe. So I suppose the question is: what is the position from Jersey's point of view if rabies did eventually make it into the U.K., possibly because of fraudulent use of passports or inefficient measures even though a passport is associated with a pet? Could the Minister just undertake to report back what our procedure would be; in other words if there was rabies in the U.K. would we have to introduce tighter measures here to prevent it getting into the Island because I think once it gets into the Island you are looking into some quite horrific positions because I think it can go very much into wild animals and, you know, anything, from a point of view of the spread. Thank you.

10.1.3 Deputy J.A. Hilton:

Just as a follow on from Deputy John Le Fondré, I read the report that has been published by the Dogs Trust into the illegal trafficking of puppies, in particular, from a couple of eastern European countries and the Minister has said in his speech that the scheme is not to be ... is not for pets to be traded and it limits the number of animals that somebody can bring in to 5. What I would like to know is what checks are carried out at the port, particularly on European registered vehicles, because as Deputy John Le Fondré has said, certainly within the U.K. they have identified this problem with puppies travelling on false pet passports and it is a big issue and puppies are not supposed to travel. They are not supposed to be separated from their mother before a certain age and there is evidence to suggest that that is happening. So I would like to know what we do in Jersey to monitor the situation with puppies coming into the Island. What checks are carried out by port staff or indeed who carries out the checks? Thank you.

The Bailiff:

Does any other Member wish to speak on the principles? No? Then I call upon the Minister to reply.

10.1.4 The Deputy of St. Martin:

I think I can address a few of the concerns in talking generally not specific to the various questions. But at the moment pets can move between Jersey and the U.K. quite freely as we do without having to show our passports. But when pets come into Jersey from Europe, mainly from France and from Spain, they have to have a passport which is up-to-date, they have to have a microchip which allows them to be identified. If rabies got into the U.K. I can only presume that we, in Jersey, as a rabies-free area would want to adopt the same procedure for animals travelling to Jersey from the U.K. as we do at the moment from France. I would have to take some advice on that because our relationship with the U.K. at the moment is that we are both rabies-free areas and we have the ability to move animals backwards and forwards. But it would be extremely serious were rabies to arrive in the United Kingdom. I would follow on from that and say that incoming from St. Malo they have to ... animals have to come with an approved carrier and that carrier, as everybody will know, is Condor Ferries, and the statistics we have from Condor Ferries is that between 2 and 5 per cent of vehicles that they check every year which declare that they have animals or where they see they have animals, they are non-compliant and the animals are not allowed to travel. Of ones that do find their way here, 11 dogs and cats were seized and placed in quarantine in 2013. So there are a few that do get through the net. In response to the question about the animals entering the United Kingdom, I was grateful for Major Coleman's report and survey that he said he circulated to all States Members over the weekend. He is the Chief Executive of the Jersey Society for the Prevention of Cruelty to Animals and the document was about puppy smuggling but it does give you an idea of how difficult it must be to keep these animals out of the U.K. when we know that humans themselves are finding ways to smuggle themselves into the U.K. without being caught. I can only imagine the pressures that there must be on customs officers and other regulatory bodies and ferry company operators to try to catch somebody who is determined to import puppies or kittens, which are very, very much smaller and these animals can be transported in boxes, suitcases, they can be hidden under blankets and other things in cars. So it is really difficult to make sure these illegal pets are kept out of the U.K. Much more difficult I would suspect than it is to keep them out of Jersey where we have staff on both sides of the water that are very vigilant and certainly our staff in Jersey, even though before they get on to the ferry the owners of these pets have to declare them before they get on to the ferry. Our staff in Jersey still do a certain number of checks at the harbour when these boats arrive every year to keep up with our requirements. I hope I have answered all the points that have been made. Quarantine, we do ... I can tell Members that we do not have our own States quarantine facilities in Jersey but we do have at our disposal at immediate notice, a quarantine facility with a regulated kennel. I think I have covered all the points. I maintain the principles.

The Bailiff:

Very well, all those in favour of adopting the principles, kindly show. Those against. The principles are adopted. Connétable, do you wish this matter referred to the Scrutiny Panel?

The Connétable of St. Helier (Chairman, Environment, Housing and Technical Services Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Very well, then we will turn to the individual Regulations. Do you wish to propose them together, Minister?

Senator I.J. Gorst:

If I may, Sir, thank you.

The Bailiff:

So are Regulations 1 to 10 seconded? **[Seconded]** Does any Member wish to speak on any of the individual Regulations? All those in favour of adopting Regulations 1 to 10, kindly show. Those against. They are adopted. Do you propose the Regulations in Third Reading, Minister?

Senator I.J. Gorst:

I do, Sir. Thank you.

The Bailiff:

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

11. Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) Act 201-(P.152/2014)

The Bailiff:

We come next to Projet 152, Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) Act lodged by the Minister for Economic Development and I will ask the Greffier to read the Act.

The Deputy Greffier of the States:

Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) Act 201-. The States, in pursuance of Article 27 of the Financial Services Ombudsman (Jersey) Law 2014, have made the following Act.

11.1 Senator L.J. Farnham (The Minister for Economic Development):

Members will recall that the States of Jersey and Guernsey are working together to create a joint financial ombudsman scheme and the necessary law was passed in Jersey in July of this year and is currently being passed in Guernsey. In order to get the scheme up and running, it is necessary to bring the law into force in stages and this Act brings into force Article 9, which defines relevant financial service businesses together with schedule 3 and 4. Schedule 3 defines relevant pension business and schedule 4 to the law defines relevant credit business.

The Bailiff:

Is the Act seconded? **[Seconded]** Does any Member wish to speak on the Act? Very well. All those in favour of adopting the Act, kindly show. Those against. It is adopted.

12. Draft Freedom of Information (Costs) (Jersey) Regulations 201- (P.155/2014)

The Bailiff:

Then we come next to Projet 155, Draft Freedom of Information (Costs) (Jersey) Regulations lodged by the Chief Minister. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Freedom of Information (Costs) (Jersey) Regulations 201-. The States, in pursuance of Articles 16 and 53 of the Freedom of Information (Jersey) Law 2011, have made the following Regulations.

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

Yes, it is as the Deputy Greffier has just indicated, a Regulation giving effect to how cost calculations would be made in order to better deal with and understand requests made under the law of what might be reasonable and what might not be. I maintain the principles.

The Bailiff:

Are the principles 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. They are adopted. This falls within the Corporate Services Scrutiny Panel. in the absence of the chairman, Deputy Bree, I think you volunteered last time to give a view for the panel. Do you wish this ... no. Very well. Then we come to the individual Regulations. Do you wish to propose them together, Chief Minister?

12.2 Senator I.J. Gorst:

I may do, Sir. Perhaps for the benefit of those not in this Assembly, I should just reiterate that requests are free of charge, these are internal calculations that will be used to help departments and anybody else falling within the scope of this law to indicate and decide whether the request is reasonable or not. It is straightforward and I hope to deal with any questions that Members may have.

The Bailiff:

Are Regulations 1 to 5 seconded? **[Seconded]** Does any Member wish to speak on the individual Regulations? Very well, all those in favour of adopting Regulations 1 to 5, please show. Those against. They are adopted. Do you propose the Regulations in Third Reading, Chief Minister?

Senator I.J. Gorst:

If I may, Sir, thank you.

The Bailiff:

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

13 Greville Bathe Fund: appointment of Jurats (P.159/2014)

The Bailiff:

Then the final matter of Public Business is the Greville Bathe Fund: appointment of Jurats - Projet 159 - lodged by the Minister for Treasury and Resources. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - to approve the appointments of Jurat Suzanne Elizabeth Marett-Crosby, nee Marett, and Jurat Charles Richard Blampied for the purpose of administering the income of the Greville Bathe Fund.

13.1 Senator A.J.H. Maclean (The Minister for Treasury and Resources):

As the introduction suggested, I am asking Members to support the appointment of the 2 Jurats to the Greville Bathe Fund, a fund which was established under the will of the late Greville Inverness Bathe. It provides relief to sick and needy and aged persons and to local charities on the Island. I am seeking the appointments of both Jurat Marett-Crosby and Jurat Blampied with immediate effect. I can confirm that these appointments are supported by fellow Jurats overseeing the fund. Both Jurat Marett-Crosby and Jurat Blampied possess integrity, common sense and patience which are essential qualities for this role, and I am sure they will make a valuable contribution based on sound judgment. I hope Members therefore will support the appointments and I would also like, if I may, to take this opportunity to sincerely thank both Peter Morgan and Stanley Le Cornu for their time and service to the fund in recent times, which was given freely. Thank you.

The Bailiff:

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

13.1.1 Deputy J.A. Hilton:

I wonder if the Minister could tell Members what the value of the fund is and also **[Laughter]** ...

The Bailiff:

Phone off, Deputy.

Deputy J.A. Hilton:

I would like to know also how often the Jurats meet to consider applications and how they convey information to the public on how they can make an application for funding. Thank you.

The Bailiff:

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

13.1.2 Senator A.J.H. Maclean:

The Jurats meet on a quarterly basis to make decisions, determinations in relation to distributions. The current valuation of the fund as of September was just over £16 million and the accounts are published and available which identifies, I understand it, those that have been recipients to the funds but I will double-check on that point and confirm back to the Deputy to make sure I have not made a mistake.

Deputy J.A. Hilton:

Just a question about how this information is conveyed to the public in order that people can make applications to the fund.

Senator A.J.H. Maclean:

In terms of how it is publicised? I am not sure but I will find out and make certain that that information is published.

The Bailiff:

Very well, all those in favour of adopting the proposition, kindly show. Those against. The proposition is adopted.

14. Draft International Criminal Court (Jersey) Law 2014 (Appointed Day) Act 201-(P.161/2014)

The Bailiff:

Now, the final, final piece of **[Laughter]** Public Business is Projet 161 - Draft International Criminal Court (Jersey) Law 2014 (Appointed Day) Act - lodged by the Chief Minister. I will ask the Greffier to read the Act.

[14:45]

The Deputy Greffier of the States:

Draft International Criminal Court (Jersey) Law 2014 (Appointed Day) Act 201-. The States, in pursuance of Article 59(2) of the International Criminal Court (Jersey) Law 2014, have made the following Act.

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

I wonder if I could ask Senator Bailhache to act as rapporteur, the law falls within his departmental brief.

14.1 Senator P.M. Bailhache (The Minister for External Relations - rapporteur):

The law itself, the International Criminal Court (Jersey) Law 2014, was adopted by the Assembly on 15th May this year and this draft Act would bring the law into force on 5th January next year. The International Criminal Court, as I am sure Members will know, is an independent, permanent court that tries persons accused of the most serious crimes - genocide, crimes against humanity and war crimes. It is based upon a treaty, the Rome Statute of the International Criminal Court. The Island has intended to become party to this convention for quite some time and the law is one necessary prerequisite for having the convention ratified by the United Kingdom on behalf of Jersey. The other prerequisite is an Order in Council which extends some provisions of the International Criminal Court Act 2001 of the United Kingdom and the Order in Council extending those provisions of the United Kingdom Act was registered in the Royal Court on 7th November, so that the relevant provisions of the United Kingdom Act and the Jersey Law would come into force on 5th January and thus enable a request to be made to the Foreign and Commonwealth Office to ratify the Rome Statute on behalf of Jersey. I move the proposition.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on the proposition? Very well, all those in favour of adopting the Act, kindly show. Those against. The Act is adopted. So that completes Public Business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

We now come to arrangements of Public Business on future occasions and I invite the Chairman of P.P.C. to speak to it.

15. Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):

If Members will turn to the Consolidated Order Paper, I have not been notified of any suggested changes to that so the business will be there as listed for 9th December which I consider could be done in a day but I think Members ought to allow 2 days for that; and for 20th January I am sure more will arrive.

The Bailiff:

Very well. Does any Member wish to say anything in relation to future business? Do Members agree then to take the future business as listed by the Chairman? Very well. That completes the Assembly's business so we will now close the session and reconvene on 9th December.

ADJOURNMENT

[14:48]