

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 21st OCTOBER 2008

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS	9
1. Senator F.H. Walker (The Chief Minister):	9
PERSONAL STATEMENT	9
2. Senator W. Kinnard (The Minister for Home Affairs):	9
2.1 Senator F.H. Walker (The Chief Minister):	9
QUESTIONS.....	10
3. Written Questions	10
3.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE COMPOSTING COSTS FOR 2008:.....	10
3.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE HOUSING TRUST'S MANAGEMENT OF BERKSHIRE COURT:.....	11
3.3 DEPUTY I.J. GORST OF ST. CLEMENT OF THE CHAIRMAN OF EDUCATION AND HOME AFFAIRS SCRUTINY PANEL REGARDING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE BULL REPORT: ..	12
3.4 DEPUTY I.J. GORST OF ST. CLEMENT OF THE CHAIRMAN OF HEALTH AND SOCIAL SECURITY AND HOUSING SCRUTINY PANEL REGARDING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE BULL REPORT: ..	13
3.5 DEPUTY I.J. GORST OF ST. CLEMENT OF THE MINISTER FOR HEALTH AND SOCIAL SECURITY REGARDING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE BULL REPORT:.....	14
3.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING AN INVESTIGATION INTO THE TENDER PROCESS AND CONTRACTUAL ARRANGEMENTS AT LIBERTY WHARF:.....	15
3.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE APPOINTMENT OF AN EMPLOYER REPRESENTATIVE TO CHAIR THE NEW SKILLS EXECUTIVE:	16
3.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING POPULATION CONTROL POLICIES:.....	16
3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING POPULATION CONTROL POLICIES:	16
3.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EXTENSION OF SAVINGS GUARANTEES TO JERSEY	17
3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF PUBLIC ACCOUNTS COMMITTEE REGARDING EFFICIENCY SAVINGS:.....	18

3.12	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCOME SUPPORT FOR PARENTS ATTENDING THE ACCESS COURSE AT HIGHLANDS:	18
3.13	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCENTIVES TO WORK AND SAVE UNDER INCOME SUPPORT:	18
3.14	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING HOW CHANGES IN CIRCUMSTANCES OF INCOME SUPPORT APPLICANTS WERE ADDRESSED:	19
3.15	DEPUTY C.J. SCOTT WARREN OF ST. SAVIOUR OF TO THE MINISTER FOR SOCIAL SECURITY REGARDING APPOINTMENTS AT DOCTORS' SURGERIES BETWEEN JANUARY AND SEPTEMBER 2008:	19
4.	Oral Questions.....	20
4.1	Deputy I.J. Gorst of the Chief Minister regarding the employment of people with disabilities by the States Employment Board during 2008:.....	20
	Senator F.H. Walker (The Chief Minister):	21
4.1.1	Deputy I.J. Gorst:	21
4.2	Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding overpayment of Income Support:	21
	Senator P.F. Routier (The Minister for Social Security):	21
4.2.1	Deputy G.P. Southern:	21
4.2.2	Deputy G.P. Southern:	22
4.3	Deputy R.G. Le Hérisssier of St. Saviour of the Chief Minister regarding the issue of a Disclosure Notice by the police in respect of a public servant's alleged actions:	22
	Senator F.H. Walker (The Chief Minister):	22
4.3.1	Deputy R.G. Le Hérisssier:	22
4.3.2	Deputy R.G. Le Hérisssier:	23
4.3.3	Deputy S.C. Ferguson of St. Brelade:	23
4.3.4	Deputy S.C. Ferguson:	23
4.3.5	Senator S. Syvret:	23
4.3.6	Senator S. Syvret:	23
4.3.7	Deputy R.G. Le Hérisssier:	23
4.3.8	Senator S. Syvret:	24
4.4	Deputy G.P. Southern of the Minister for Education, Sport and Culture regarding the terms and conditions which are currently applied to maternity leave and pay for teachers:	24
	Senator M.E. Vibert (The Minister for Education, Sport and Culture):	24
4.4.1	Deputy G.P. Southern:	25
4.4.2	Deputy G.P. Southern:	25
4.4.3	Deputy G.P. Southern:	25
4.5	Deputy F.J. Hill of St. Martin of the Chairman of the Comité des Connétables regarding the availability of ballot papers for pre-poll or postal votes for the Deputies Elections:	25
	Connétable K.P. Vibert of St. Ouen (The Chairman of the Comité des Connétables):	25
4.5.1	The Deputy of St. Martin:	26
4.5.2	Deputy R.G. Le Hérisssier:	26
4.5.3	Deputy G.P. Southern:	26
4.5.4	Deputy G.P. Southern:	26
4.5.5	Connétable D.J. Murphy of Grouville:	26
4.5.6	Deputy P.V.F. Le Claire of St. Helier:	26
4.5.7	Deputy G.P. Southern:	27
4.5.8	Senator P.F. Routier:	27

4.5.9 Deputy G.P. Southern:.....	27
4.5.10 Deputy P.V.F. Le Claire:.....	27
4.6 Connétable A.S. Crowcroft of St. Helier of the Minister for Health and Social Services regarding action taken by Environmental Health Officers as a result of a recent incident at the harbour:	28
Senator B.E. Shenton (The Minister for Health and Social Services):.....	28
4.6.1 The Connétable of St. Helier:.....	28
4.6.2 The Connétable of St, Helier:.....	28
4.6.3 Connétable M.K. Jackson of St. Brelade:.....	28
4.7 Deputy D.W. Mezbourian of St. Lawrence of the Minister for Transport and Technical Services regarding the publication and implementation of the Integrated Travel and Transport Policy:	29
Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):....	29
4.7.1 Deputy D.W. Mezbourian:.....	29
4.8 The Deputy of St. Martin of the Minister for Treasury and Resources regarding the work being undertaken by the Officer Working Group established to consider the various options for the future of Haut de la Garenne:	29
Deputy J.A.N. Le Fondré of St. Lawrence (Assistant Minister for Treasury and Resources): .	30
4.8.1 The Deputy of St. Martin:.....	30
4.9 Deputy K.C. Lewis of St. Saviour of the Minister for Health and Social Services regarding the potential withdrawal by the United Kingdom from the reciprocal health agreement with the Island:	30
4.9.1 Deputy K.C. Lewis:.....	30
4.9.2 Deputy P.V.F. Le Claire:	31
4.9.3 Deputy C.J. Scott Warren of St. Saviour:.....	31
4.9.4 Deputy R.G. Le Hérissier:	31
4.10 Deputy G.C.L. Baudains of St. Clements of the Chief Minister regarding the development of the ‘Esplanade Quarter’ and the publication of the reports by Carey Olsen, PricewaterhouseCoopers and the Minister for Treasury and Resources:	32
Senator F.H. Walker (The Chief Minister):.....	32
4.10.1 Deputy G.C.L. Baudains:	32
4.11 Deputy R.G. Le Hérissier of St. Saviour to the Minister for Health and Social Services regarding the debate of the <i>New Directions</i> policy:	32
Senator B.E. Shenton (The Minister for Health and Social Services):.....	32
4.11.1 Deputy R.G. Le Hérissier:.....	32
4.11.2 Deputy S.C. Ferguson:	33
4.11.3 Deputy S.C. Ferguson:	33
4.11.4 Deputy C.J. Scott Warren:.....	33
4.11.5 Deputy R.G. Le Hérissier:.....	33
4.11.6 Deputy S.G. Ferguson:.....	34
4.11.7 Deputy J.A. Martin of St. Helier:.....	34
5. Questions to Ministers Without Notice - The Minister for Health and Social Services	34
5.1 Deputy J.A. Hilton of St. Helier:.....	34
Senator B.E. Shenton (The Minister for Health and Social Services):.....	35
5.1.1 Deputy J.A. Hilton:.....	35
5.2 The Deputy of St. Martin:.....	35
5.3 Deputy C.F. Labey of Grouville:.....	35
5.3.1 The Deputy of Grouville:.....	36
5.4 Deputy P.V.F. Le Claire:	36
5.4.1 Deputy P.V.F. Le Claire:	36

5.4.2 Deputy P.V.F. Le Claire:	37
5.5 Deputy S.C. Ferguson:.....	37
5.5.1 Deputy S.C. Ferguson:.....	37
5.5.2 Deputy S.C. Ferguson:.....	38
5.6 Deputy J.A. Martin:.....	38
5.6.1 Deputy J.A. Martin:.....	38
5.7 Deputy A.D. Lewis of St. John:	38
6. Questions to Ministers Without Notice - The Minister for Transport and Technical Services	39
6.1 Connétable G.W. Fisher of St. Lawrence:	39
Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):	39
6.2 Deputy G.C.L. Baudains:.....	39
6.2.1 Deputy G.C.L. Baudains:.....	40
6.3 The Deputy of St. Martin:.....	40
6.4 Deputy D.W. Mezbourian:.....	40
6.5 Deputy K.C. Lewis:.....	40
6.6 Connétable T.J. du Feu of St. Peter:.....	40
6.7 Deputy P.V.F. Le Claire:	41
6.8 The Deputy of Grouville:.....	41
6.9 Deputy R.C. Duhamel of St. Saviour:	41
6.10 Deputy C.J. Scott Warren:	42
PERSONAL STATEMENTS.....	42
7. The Connétable of St. Peter:	42
STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY.....	43
8. Statement by Chief Minister regarding a proposed Partnership agreement with the Conseil Général de la Manche	43
8.1 Senator F.H. Walker (The Chief Minister):	43
9. Statement by the Chief Minister regarding the British-Irish Council Summit Meeting to be held in Jersey in 2009	44
9.1 Senator F.H. Walker (The Chief Minister):	44
9.1.1 Deputy S.C. Ferguson:.....	44
9.1.2 Senator P.F.C. Ozouf:.....	45
10. Statement of the Chief Minister regarding the implications for depositors in the current global financial conditions:.....	45
10.1 Senator F.H. Walker (The Chief Minister):	45
10.1.1 Deputy J.J. Huet of St. Helier:.....	46
10.1.2 The Deputy of Grouville:	46
10.1.3 Deputy R.G. Le Hérissier:.....	47
10.1.4 Deputy C.J. Scott Warren:.....	47
10.1.5 The Deputy of St. John:.....	48
10.1.6 Deputy J.A. Martin:	48
11. Statement by the Minister for Transport and Technical Services regarding the Victoria Avenue Resurfacing Contract	49
11.1 Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):	49
11.1.1 Deputy J.A. Martin:	50
11.1.2 Deputy R.G. Le Hérissier:	50

11.1.3	Deputy G.C.L. Baudains:	50
11.1.4	The Deputy of St. Martin:	51
11.1.5	Deputy D.W. Mezbourian:	51
12.	Statement by the Deputy Chairman of the Committee of Inquiry into Third Party Planning Appeals regarding the progress of the inquiry.....	52
12.1	Deputy R.G. Le Hérisier:	52
PUBLIC BUSINESS		52
13.	Integrated Coastal Zone Management Strategy (P.76/2008):	52
	Senator F.E. Cohen (The Minister for Planning and Environment):.....	52
13.1	Deputy A.E. Pryke of Trinity (Assistant Minister for Planning and Environment - rapporteur):.....	52
13.1.1	Deputy S. Power of St. Brelade:.....	54
13.1.2	Deputy R.C. Duhamel:	54
13.1.3	The Connétable of St. Peter:.....	55
13.1.4	Deputy C.J. Scott Warren:.....	55
13.1.5	Deputy G.C.L. Baudains:	55
13.1.6	Deputy D.W. Mezbourian:	55
13.1.7	The Connétable of St. Brelade:.....	55
13.1.8	Senator P.F.C. Ozouf:	56
13.1.9	Deputy S.C. Ferguson:	56
13.1.10	The Deputy of Trinity:	57
14.	Esplanade Quarter Master Plan, St. Helier: Development Agreement - Approval by the States (P.111/2008):.....	59
14.1	Senator J.L. Perchard:.....	59
14.1.1	Senator F.H. Walker:.....	60
14.1.2	Deputy P.V.F. Le Claire:.....	61
14.1.3	Deputy G.P. Southern:	61
14.1.4	Senator J.L. Perchard:	61
LUNCHEON ADJOURNMENT PROPOSED.....		64
LUNCHEON ADJOURNMENT.....		64
STATEMENTS ON A MATTER OF RESPONSIBILITY.....		64
15.	Statement of the Chairman of the Economic Affairs Scrutiny Panel regarding draft Foundations (Jersey) Law 200- (P.143/2008):	64
15.1	Deputy G.P. Southern:	64
15.1.1	Senator F.H. Walker:.....	65
15.1.2	Senator F.H. Walker:.....	65
15.1.3	Deputy R.G. Le Hérisier:	65
15.1.4	Senator P.F.C. Ozouf:	66
15.1.5	Senator P.F.C. Ozouf:	66
15.1.6	The Connétable of St. Brelade:.....	66
15.1.7	Deputy P.V.F. Le Claire:.....	67
15.1.9	Deputy I.J. Gorst:.....	67
15.1.10	Senator F.H. Walker:	68
15.1.11	Senator M.E. Vibert:	68
15.1.12	Deputy P.V.F. Le Claire:.....	69

15.1.13	Senator P.F.C. Ozouf:	69
PUBLIC BUSINESS - RESUMPTION.....		70
16.	Draft States of Jersey (Amendment No. 5) Law 200- (P.122/2008):.....	70
16.1	Connétable D.F. Gray of St. Clement:.....	70
16.1.1	Senator S. Syvret:.....	71
16.2	Senator S. Syvret:	73
16.2.1	The Connétable of St. Clement:.....	74
16.2.2	Deputy R.G. Le Hérisier:	74
16.3	The Connétable of St. Clement:	76
16.3.1	Deputy S.C. Ferguson:	77
16.3.2	Senator S. Syvret:.....	77
16.3.3	Senator M.E. Vibert:	79
16.3.4	Deputy P.V.F. Le Claire:.....	80
16.3.5	Deputy J. Gallichan of St. Mary:	81
16.4	The Connétable of St. Clement:	84
16.5	The Connétable of St. Clement:	85
16.5.1	Deputy J.G. Reed of St. Ouen:	85
16.5.2	Deputy J.B. Fox of St. Helier:	85
16.5.3	Senator S. Syvret:.....	85
16.5.4	Senator P.F. Routier:	86
16.5.5	Deputy I.J. Gorst:.....	87
16.5.6	Deputy G.W.J. de Faye:	87
16.5.7	Deputy P.V.F. Le Claire:.....	88
16.5.8	Deputy P.J.D. Ryan:.....	90
16.5.9	Deputy J.J. Huet:.....	90
16.5.10	The Connétable of St. Peter:.....	90
16.5.11	Deputy G.C.L. Baudains:	91
16.5.12	Senator P.F.C. Ozouf:	91
STATEMENTS ON MATTERS OF OFFICIAL RESPONSIBILITY		93
17.	Statement by the Chief Minister of the resignation of the Minister for Home Affairs:	93
17.1	Senator F.H. Walker:	93
17.1.1	Senator S. Syvret:.....	94
17.1.2	Senator S. Syvret:.....	94
17.1.3	Deputy R.G. Le Hérisier:	94
17.1.4	Deputy J.A. Martin:	95
17.1.5	Deputy J.A. Martin:	95
17.1.6	Deputy C.J. Scott Warren:	95
17.1.7	Senator S. Syvret:.....	95
PUBLIC BUSINESS - RESUMPTION.....		96
18.	Draft Policing of Parks (Amendment) (Jersey) Regulations 200- (P.131/2008):.....	96
18.1	Deputy G.W.J. de Faye:.....	96
18.1.1	Deputy I.J. Gorst:	96
18.1.2	The Deputy of St. John:.....	96
18.1.3	Deputy P.N. Troy of St. Brelade:.....	97
18.1.4	Deputy K.C. Lewis:	97
18.1.5	Connétable P.F.M. Manning of St. Saviour:	97

18.1.6	Deputy J.B. Fox:	97
18.1.7	The Deputy of Trinity:	97
19.	Jersey Air Cadets' HQ, La Rue Carrée, St. Brelade – proposed Deed of Arrangement (P.132/2008):	99
19.1	Deputy J.A.N. Le Fondré (Assistant Minister for Treasury and Resources):	99
20.	Artificial Insemination of Bovines: fees (P.135/2008):	100
20.1	The Deputy of Trinity (Assistant Minister for Planning and Environment):	100
20.1.1	The Deputy of St. Martin:	100
21.	Draft Amendment (No. 9) of the Standing Orders of the States of Jersey (P.140/2008):	102
21.1	The Connétable of St. Clement:	102
21.2	The Connétable of St. Clement:	102
21.2.1	Deputy G.P. Southern:	103
21.2.2	Deputy P.N. Troy:	103
21.2.3	Deputy C.J. Scott Warren:	104
21.3	The Connétable of St. Clement:	105
21.3.1	Deputy G.C.L. Baudains:	106
21.3.2	Deputy G.W.J. de Faye:	106
21.4	The Connétable of St. Clement:	106
21.4.1	Deputy P.V.F. Le Claire:	106
21.5	The Connétable of St. Clement:	107
21.5.1	Deputy C.J. Scott Warren:	107
21.5.2	The Deputy of St. Martin:	107
21.6	The Connétable of St. Clement:	108
21.6.1	Deputy G.C.L. Baudains:	108
21.7	The Connétable of St. Clement:	108
21.8	The Connétable of St. Clement:	109
21.9	Senator M.E. Vibert:	109
21.9.1	Deputy R.G. Le Hérissier:	109
21.9.2	Deputy S.C. Ferguson:	110
21.10	The Connétable of St. Clement:	112
21.10.1	Deputy P.V.F. Le Claire:	113
21.10.2	Deputy G.W.J. de Faye:	113
21.10.3	Deputy C.J. Scott Warren:	114
21.10.4	Senator M.E. Vibert:	114
21.11	The Connétable of St. Clement:	115
21.11.1	Deputy G.W.J. de Faye:	116
21.11.2	Deputy G.P. Southern:	116
21.12	The Connétable of St. Clement:	117
STATEMENTS ON A MATTER OF RESPONSIBILITY		117
22.	Statement by the Chairman of the Economic Affairs Panel:	117
22.1	Deputy G.P. Southern:	117
22.1.1	Senator P.F.C. Ozouf:	117
	Senator S. Syvret:	118
	Senator P.F. Routier:	118
	Senator P.F.C. Ozouf:	118
ADJOURNMENT		118

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

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

I rise to inform the Assembly that I have received a letter of resignation from Senator Kinnard from her position as Minister for Home Affairs. I am informing the Assembly as required by the States of Jersey Law 2005; however, I should also inform the Assembly that, under the Law, the Minister will remain the Minister for the remaining term of office until such time as the States selects another person to replace her. I therefore intend – although I could do it today, out of courtesy to Members I do not intend to do so – to ask the Assembly tomorrow to appoint another Member to become Minister for Home Affairs for the remainder of this term of office and I think it is only fair at this stage to inform Members that I intend to nominate Deputy Andrew Lewis of St. John, who of course has been the Assistant Minister for Home Affairs for the last near 3 years, to become the next Minister. Other States Members will of course be able to make alternative nominations and if there is an alternative the States will follow the normal appointments process. The process is that each candidate speaks for up to 10 minutes and is questioned for up to 20 minutes. A ballot is then held, with successive ballots if necessary if there are more than 2 candidates. I should inform the Assembly that I am deeply saddened by Senator Kinnard's resignation.

PERSONAL STATEMENT

The Deputy Bailiff:

Senator Kinnard had asked me for leave to make a personal statement about her resignation and I have granted that leave. Would Members agree that it would be convenient to take it now rather than at the proper time? Yes, Senator Kinnard.

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

Thank you. I wish to make a personal statement relating to an issue of moral conscience and principle. At a recent meeting of the Council of Ministers, the Council of Ministers had a recommendation from my department to take forward immediately an item of importance. The Council of Ministers declined to accept that recommendation from my department. I consider it a matter of personal moral conscience and principle, while recognising Council of Ministers' right to take a different view. The matter that I had wished to take forward was an amendment abolishing the need for judges to always give a warning of the danger of convicting without corroboration in cases involving accomplices, sexual offences and offences involving children. I must regret that I am resigning as a Minister so close to the end of my term but in so doing I should like to express my gratitude to Deputy Andrew Lewis, my Assistant Manager, for his excellent assistance for the past 3 years. I am also only really sorry that he too will be leaving the States. May I also give my thanks to all my Chief Officers of the various departments and particularly to my Chief Officer of Home Affairs and the first rate staff at Piquet House who have given me so much support over the years and continue to do so. I thank, too, all the men and women of the Home Affairs family of departments who have worked with exceptional dedication and commitment to public service achieving executive results. An organisation is its people and I know that they will give similar support to whoever is my successor and I wish them all well. Thank you.

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

Sir, I am asking your permission for something if I may. I may wish to make another statement in relation to Senator Kinnard's resignation and I would ask you leave to be able to do so at some time later in the sitting, if that is possible.

The Deputy Bailiff:

We will consider that when it comes.

QUESTIONS

3. Written Questions

3.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE COMPOSTING COSTS FOR 2008:

Question

Can the Minister provide, for comparative purposes, updates to the answers tabled by his department on the 11th March 2008 in relation to composting costs for 2008?

Answer

For clarity the original question relating to composting costs was as follows:

In 2007 would the Minister advise –

- (a) how many litres of "Genuine Jersey" soil improver the department sold?
- (b) how much money was derived from these sales and to whom the money was disbursed?
- (c) how much profit or loss each litre of compost sold resulted in or attained?
- (d) what the total expenditure in 2007 for compost operations was, including machinery purchased?
- (e) how these figures were derived?

On revisiting these figures an error in the 2007 figure for compost products sold has been identified. To rectify this for comparative purposes the correct 2007 and 2008 figures are presented below. It should be noted that the 2008 figures are to the end of September.

- (a) During 2007 the Department sold 1,377,000 litres of compost products (Soil Improver and Mulch). The figure quoted in the previous answer was 403,000 litres. It has now been discovered that this figure was factually incorrect. The error occurred due to a change to the recording and accounting treatment for green waste and was not identified when the original 2007 answer was drafted. The error is very much regretted, however the costs were correct and when compared over a three year period, 2006, 2007 and 2008 the cost of producing a litre of soil improver was £0.29. £0.51 and £0.47 respectively.

At the end of September 2008 the Department had sold 1,157,200 litres of Compost products.

- (b) The income generated from product sales in 2007 was £46,423

Income until the end of September 2008 is £40,137. These funds are used to help offset the operational costs of running the Green Waste Composting site.

- (c) This gives a net cost of 51p per litre for 2007 and 47p per litre so far in 2008.

- (d) The operational costs of running the green waste composting site in 2007 were £705,276. For the first 9 months of 2008 the figure is £544,004.

- (e) The profit / loss figure is the operational cost of the green waste composting site divided by the quantity of compost products sold. The base financial figures are from the 2008 and 2007 accounting records and the quantity of products sold is from the Department's own records.

3.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE HOUSING TRUST'S MANAGEMENT OF BERKSHIRE COURT:

Question

1. When the Jersey Homes Trust took on the management of Berkshire Court what were the terms of the agreement with the States, if any, at that time in respect of occupants and States interaction or oversight in the future of the running of this site?

Answer

The Jersey Homes Trust purchased and developed Berkshire Court themselves on the site of the old Berkshire Hotel and La Motte Garage. The contract of purchase by the Trust set out that the resultant homes to be built on the site would be for occupation solely as social rented accommodation.

Question

2. Was the development supposed to be for the over 50's only ?

Answer

No. However, the Housing Department had 80% of the nomination rights for the homes at Berkshire Court. The qualifying criteria for those without dependants to be placed on the Department's waiting list is that they are a minimum of 50 years of age, or if younger are unable to work due to disability or long term incapacity. The homes at Berkshire Court are all 1 bedroom units and due to the waiting list criteria, only those over 50 years of age or those unable to work for the reasons I have already outlined can be nominated. Assurances have been given by the Trust that presently all occupants of Berkshire Court meet this criteria.

Question

3. Do any States agreements exist in relation to the operation of other Housing trusts?

Answer

The vast majority of homes operated by Housing Trusts have a restriction that they may only be utilised for Social Rented purposes. In cases such as Berkshire Court, where the Trust has been provided with States funded subsidies on borrowing, the Housing Department has the right to nominate 80% of the initial tenants and a minimum of 50% of all future tenants. There are also legal agreements which prevent Housing Trusts from charging a rent greater than the Housing Departments "Fair Rent". Following the Committee of Inquiry into "Procedures for the Allocation of Residential Property by Housing Trusts", carried out in early 2003, a number of recommendations made were accepted and implemented which has resulted in agreements such as the nomination rights being appropriately monitored.

Question

4. Does the Minister have any power to influence or instruct the expenditure of housing trusts where there is clear evidence that security measures or maintenance of properties is being compromised?

Answer

No. I enjoy a close and collaborative working relationship with all the Housing Trusts and the respective Chairmen. As members will know we have commissioned a review of social Housing provision by Professor Christine Whitehead from Cambridge University. This review will, amongst other things, consider whether there should be regulation introduced for all social housing providers and if so what form that regulation should take. All of the Housing Trusts have been afforded the opportunity to make submissions to Professor Whitehead and will be engaged again during the formal consultation period when the Professor publishes her draft report as a Green Paper early in the New Year. I am not aware of problems with regard to a lack of maintenance on Housing Trust properties. A good proportion of Trust homes are relatively new (the Berkshire certainly) and there should be adequate income from rent to offer a good maintenance service and ensure that provision is made for planned maintenance and eventual capital refurbishment.

I am sure the Chairman of the Jersey Homes Trust would be only too pleased to discuss any concerns any Members may have regarding Berkshire Court.

3.3 DEPUTY I.J. GORST OF ST. CLEMENT OF THE CHAIRMAN OF EDUCATION AND HOME AFFAIRS SCRUTINY PANEL REGARDING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE BULL REPORT:

Question

R.89/2008 regarding the implementation of Dr. K. Bull's Report into Children with Social Emotional and Behavioural Difficulties (SEBD) states, with regard to recommendation 17.1.8, that 'a recommendation for an External Independent Review Group was effectively superseded by the introduction (under Ministerial Government) of the Social Affairs Scrutiny Panel' (Scrutiny panel now split into two).

Can the Chairman outline whether his panel have implemented the 'Bull' recommendations 17.1.8 and 17.2.1 (relating to the management of the revamped facility) and, if so, can he explain why they have not produced any report to show that this work has been undertaken?

Answer

The Education and Home Affairs Scrutiny Panel has not implemented the two recommendations to which the Deputy refers and, as a result, has not produced any report on the matter. However, there are two issues which need to be considered in relation to this matter:

1. When was the Panel told about its responsibilities in this matter?
2. Does the work of an "External Independent Review Group", as described in these two recommendations, fall within the remit of Scrutiny?

Until Children's Executive: Progress Report (R.89/2008) was presented to the States on 20th August 2008, the Education and Home Affairs Scrutiny Panel had been unaware that responsibility for these two recommendations had been assigned to Scrutiny. The Panel has researched this point thoroughly, including contacting the former Chairman of the Social Affairs Scrutiny Panel; it has found no record that any formal communication was ever received by the Panel. This is regrettable and the Panel therefore thanks Deputy Gorst for highlighting this issue.

As it is, the Panel has no doubt that the work described in recommendations 17.1.8 and 17.2.1 does not fall within the remit of Scrutiny. Therefore, had the Panel been told of its apparent responsibilities, it could have advised the Executive of this fact. The Panel believes that an error has therefore been made by the Corporate Parent (that is to say, the Ministers for Health and Social Services; Education, Sport and Culture; and Home Affairs) in merely assuming that responsibility for recommendation 17.1.8 had passed to the former Social Affairs Scrutiny Panel.

It would appear that these two recommendations have therefore not been implemented. Indeed, the Panel has noted that the 'Williamson Report' included recommendations to a similar effect. The Panel would therefore recommend that the Corporate Parent re-examines these recommendations to ensure their implementation.

The Panel has maintained a good working relationship with the Ministers in its remit. However, this incident highlights the need for effective two-way communication to occur between the Executive and Scrutiny.

For ease of reference, recommendations 17.1.8 and 17.2.1 from Dr. K. Bull's report are enclosed below.

.....

Recommendations 17.1.8 and 17.2.1 of Review of the Principles, Practices and Provision for Children and Young People with Emotional and Behavioural Difficulties and Disorders in the Island of Jersey:

17.1.8 An External Independent Review Group be established to ensure accountability of each Committee (Ministry) in realising the targets set against the Partnership and Strategic Planning development and delivery. The group should include representatives who are specifically appointed to a guarantee efficiency of procedures, protocols and practices in establishing a Children's Executive, and, delivering a cohesive, cost effective and efficient overall service for children and young people with EBD.

17.2.1 Within a period of one year, or at the very latest by April of 2004, the existing remand provision be closed. A new facility, which meets the requirements laid out in the Strategic Plan and the subsequent Behaviour Management Programme, to be established to cater for the very specific needs of young people at risk to themselves and others. The use of such a facility – to be described in greater detail as part of a multi-purpose campus – be dictated and governed by the outcomes of detailed cross-agency assessment of both the offending behaviours and the social context in which the offender exists as well as the level of offence as categorised by a Tariff of Offending Behaviour (17.2.2). The welfare of those remanded or sentenced to the new facility should be paramount and, therefore, should form the basis of the treatment, care and educational services to be provided on site. The oversight of the new facility should fall to the Children's Executive. The management of the new facility should fall to a Director of Services. The postholder should be able to develop a unified and coalesced cross-agency service/facility and demonstrate high levels of knowledge and skill in relation to health care (psychiatric provision); educational developments; and social care structures. The Director should be accountable to the Children's Executive and his/her performance monitored against very specific targets set by them and reviewed on an annual basis, by the External Independent Review Group.

3.4 DEPUTY I.J. GORST OF ST. CLEMENT OF THE CHAIRMAN OF HEALTH AND SOCIAL SECURITY AND HOUSING SCRUTINY PANEL REGARDING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE BULL REPORT:

Question

R.89/2008 regarding the implementation of Dr. K. Bull's Report into Children with Social Emotional and Behavioural Difficulties (SEBD) states, with regard to recommendation 17.1.8, that 'a recommendation for an External Independent Review Group was effectively superseded by the introduction (under Ministerial Government) of the Social Affairs Scrutiny Panel' (Scrutiny panel now split into two).

Can the Chairman outline whether his panel have implemented the 'Bull' recommendations 17.1.8 and 17.2.1 (relating to the management of the revamped facility) and, if so, can he explain why they have not produced any report to show that this work has been undertaken?

Answer

I am slightly puzzled by the Deputy's question insofar as he asks whether the Panel has 'implemented' the Bull recommendations, which would seem to imply that Scrutiny has some degree of executive responsibility in this matter. I was not a member of the former Social Affairs Panel and therefore cannot comment with authority on its business prior to the creation of the Health, Social Security and Housing Panel in late 2006. However, I am not aware of these particular matters having been referred at any point for consideration by Scrutiny and can confirm that they have not featured in any review in my Panel's work programme, which explains why no report has been produced on this issue by the Health, Social Security and Housing Panel.

3.5 DEPUTY I.J. GORST OF ST. CLEMENT OF THE MINISTER FOR HEALTH AND SOCIAL SECURITY REGARDING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE BULL REPORT:

Question

R.89/2008 regarding the implementation of Dr. K. Bull's Report into Children with Social Emotional and Behavioural Difficulties (SEBD) states, with regard to recommendation 17.1.8, that 'a recommendation for an External Independent Review Group was effectively superseded by the introduction (under Ministerial Government) of the Social Affairs Scrutiny Panel' (Scrutiny panel now split into two).

- a) Can the Minister explain how the Children's Executive arrived at this decision?
- b) Was the decision was communicated to the Scrutiny function, and if so, how?
- c) Did this decision meet both recommendations 17.1.8 and 17.2.1 (relating to the management of the re-vamped facility)?
- d) How many times have Ministers appeared before Scrutiny Panels to discuss these recommendations?
- e) Is the Children's Executive satisfied that its decision has worked in practice in a way envisaged by the 'Bull' report?

Answer

The context for the Deputy's question is Dr Kathy Bull's report into "Children with Social Emotional and Behavioural Difficulties (SEBD)" published in December 2002. But there have been two significant events which have occurred in the intervening period which have both significantly influenced the validity and the continued relevance of this report. The first is the introduction of Ministerial Government – which has introduced the concept of scrutiny and challenge to the executive. The second is the publication of the Andrew Williamson Inquiry Report in June 2008 (officers from Health and Social Services, Home Affairs, and Education Sport and Culture are currently drafting a comprehensive plan which will enable the implementation of all of this inquiry's recommendations).

Having said this, I would wish now to respond to the Deputy's five specific questions.

a) Can the Minister explain how the Children's Executive arrived at this decision?

When the Kathie Bull Report was published, the Committee-based system of government did not have a formal scrutiny and oversight function. The creation of this function – and particularly the creation of the Health, Social Security and Housing Scrutiny Panel – makes the specific Kathie Bull recommendation no longer relevant. This was the view of the Children's Executive – a view which was reasonable for senior professional people to come to – and this view was then subsequently accepted by the three Ministers who form the

Corporate Parent (which is the body responsible for overseeing the work of the Children's Executive).

b) Was the decision communicated to the Scrutiny function, and if so, how?

The Children's Executive did not communicate this to the Scrutiny Panel, which was clearly an oversight for which I apologise.

c) Did this decision meet both recommendations 17.1.8 and 17.2.1 (relating to the management of the re-vamped facility)?

It is my judgement that the creation of this Scrutiny Panel does go some way to the creation of 'independent review'. However, the Andrew Williamson Inquiry has recommended the establishment of *professional* independent inspection and this particular recommendation is being addressed by officers as they seek to create the plan for the implementation of all of the recommendations of this inquiry – as I referred to above.

d) How many times have Ministers appeared before Scrutiny Panels to discuss these recommendations?

Ministers have not appeared before a Scrutiny Panel to discuss these recommendations. The Scrutiny Panel in question discusses its forward working programme with relevant departments and these recommendations has never featured in those conversations latterly. I suspect the reason for this is that the States Assembly itself has been aware that the Andrew Williamson Inquiry was commissioned in August 2007 and was presented to the States Assembly in June 2008.

e) Is the Children's Executive satisfied that its decision has worked in practice in a way envisaged by the 'Bull' report?

Self evidently, R.89/2008 demonstrates that the Children's Executive has been very successful in delivering the major thrust of the Kathie Bull Report. The States should note this impressive record of achievement and I would like to take this opportunity of thanking all of the staff working in Children's Executive services for their professionalism and hard work over the years.

Notwithstanding this, the "Children's Executive Progress Report" – under cover of R.89/2008 – should be seen effectively as marking the end of an era as all services for children are now being redesigned to improve both managerial and political accountability as recommend by the Andrew Williamson inquiry.

3.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING AN INVESTIGATION INTO THE TENDER PROCESS AND CONTRACTUAL ARRANGEMENTS AT LIBERTY WHARF:

Question

Can the Chief Minister confirm whether the contractor on Liberty Wharf, Deerglen (Jersey) has had an adjudication awarded against the company to the amount of £146,000 owed to AKL (Air Conditioning Kent) Ltd now lodged in the High Court, Holborn and, if so, will he consider an investigation into the tender processes and contractual arrangements made by Harcourt on this project?

Answer

The matter to which the Deputy refers concerns legal action between two private companies relating to a commercial transaction. Consequently, it is not an issue which warrants the involvement or comment of the Chief Minister.

3.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE APPOINTMENT OF AN EMPLOYER REPRESENTATIVE TO CHAIR THE NEW SKILLS EXECUTIVE:

Question

Has the Minister yet succeeded in appointing an employer representative to chair the new Skills Executive and will he further give members details of the terms under which the post has been advertised both in the past and currently?

Answer

Following a full recruitment and selection process, chaired by a representative of the Appointments Commission, Mr Richard Plaster was appointed Chair of Skill's Jersey. Mr Plaster assumed the role of Chair on 1st October 2008.

The post was advertised twice. Initially as a voluntary position however this recruitment received a minimal response. After consultation with the Chairman of the Appointments Commission, the post was then re-advertised locally with a paid honorarium.

3.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING POPULATION CONTROL POLICIES:

Question

Given that the Minister has publicly committed himself to population control, by imposing firm limits on the number of jobs created, does he consider that the latest figures on job growth to June 2008 from the Statistics Office which show that over 1500 jobs have been created in the past 12 months, 40% of which have gone to non-locally qualified people and J-cats, demonstrate that under his leadership of Economic Development that such firm limits have been successfully imposed?

Answer

It is exceedingly clear from the recent manpower report that although economic circumstances vary, the workforce in Jersey has not grown considerably over the years.

In June 1998 the workforce stood at 55,450, while 10 years later, in June 2008, it stood at 56,630. This is an increase of 1,180 jobs in 10 years - the sizeable majority being locally qualified persons. This is managed growth, and a successful record.

As to non local employment, this remains a small minority of all jobs, at around 14%, and is predominately in our vital agricultural, tourism, and hospitality industries, whom I have been happy to support. As to 1(1)(j) category consents, they are the responsibility of the Minister for Housing - whose policies I fully support.

3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING POPULATION CONTROL POLICIES:

Question

Does the Chief Minister accept, in the light of recent population, immigration and job growth figures that one of the first tasks of a new Council of Ministers will be to bring to the Assembly a policy for controlling population and, if not, why not?

Answer

The latest figures on the performance of the economy show that in recent years the Island has been successful in achieving a difficult balance between strong economic growth (based on significant improvements in productivity), higher employment of local people and controlled inward migration. The economy grew by 7% in real terms in 2006 and 2007 with total GVA 6% higher than in the previous peak in 2000. This has been achieved whilst containing growth in the workforce over the five years to 2007 below the 1% target set by the States. As a result, total employment in the Island in June 2008 was only 2% (1,200 people) higher than ten years ago in June 1998.

In its 'Keeping Jersey Special' report, published in July 2008, the current Council of Ministers identified that meeting the challenge of the ageing population whilst maintaining the Island as a successful and wonderful place to live will require the right balance between social, economic and environmental policies.

Based on detailed analysis and consultation with the public, the report concluded that, whilst it is possible to combine the above policies to reach a sustainable path to meet the challenges ahead, this is unlikely to be achieved without some level of inward migration.

It is not for me to decide on the future actions of the next Council of Ministers. However, I am sure that new Council will look to address the central issues within the 'Keeping Jersey Special' report, including policy for population, as part of the development of its Strategic Plan which will be produced in the early part of 2009.

3.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EXTENSION OF SAVINGS GUARANTEES TO JERSEY

Question

What response, if any, has been received from the governments of major European banking centres to the Island's request to extend any savings guarantees to the £196 billion held in Jersey?

What realistic prospect is there of getting such guarantees for the commitment of European tax payers' money without damaging breaches of privacy?

Answer

Neither I nor my Ministers nor the Jersey Financial Services Commission have ever suggested asking European Countries to extend their savings guarantees to cover the money that is held in Jersey. We have said that our confidence is based on the strength of Banks in Jersey who are systemic banks in the top 500 and our very clear expectation that they will be supported by their home country.

The actions of the UK and the other EU countries has confirmed our belief that the best guarantee of the deposits held in Jersey branches and subsidiaries lies in the strength of their parent banks and in the degree of support extended to those banks by the governments of their respective jurisdictions. Where that support has been forthcoming, as in the manner of the United Kingdom Government whereby the parent banks have been strengthened through re-capitalisation and liquidity support, the established commercial relationship between the parent banks and their Jersey branches or subsidiaries can be relied upon to safeguard depositors.

The approach adopted by the United Kingdom Government is being followed by many other jurisdictions including those of the parent banks of all systemically important parent banks of branches and subsidiaries in Jersey.

The Jersey Financial Services Commission is in regular contact with the European regulators responsible for the parent banks of the Jersey branches and subsidiaries. They are monitoring any developments and there is a direct line to Ministers in relation to advice and any necessary action. We stand ready to approach the governments of the major European banking centres if this is seen

to be necessary. To-date however the very positive response by the governments of the major European banking centres to the current financial crisis, from which Jersey bank depositors will benefit, has meant that such approaches are not called for.

As we are not asking for European money to support our banks there is no question of any changes to the structure of the client banking relationship.

3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF PUBLIC ACCOUNTS COMMITTEE REGARDING EFFICIENCY SAVINGS:

Question

In the light of the Comptroller and Auditor General's reservations expressed in paragraph 21 of his report of May 2008 "Emerging Issues" on the scope for further expenditure reductions, does the Public Accounts Committee consider that the savings can be made as efficiency savings, rather than as service cuts?

Answer

The Comptroller and Auditor General's report indicates a number of ways in which the States may be able to go about saving money. These are all clearly set out in his report which was published in May 2008.

The planning required will be the responsibility of the Ministers and of the Council of Ministers but the way in which the suggestions are implemented will, in the end, be a matter for the States.

The Public Accounts Committee believes that in many cases reductions in service will not result from the steps that are eventually taken, although this does not mean that there will be no changes to service.

3.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCOME SUPPORT FOR PARENTS ATTENDING THE ACCESS COURSE AT HIGHLANDS:

Question

Will the Minister inform members whether the "Access to Higher Education" course at Highlands College qualifies for child care assistance to parents under Income Support, and if not, why not?

Answer

The "Access to Higher Education" course at Highlands College is an intensive one-year course to prepare mature students for university entrance.

Given the major commitment and intensive nature of the "Access to Higher Education" course, it would be unusual for this course to be approved in respect of a parent who has the main care of a very young child or baby.

3.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCENTIVES TO WORK AND SAVE UNDER INCOME SUPPORT:

Question

Will the Minister inform members what mechanisms, if any, he is pursuing to give better incentives to those taking up work and to protect pensioner savings under Income Support?

Answer

Proposition P.163, lodged today, sets out better incentives for taking up work and increased disregards for pensioner incomes.

The package of measures included in P.163 includes an increase in earned income disregards from 6% to 10%. It also includes an increase in the disregard made against pension income. The vast majority of pensioners do receive some pension income whereas only a relatively small minority have savings in excess of the current savings disregards. Increasing the disregard against pension income ensures that almost all pensioners will benefit from this measure.

The arrangements for pensioners' savings under income support are more generous than the previous parish welfare system. The value of capital that is fully disregarded was increased by 50% with the introduction of Income Support, and has been updated since then. The mechanism for producing a deemed income is also more generous than the former parish system.

Single pensioners with savings of up to £11,866 and couples with savings of up to £19,669 receive their full entitlement to Income Support and also benefit from any income on their savings, which is disregarded from the calculation. Above these levels pensioners still qualify for income support but at a reducing level as their savings increase. These limits were updated in October 2008 and will be kept under regular review.

3.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING HOW CHANGES IN CIRCUMSTANCES OF INCOME SUPPORT APPLICANTS WERE ADDRESSED:

Question

Will the Minister inform members whether Income Support applicants who notify the department of a change of circumstances promptly on finding or returning to work and thereby increasing their income, are routinely charged for an "overpayment" of benefit for the time taken to establish their new level of benefit?

Can he further state whether in such circumstances the Department may insist on the repayment of this "overpayment" within 6 months, leading to weekly repayments of £12 on an overpayment of £300, and if so, will he inform members what actions, if any, he is prepared to take to rectify the situation to avoid pushing families further into poverty?

Answer

No, there are no routine charges for "overpayment" as suggested by the question. However, if an income support claimant fails to notify the department of a change of circumstance that would lead to a reduction in benefit, then the department has the legal right to recover the overpayment that has been made.

If an overpayment is to be recovered, weekly repayments over an extended timeframe will be agreed with the claimant. The purpose of the weekly repayments is to correct an overpayment which occurred because the claimant received too much benefit for a period of time as a result of the failure to inform the Department that the household income had **increased**. There is no suggestion that a family in this situation would be "pushed further into poverty".

If the claimant informs the Department of the change at the time, then no repayment is required.

3.15 DEPUTY C.J. SCOTT WARREN OF ST. SAVIOUR OF TO THE MINISTER FOR SOCIAL SECURITY REGARDING APPOINTMENTS AT DOCTORS' SURGERIES BETWEEN JANUARY AND SEPTEMBER 2008:

Question

Would the Minister provide members with data showing the total number of appointments at doctors' surgeries each month between January and September 2008, and also provide comparative data for the same period of 2007?

Answer

The table shows the number of GP consultations on a monthly basis. It should be noted that a monthly analysis has limited significance as the number of GP visits will be affected by the weather conditions and outbreaks of flu and other viruses from time to time.

For example, for the period requested, January to September, the number of visits in 2008 is 2,481 less than the corresponding period in 2007. **However, the number of visits between February and September 2008 (since Income Support has been introduced) is 1,720 more than 2007.**

Months	Surgery visits 2007	Surgery visits 2008
January	21615	17414
February	18453	15950
March	16334	18380
April	14364	15968
May	18779	15126
June	15749	15103
July	17924	16505
August	13827	15615
September	15450	19953

4. Oral Questions

The Deputy Bailiff:

We come on to oral questions and the first question is by Deputy Southern of the Minister for Social Security.

Deputy I.J. Gorst of St. Clement:

Sir, perhaps I could beg your and the House's indulgence. I have an oral question tabled at number 6 but I must leave the Assembly by 10.15 a.m. to attend a funeral of a parishioner. I wonder if I could be indulged and take my question first?

The Deputy Bailiff:

Do the other Members agree? There seems to be plenty of time for all the questions. Then, Deputy Gorst, if you would ask your question, which is number 6, of the Chief Minister.

4.1 Deputy I.J. Gorst of the Chief Minister regarding the employment of people with disabilities by the States Employment Board during 2008:

Thank you. Given that the Council of Ministers agreed to double the number of people with disabilities employed by the States Employment Board during 2008, can the Chief Minister confirm how many additional people, if any, have been employed?

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

The States Employment Board set a target for 2008 to increase by 13 the number of individuals with a disability employed by the States of Jersey. We can confirm that 20 individuals with disabilities have taken up employment with the States of Jersey during 2008 and this is in addition to those who are employed on special schemes in non-core posts. In addition there are nearly 100 individuals who are undertaking therapeutic work with the States of Jersey through job scope. This therapeutic work is not regarded as employment as individuals do not have a contract of employment and they receive a therapeutic expense rate, not a wage. However, they are engaged in meaningful work and in many cases will develop the skills and confidence to move into paid employment in the future.

4.1.1 Deputy I.J. Gorst:

Thank you. Can the Chief Minister confirm that those 20 newly employed individuals with disabilities are employed by a contract via the States Employment Board as would every other employee of the States be?

Senator F.H. Walker:

I cannot answer that question in detail but I believe that to be the case, but I can certainly confirm that to the Deputy later in the day.

4.2 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding overpayment of Income Support:

Will the Minister advise Members how many recipients of income support either starting or returning to work have been charged for overpayments and detail a range of sums and payments involved?

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

The income support system is designed not to make a charge for overpayments when someone returns to work, and when the department is informed in a timely manner. In general terms, if an individual fails to inform the department of an increase in household income then the department has the right to recover this overpayment of benefit when it is identified. The amount of extra benefit is normally repaid by means of regular deductions from future income support payments over a period of months. I would like to take the opportunity to remind income support claimants of the importance of notifying the department promptly when there is a change in the household income. I can assure Members that if someone does notify the department at the correct time and then there is a delay in processing a claim after it has been received, the department will not ask for any benefit overpayments made during that time to be returned. With regard to the specific question, the department does not hold the information in the format the Deputy requests but if the Deputy has a specific individual concern, I would be happy for my department to review the matter.

4.2.1 Deputy G.P. Southern:

Supplementary, if I may. Is the Minister aware that despite prompt information being received by the department about a return to work, and the final details being finalised within 3 weeks, a couple - a family - were placed in the situation of having a £300 charge made on them, which was to be reduced off their income support, thus putting them no better off on return to work.

Senator P.F. Routier:

I am not aware of that particular case, as I mentioned earlier, if the Deputy has a specific case he wants to discuss with me, I would be very happy to do that. The situation with regard claiming back from people is not something we would want to do but we have to ensure that if people do have a change of circumstances and they are earning more money, that we are informed appropriately and at the right time. There is, I believe, a need to ensure that people are given time to adjust to their new circumstances and the department will be working to those guidelines when we go forward.

4.2.2 Deputy G.P. Southern:

If I may press the Minister. Does the Minister consider that 3 weeks from beginning to end is too long a period and therefore those charges should have been made?

Senator P.F. Routier:

I think I would agree with the Deputy, certainly, that if after a period of 3 weeks someone has changed their circumstances and I would hope that we would be in a position whereby if somebody does enter the workplace and does inform the department immediately that a period of 3 weeks is too short. It is something I would like to work towards if that is not happening in a particular case. As I say, if the Deputy has a particular case, I would be happy to look at it.

4.3 Deputy R.G. Le Hérisier of St. Saviour of the Chief Minister regarding the issue of a Disclosure Notice by the police in respect of a public servant's alleged actions:

What consequences follow if a disclosure notice is issued by the police in respect of a public servant's alleged actions?

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

The consequences of receiving a disclosure notice from the police are as follows. First, management would seek as much additional information from the police as they can provide on the basis for the allegations. Second, each case would be taken very seriously indeed while recognising that each case is unique. Third, management will make a risk analysis of what action should be taken depending on the facts of the disclosure notice and the nature of the employee's job. Action taken must be commensurate with the allegations. Actions which would be taken include the following: seek further information from the police; redeployment if, for example, it is considered that the employee needs to be removed from his or her current job but that no difficulties exist in their being temporarily redeployed to another job pending further information from the police; precautionary suspension if it is deemed that there is strong evidence for the allegations and that it would be inappropriate for the employee to remain at work pending police investigations. The priority is always to protect the interests of the public or vulnerable clients. Once that has been secured the employer must have regard to its contractual duty of care to the employee who is judged to be innocent until proven to be guilty.

4.3.1 Deputy R.G. Le Hérisier:

Would the Chief Minister outline whether the States Employment Board and, indeed, the Human Resources Department, has a policy in respect of reputational risk where, for example, a civil servant may be at a very senior position in the organisation. Would he comment on whether a suspension is by far the best as a neutral act in order that the investigation can proceed, as we have, for example, seen in respect recently of a senior member of the judiciary and of a senior member of a voluntary organisation?

Senator F.H. Walker:

The States Employment Board certainly takes the reputational risk to the States and to the Island very seriously indeed. As for the second part of the Deputy's question, it must depend on the circumstances of the individual case concerned.

4.3.2 Deputy R.G. Le Hérissier:

I must push the point. Is the Chief Minister saying that in terms of, for example, precautionary suspension where the issue may hypothetically or not revolve around a very senior person, he believes that if it does revolve around them, the criteria will apply and that it does not take on a much greater degree of seriousness and therefore requires much firmer and clearer action?

Senator F.H. Walker:

I do not disagree with the thrust of the Deputy's question but I repeat, each such question, each such matter, has to be considered and acted upon its merits and, of course, the advice from the police is extremely important in arriving at any decision.

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

Later today we are debating the suspension of Ministers, should the same parameters not apply to civil servants?

Senator F.H. Walker:

The rules concerning civil servants are very clearly laid out and are followed.

4.3.4 Deputy S.C. Ferguson:

But in the interests of transparency and openness, would it not have been more politic to have garden leave for anybody in this position?

Senator F.H. Walker:

I repeat that every case is judged on its merits and that the advice from the police is very important in enabling the States Employment Board to come to a decision.

4.3.5 Senator S. Syvret:

In the event of a very senior States employee being under serious police investigation for repeated episodes of violent child abuse, would the Chief Minister consider that to be a sufficiently serious matter and of sufficient reputational risk for the States of Jersey to at least merit suspension?

Senator F.H. Walker:

I am not going to get drawn into the trap of discussing individual cases, all I will say is that in common with everybody else, States employees are innocent until proved guilty and the appropriate action is taken in every case.

4.3.6 Senator S. Syvret:

Does the Chief Minister accept and recognise the current state of Jersey employment policy that suspension is a neutral act, it is not deemed as a punishment and it is precautionary and best management practice?

Senator F.H. Walker:

Yes.

4.3.7 Deputy R.G. Le Hérissier:

Would the Chief Minister outline, for example, when a very senior civil servant is involved, who takes the actual decision and would he not acknowledge that police advice is not advice as to whether suspension should or should not take place? That is a separate issue.

Senator F.H. Walker:

The decision is taken by the Chief Executive in consultation with the States Employment Board. Of course the police do not and cannot advise on whether or not an individual should be suspended. However, the police will, as I said in my answer, be asked to and do provide as much information as they are able to do at any particular stage in the investigation. I repeat proper procedures are clearly laid out, proper procedures have been and are being followed in every single case.

4.3.8 Senator S. Syvret:

Does the Chief Minister really not consider, given the seriousness of the issue and the nature of the investigations that are taking place, that it is wholly inappropriate for *[name omitted in accordance with States decision of 18th January 2011]*, the Chief Officer of the Education Department to remain at work? *[name omitted in accordance with States decision of 18th January 2011]*.

The Deputy Bailiff:

Senator Syvret, you, along with everyone else, are aware of Standing Order 104 which says that you should not refer to an individual's name unless it is unavoidable. You deliberately ...

Senator S. Syvret:

It is unavoidable and it is necessary in the public interest.

The Deputy Bailiff:

It is certainly not unavoidable. You need not answer that question, Senator, because it is an inappropriate question. It was a highly inappropriate question.

Senator F.H. Walker:

I need not answer the question but may I express my abhorrence at the question and the fact that Senator has yet again flagrantly and knowingly broken the rules of this Assembly. **[Approbation]**

The Deputy Bailiff:

Can I perhaps remind Members why that rule is there. Parliamentary privilege is an absolutely vital part of a democracy, Members must be free to speak their minds but with that comes responsibility to not cast aspersions on those who are not in a position to defend themselves before this Assembly.

Senator S. Syvret:

Do you accept, on a point of order, that it is in fact done from time to time in the House of Commons, for example, that M.P.s (Members of Parliament) name individuals when there is a public interest reason for doing so?

The Deputy Bailiff:

I have accepted that parliamentary privilege exists. It is up to Members to exercise restraint and responsibility. We come then, I think, to the next question, which is a question that Deputy Southern will ask of the Minister for Education, Sport and Culture.

4.4 Deputy G.P. Southern of the Minister for Education, Sport and Culture regarding the terms and conditions which are currently applied to maternity leave and pay for teachers:

Will the Minister outline for Members the terms and conditions which are currently applied to maternity leave and pay for teachers?

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

May I regret the previous incident and say I dislike intensely what appears to be McCarthyism creeping into this chamber. But in answer to the question of Deputy Southern in order to qualify for maternity leave a teacher must normally be employed on a permanent basis and have completed

one year's service including a satisfactory probation period. A period of 18 weeks including school holiday periods is allowed for maternity leave although in exceptional circumstances this may be extended to 26 weeks at the discretion of the department. A teacher is paid 90 per cent of his or her normal pensionable pay for 12 weeks of her maternity, the balance - the 6 unpaid weeks or 14 weeks in exceptional circumstances - counts as continuous service.

4.4.1 Deputy G.P. Southern:

Supplementary if I may? Is the Minister aware that the interpretation of the regulations is such that even one day's sick leave during the period after return to work is counted as breaking continuous service and that teachers are effectively forcing themselves into work against health and safety practice in order to maintain their maternity pay.

Senator M.E. Vibert:

There have been discussions with the teachers' unions about changes to the conditions of service. The arrangement in respect of maternity pay for teachers is directly comparable to civil servants and manual workers. If a teacher is certified medically unfit to return to work the period of maternity leave can be extended on the production of a medical certificate. Any such extension of leave will be unpaid.

4.4.2 Deputy G.P. Southern:

Is the Minister satisfied that such an extension meets the needs of returning mothers and does he accept that a condition of one day's sick pay will break the continuous period is an unreasonable one for his department to be demanding?

Senator M.E. Vibert:

It is not a question of demanding, it is a question of the currently agreed conditions of service which are open to negotiation and I regret that an offer made to change some of those conditions of service were not accepted by the unions.

4.4.3 Deputy G.P. Southern:

Final question. Then I shall change the wording and say does the Minister not accept that such conditions are unreasonable on the part of the employer?

Senator M.E. Vibert:

I repeat, we have tried to renegotiate some of the conditions and so far that has not been successfully agreed with unions.

4.5 Deputy F.J. Hill of St. Martin of the Chairman of the Comité des Connétables regarding the availability of ballot papers for pre-poll or postal votes for the Deputies Elections:

Given that ballot papers for pre-poll or postage votes were not available until almost 2 weeks after the Senator's nomination meeting and 2 weeks before their election, what arrangements, if any, have been taken to ensure that similar delays do not occur for the Deputies elections where there is only a 3 week period between their nomination and their election?

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

Arrangements for the printing of the ballot papers in the 17 Deputy elections have already been reviewed and discussed with the printers and the Connétables are satisfied that there will be no delay in printing ballot papers for the forthcoming Deputies election. The nomination meetings are on 4th November and the Judicial Greffe will receive 2 books for every election by 9.00 a.m. on Friday, 7th November. This is 2 working days after the nomination meeting and 19 days prior to the election dates.

4.5.1 The Deputy of St. Martin:

I thank the Connétable for his answer but I could ask, is there any reason why there was this 2 week delay before the ballot papers were available after the nominations?

The Connétable of St. Ouen:

The arrangements had been that the papers for the referendum would have been printed prior to the nomination meetings. Unfortunately the printers decided to do all the ballot papers, including the referendum papers at the same time and experienced some problems in producing them. This was the reason for the delays.

4.5.2 Deputy R.G. Le Hérissier:

When reviewing the issue of the ballot papers will the Committee be reviewing one of the great issues of our time: biros versus blunt pencils? **[Laughter]**

The Connétable of St. Ouen:

The decision about using biros or blunt pencils is ultimately that of the Jurats who handle the election.

4.5.3 Deputy G.P. Southern:

Will the Chairman inform Members how many postal votes were used in this election and compare it with the previous Senatorial election figures?

The Connétable of St. Ouen:

I promise to make that information available to Members as soon as I can.

4.5.4 Deputy G.P. Southern:

Finally, is the Chairman aware that there was no letterbox on the centre which was in charge of postal voting therefore it was impossible for anybody to return requests for postal voting out of office hours to the right place?

The Connétable of St. Ouen:

I thank the Deputy for informing me of that and that is a matter which I will take up with the Judicial Greffier.

4.5.5 Connétable D.J. Murphy of Grouville:

Would the Chairman agree with me that the instructions sent down to the Parish Halls very clearly stated that we must provide either biro or pencil? Thank you. **[Laughter]**

The Connétable of St. Ouen:

Yes.

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

I am sorry it is along the same lines. I did receive a concerned telephone call from a constituent who complained that while trying to vote she was unable to because of the fact that the pencil was blunt and had complained ... now Members may or may not have experienced this, but my constituent who telephoned me was very upset. I am being serious and I would expect Members to just bear with me because this was a genuine complaint, I am trying to ask a question. In the event there are pencils used in these ballots, if these pencils are going to be used can the Constable please ensure that there are sharpeners or also extra pencils available because this lady was very upset.

The Connétable of St. Ouen:

It is normal procedure to have spare pencils/biros available at every polling station.

4.5.7 Deputy G.P. Southern:

In the absence of the ability of candidates or their agents to deliver postal vote request forms to the required authorities, will the Chairman raise with the appropriate authorities the possibility of sending out a stamped addressed envelope for return on request of a postal voting request form in order that those who have to do it by post, those disabled, are not penalised by having to pay 35p in order to vote?

The Connétable of St. Ouen:

I experience as much difficulty in understanding the question as the Deputy did in posing it. **[Laughter]** Maybe if he were to put that request to me in writing I promise I will deal with it.

Deputy G.P. Southern:

I certainly will.

4.5.8 Senator P.F. Routier:

Is the Constable aware that the Jurats at the polling stations have managed to help a significant number of people who have disabilities to go into the polling station and help them to cast their votes rather than making polling votes which ... I mean, there has been some suggestion that postal votes have been interfered with. I know that is something that has been suggested but the option for people with disabilities to go into the polling station, even when they are blind, to have a Jurat to help them with casting their vote is a way forward for those people to cast their vote.

The Connétable of St. Ouen:

It is certainly my understanding that this is the process which is used at the moment and I am aware that a number of disabled voters were able to cast their vote quite normally at polling stations.

4.5.9 Deputy G.P. Southern:

If I may? One more. Is the Chairman aware of how many people turned up to vote and were unable to do so because they were not on the register at this particular election?

The Connétable of St. Ouen:

I am aware in St. Ouen but I am not aware Island-wide until I ask the question of my fellow Connétables, and I will give you that answer.

4.5.10 Deputy P.V.F. Le Claire:

Seeing as we are on this subject I thought I might try a second go at this. The referendum proved to be an excellent exercise in conducting referenda in Jersey, the result in itself was interesting. It may have drawn-up some interesting things to bear in mind for future referendums which might have more gravity. Does the Constable agree with me that it was useful and is the Constable aware of any issues in regard to the referendum that we are not aware of and is there any truth that some people were being offered the opportunity to participate in the referendum in some parishes and just handed the referendum in others? Is there not a need for uniformity in these issues?

The Connétable of St. Ouen:

A meeting has already been pencilled-in **[Laughter]** for the Jurats and the Connétables to meet together early in the new year to discuss any items which have arisen over the multiple election system which we have adopted this year, and I assure the House that if there are any recommendations to be made the Comité des Connétables will make them to the House.

The Deputy Bailiff:

Deputy of St. Martin, do you wish to have a final question?

The Deputy of St. Martin:

No, other than to remind the Connétable that I will be around on the 7th if they are not available.

4.6 Connétable A.S. Crowcroft of St. Helier of the Minister for Health and Social Services regarding action taken by Environmental Health Officers as a result of a recent incident at the harbour:

Would the Minister explain what action, if any, was taken by his Environmental Health Officers as a result of the recent incident at the harbour which occurred during the unloading of aggregate for use in the airport runway project?

Senator B.E. Shenton (The Minister for Health and Social Services):

The Health Protection Service received 2 complaints alleging dust nuisance from the unloading of aggregate at the harbour on 30th September and 1st October. Initially the matter was raised with the harbour authorities on 30th September with a view of securing suitable dust suppression to prevent recurring emissions as the loading activity was undertaken. The problem was associated with fine grade aggregate being discharged from a boat in windy conditions. Later deliveries of aggregate were of a more coarse nature and therefore did not raise the same problem. Given the difficulties which arose, which had been obvious to the operators - and the *J.E.P (Jersey Evening Post)* picture of 1st October graphically captured it - it is surprising that handling activities were not immediately suspended by the harbour authorities and only resumed upon provision of adequate dust suppression being provided or the climatic conditions changing.

4.6.1 The Connétable of St. Helier:

Does the Minister consider that information should be given in such instances to those affected, not least the Parish authority in which the incidents take place, and would he agree that on this occasion it was left to the media to publicise the fact that the incident had occurred and that according to the harbour official consulted that nothing harmful or corrosive was released into the atmosphere?

Senator B.E. Shenton:

I would agree with the Constable on that matter. I received a complaint at home on the evening of 30th September from a member of the public who thought there was a cement boat being unloaded illegally and was concerned about the health implications of that. I went down to the harbour but unfortunately the unloading had finished by the time I got there. The aggregate being despatched from the boat was non-toxic and could be classified more of a nuisance than anything else but you would have thought that people unloading the boat and the harbour authorities would have used a little bit of common sense because certainly when I went down there in evening the amount of dust in the area was quite unacceptable.

4.6.2 The Connétable of St. Helier:

A final supplementary. Is the Minister satisfied that the Health Protection Unit is sufficiently independent and impartial from the States bodies whose activities it regulates in order to do its job properly.

Senator B.E. Shenton:

I believe it is independent and impartial and certainly as a Minister I do not tend to interfere in any way, shape or form into what they do when dealing with individual matters. However, I would say that perhaps they should have taken more action in this particular instance and I think a meeting between them and the harbour authorities to ensure that a reoccurrence does not occur would be a very good idea.

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

I understand that a company of cleaners have been engaged to clean the numerous leisure craft lying around the area. Could the Minister confirm who would be paying for that contract?

Senator B.E. Shenton:

Well, it certainly will not be me. One would assume that this is down to the harbour authorities and I would suggest that the question is directed towards the person responsible for the harbour.

4.7 Deputy D.W. Mezbourian of St. Lawrence of the Minister for Transport and Technical Services regarding the publication and implementation of the Integrated Travel and Transport Policy:

Given that in R.101/2008 - Committee of Inquiry into Fields 848, 851 and 853 Bel Royal, St. Lawrence Final Report - the Committee recommended that the Minister should take the necessary steps to publish and to implement the Integrated Travel and Transport Policy without delay, when will the Minister be complying with the recommendation?

Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):

That Committee of Inquiry made a number of interesting recommendations and, in fact, linked to that particular recommendation the Committee indicated that it would be valuable to have an Island-wide traffic management study, which indeed has merit, although I have to advise Members that to date the department concentrates its traffic management studies around the town and the southern cross-routes where clearly most of the congestion occurs. I want to emphasise that the department is currently not operating in a vacuum as we already have a sustainable travel policy in place and no one regrets more than myself the fact that a number of intervening matters have delayed the publication for consultation and ultimately debate of the Integrated Travel and Transport Policy. I am currently considering, given how near we are to effectively a change into a new States, submitting the Travel and Transport Strategy as a report for Members to be able to consult in some detail. I remind Members that the early consultation draft has been a public document for over a year and is on the Transport and Technical Services website. But I think at this stage of proceedings it would be inappropriate, given the number of States meetings we have left, for me to push through a particular policy when there may well be a change of Minister within a matter of weeks.

4.7.1 Deputy D.W. Mezbourian:

If I may, the Minister referred to the original document which I understand was withdrawn in order to provide more information, and I wonder whether he will advise the House when the revised document is presented whether it will, in fact, address the issue of speed and speed limits and, if not, why not?

Deputy G.W.J. de Faye:

The strategy will to some extent address the matter of speed and speed limits but not in detail because I need to advise the Constable-elect - and congratulations on that - I need to advise the current Deputy for St. Lawrence that I think during a time when she was not in the House the House approved a Speed Limits law. There is in fact very comprehensive legislation and reports in detail to deal with speed limits quite separately from the Integrated Travel and Transport Plan.

4.8 The Deputy of St. Martin of the Minister for Treasury and Resources regarding the work being undertaken by the Officer Working Group established to consider the various options for the future of Haut de la Garenne:

Will the Minister give an update of the work being undertaken by the officer working group established to consider the various options for the future of Haut de la Garenne and to advise on the cost benefit and any other implications that might arise?

The Deputy Bailiff:

Assistant Minister, you are going to answer in the absence of the Minister?

Deputy J.A.N. Le Fondré of St. Lawrence (Assistant Minister for Treasury and Resources):

I am afraid it is a very short answer. Members may welcome it. The officer working group has commenced its work but is obviously not yet in a position to report given the recent creation of that group.

4.8.1 The Deputy of St. Martin:

Could I ask the Assistant Minister when the working group did meet and who are members of that working group?

Deputy J.A.N. Le Fondré:

As to when the working group met, I am not in a position to comment but I will find out. The group is chaired by the Head of Property Holdings and I will let the Deputy know the other members of that group when I have the information. Thank you.

4.9 Deputy K.C. Lewis of St. Saviour of the Minister for Health and Social Services regarding the potential withdrawal by the United Kingdom from the reciprocal health agreement with the Island:

Further to news that the United Kingdom may withdraw from the reciprocal health agreement, what steps, if any, will the Minister take to protect Jersey residents who require treatment in the U.K. (United Kingdom)?

Senator B.E. Shenton (The Minister for Health and Social Services):

I am pleased to advise the Deputy that we will take every step possible to protect the Jersey resident that may be vacationing in the U.K. and require treatment. We are working very closely with our counterparts in the Isle of Man and Guernsey with regard to negotiations with the U.K. in respect of the reciprocal health agreement and I am fairly confident that it will still be in place in 2009 and perhaps even beyond. What we have to do as a department and as a body is ensure that no one is disadvantaged by the reciprocal health agreement if it does not remain in place and certainly we will have to make sure that people can travel freely without people being discriminated against because of a health condition or because of a disablement or any other factor. But negotiations are ongoing. I would just like to add that because we are negotiating with the U.K. in a sort of triangular measure - Jersey, Guernsey and Isle of Man - if you require specific information it will be better if we gave information out as a core group as opposed to one area saying one thing and another area saying another but negotiations are ongoing and my Chief Officer came back from the Isle of Man about 2 weeks ago and had some very fruitful meetings up there.

4.9.1 Deputy K.C. Lewis:

I thank and welcome the Minister's reply. As the Minister is no doubt aware, many Jersey residents will need medical treatment in the U.K., both presently and in the future and it will not be possible for senior citizens to obtain the necessary medical insurance which would be wholly unacceptable. There is also the contrary argument that anybody coming from the U.K. or, indeed, other British Isles will need medical insurance and this could impact in this time of economic climate on Jersey tourism. Does the Minister not agree?

Senator B.E. Shenton:

I do agree. In fact only last week we held a meeting with the Chief Officer of Economic Development and the Chief Minister to talk about the implications on other areas of the Jersey industry, such as tourism and the business community and travel insurance in that area. I think it would be a great pity if we did lose the reciprocal health agreement because I think the majority of our Islanders come from the U.K. and basically treat Jersey and the U.K. as one in the same.

4.9.2 Deputy P.V.F. Le Claire:

Along the same lines, obviously the Reciprocal Health Agreement is something that was set up to provide care for people on holiday and working in Jersey because we were receiving treatment in the U.K. when we travelled. So if the U.K. does pull that, the consequences would obviously work the other way as well, as has been indicated. But I am just wondering for those people that do visit on a regular basis or have intentions of continuing to visit Jersey who have for a number years, and for businesses that might be looking, for example, at the Waterfront to employ 500 people, are there going to be at least tentative warnings at this stage for them to look into the issue of making sure that they have adequate insurance should the U.K. pull the plug on this reciprocal agreement and, if not, what would the circumstances be if somebody reported to the hospital for treatment, would Jersey continue to treat them regardless of whether or not they were insured and were not resident?

Senator B.E. Shenton:

I should point out that we have not as yet been given notice with regard to the Reciprocal Health Agreement and we would have to make sure that alternative arrangements are in place. I think it would be a little bit premature to turn around to people now and say you have to take out insurance when it may not be the case, because ultimately the aim of the department is to have a system in place where people do not need to take out health insurance to travel to the U.K. because if you are elderly or you have a chronic condition it may prevent you from going to see your relatives in the U.K. or vice versa coming here. So as a department we are working forward to a seamless solution and we hope, as I said before, in conjunction with our colleagues in the Isle of Man and in Guernsey.

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

I just wonder if the Minister would like to comment on whether he considers that this situation, which is obviously worrying ... whether he would agree that it is not really in line with other policies by the U.K. Government where they do expect that we will give a contribution to defence and obviously I know there are other areas of concern in education. I just wondered if he would like to comment.

Senator B.E. Shenton:

I would agree. I think this has wider implications. I was having another look at the T.V. (television) Licence Law, for example, whereby we are sort of bound to pay T.V. licences over here and so on. It does have other ramifications and I think that is why negotiations are ongoing and I do think if we stand firm we do have quite a good negotiating stance.

4.9.4 Deputy R.G. Le Hérissier:

I wonder if the Minister could confirm, as Deputy Scott Warren said, that the issue is the U.K. Government's user pay policy and that essentially once the dust clears the issue is about how much more money we are prepared to pay for this service.

Senator B.E. Shenton:

I think the Deputy is totally correct. The U.K. is looking at this from a purely financial viewpoint and what we are trying to do is make them look at more on the round from a constitutional and a moral perspective as well.

4.10 Deputy G.C.L. Baudains of St. Clements of the Chief Minister regarding the development of the ‘Esplanade Quarter’ and the publication of the reports by Carey Olsen, PricewaterhouseCoopers and the Minister for Treasury and Resources:

With reference to written answers given on 8th September 2008 regarding the development of the Esplanade Quarter, would the Chief Minister update Members as to when the reports by Carey Olsen, PricewaterhouseCoopers and the Minister for Treasury and Resources will be published?

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

The interim Carey Olson Report on the litigation has been received by the board of W.E.B. (Waterfront Enterprise Board). The final PricewaterhouseCoopers (PwC) Report is due this week, somewhat later than originally anticipated. This will need to be considered by the board of W.E.B. who will then make a recommendation to the Minister for Treasury and Resources on how to proceed. The report from Trowers & Hamlin, which is the report on the deal itself to the Minister for Treasury and Resources, will be finalised once they have received the PwC report. It is intended to provide States Members with a confidential package of information once these reports have been received and considered by the board of W.E.B. and, in any event, before any development agreement is concluded.

4.10.1 Deputy G.C.L. Baudains:

Is it not the case that in the present financial climate difficulties may arise and the scheme may in fact not go ahead, at least in the short term?

Senator F.H. Walker:

There is no indication of that at this time.

4.11 Deputy R.G. Le Hérissier of St. Saviour to the Minister for Health and Social Services regarding the debate of the *New Directions* policy:

I am proud and sad to follow Deputy Baudains last oral question. When is it so intended to bring New Directions to the States for debate?

Senator B.E. Shenton (The Minister for Health and Social Services):

I was a little bit surprised that the Deputy asked me this question as we had a meeting at Health with the Minister for Social Security and the Chief Minister and Deputy Le Hérissier was there as well where we discussed the timetable. So I wonder whether the question was electioneering or whether he was asleep during the meeting. **[Laughter]** I am pleased to confirm that New Directions will be brought to the States for debate in the new session once it has been considered by the new Council of Ministers. In the interim further work has been undertaken to refine and finalise some of the detail contained within the cost of the strategy. This includes full engagement with some important stakeholders and during the past fortnight, for instance, a very successful and positive workshop was organised with groups and individuals representing local carers. Through working together this group has developed a carer strategy which will now be included within the overall New Directions proposals. I can confirm to the Deputy that I will keep him fully informed with regard to the timetable.

4.11.1 Deputy R.G. Le Hérissier:

In one of my rare waking moments I wonder if I could ask the Minister which is the most difficult part of the report to implement and is that the reason why it may not have surfaced as quickly as it should have?

Senator B.E. Shenton:

I think the difficulty with regard to the report is not only getting the costing done but also putting different parts of the report into a priority area because obviously it cannot be an all or nothing thing for the States; we cannot hold a gun to the States head and say: "Give us this amount of money; it is all or nothing." That would be wrong. Also breaking it down by department as well because this is not just a health initiative, this is an initiative that goes across many, many departments. That was another reason partly for the delay because obviously we are moving towards a new Council of Ministers. Many of the posts will be changing and because we have to work so closely together to bring it in this late in the electoral year I think would be wrong. So we are carrying on the work behind the scenes and we will bring it early next year.

4.11.2 Deputy S.C. Ferguson:

Would the Minister not confirm that one of the biggest sticking points has been the costing of this, unofficially the costing that is circulating within the corridors of power, so to speak, is something in the order of £60 million. Perhaps the Minister would like to confirm this?

Senator B.E. Shenton:

The costing figures will come to the States early next year. What you have got to take into account as part of the whole process of *New Directions* - and this particular part does not come under my department - is the insurance policy so that people can hold on to their homes in old age. Now obviously that is a considerable cost and we are looking at different ways of funding this. So although the figures may be large, what we need to do is break them down into bite-size pieces and make them more understandable. Perhaps apportion them more on the rounds of various departments as opposed to come out with some shocking figure that everyone will faint at when they see it.

4.11.3 Deputy S.C. Ferguson:

So that, in fact, you are confirming that it will be ...

The Deputy Bailiff:

The Minister is in fact confirming ...

Deputy S.C. Ferguson:

The Minister, I am sorry. The Minister is confirming that we are talking about rounded figures of around £60 million.

Senator B.E. Shenton:

The cost of *New Directions* will be whatever the States pass and the cost of it therein.

4.11.4 Deputy C.J. Scott Warren:

Does the Minister agree that the costs must be considered against the overall benefits that are likely for the health of people in Jersey which may be difficult to quantify in terms of money over the years ahead but which will obviously be substantial and will mean that ... overall, an improvement in health for many will mean that there will be a reduction in costs overall.

Senator B.E. Shenton:

The Deputy is very correct. Sometimes you have to spend early to save later and this is very much the ... part of the *New Directions* process is by investing in the health of the population now we will reap the rewards in later years.

4.11.5 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge in the excellent work done in *New Directions* that it calls for a very different approach to the way general practitioner services operate on the Island? Has money

been suggested to move the general practitioners from one way of operating service to another way? Is there money indented in the proposals for that purpose?

Senator B.E. Shenton:

The Deputy is partly right in that it very much will take ... we will have to take a look at the way the whole of the medical profession operates, not just general practitioners but the whole way that we operate. You know, it is a New Direction so to speak. There will certainly be changes in the way of remuneration and so on and so forth. However, whether this adds to the budget or not, we will have to work the figures out.

4.11.6 Deputy S.G. Ferguson:

Has the Minister considered where the funding from this is going to come from and is it correct that he has been casting covetous eyes on the Health Fund and Social Security?

Senator B.E. Shenton:

I have been casting covetous eyes on every part of money that is hanging around the States system. It will be funded from where it is best to be funded and it will be funded, as I say, in accordance with what the States decide should be funded. So we have been looking at all forms of revenue and all forms of income from every single area.

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

I am slightly concerned, and I just want a reassurance from the present Minister for Health and Social Services, we have had at least a 2-year delay in *New Directions* and he says it is too late in this House to bring forward for consideration. My concern is leaving it again to a new House and maybe a new Minister, how far advanced are all the departments to whoever is at the helm that we can look forward to seeing this at least in the first session of the new House? Thank you.

Senator B.E. Shenton:

As I stated in my reply, although *New Directions* has not been brought to the States the work is very much ongoing and parts of what you would say are New Directions, a tobacco cessation strategy and so on, they are ongoing and they are all part of what we are doing at the moment at Health. *New Directions* ...

The Deputy Bailiff:

Minister, I am sorry, I have been advised that we are not quorate so if the usher could bring in Members. Very well, we are now quorate.

Senator B.E. Shenton:

I am confident that we now have a package together that can be brought to the new House by the Minister for Health and Social Services next year. When I took office last year the whole *New Directions* had not been costed yet. Obviously that is a major, major part of the whole policy is to make sure you know how much anything is going to cost. So that did take up a considerable amount of time. But, as I say, work is ongoing. Just because the House has not passed *New Directions*, it does not mean that the New Directions work has stopped.

The Deputy Bailiff:

Very well, that concludes all the questions on notice so we now come to questions to Ministers without notice. The first period is to the Minister for Health and Social Services.

5. Questions to Ministers Without Notice - The Minister for Health and Social Services

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

Is the Minister satisfied the procedures being following by the Children's Service when making decisions on the residence of children with drug addicted/alcoholic parents is robust and in the best interests of children.

Senator B.E. Shenton (The Minister for Health and Social Services):

This is a very interesting question from the Deputy because I have some personal experience of cases like this. When my wife and I were fostering it was not so much the children that were a problem, it was always the parents that were the problem and the courts and so on believed that a child is best with the parents regardless of the problems that the parents may have. This is the policy that the reports tend to follow. I can understand where the Deputy is coming from on this question but at the moment we are following what is best practice and certainly with the introduction of the Williamson Report and the redirection and redefining of the Children's Service we will be ensuring that we put in place or continue with best practice in line with recognised principles. But I do understand why the Deputy is asking the question.

5.1.1 Deputy J.A. Hilton:

Does the Minister, in light of what he has just said, believe that there needs to be further discussion or understanding between those people making those decisions within the court system?

Senator B.E. Shenton:

This is a very wide subject. Basically what I think the Deputy is saying is if you have a child that has a parent that is addicted to drugs, hard drugs and so on, is it best to remove that child completely or keep it within the family home. This is only a decision that can really be made by the experts in the field following the guidelines from the politicians. I have full confidence in the department and the experts within the department that they do what is best in their opinion for child. But I think it is a wider discussion that we need to have.

5.2 The Deputy of St. Martin:

I have 2. Maybe I will ask the first and be allowed to come back for the second later. The Minister will be aware of the written questions and answers that are put down regarding the Kathy Bull Report. Can the Minister advise Members how often the corporate parent group, which oversees the Children's Executive, has met since he took over as Minister for Health and Social Services?

Senator B.E. Shenton:

They have met 2 or 3 times. Having said that, one of the recommendations of the Williamson Report was the fact that there has to be more political accountability, and perhaps one of the failures of the Kathy Bull Report was while having the Children's Executive looked good on paper, it failed because there was no one taking the full reins of the department. Health and Social Services have made representations to both Education and Home Affairs to take sole responsibility and place the responsibility for the service broadly on our shoulders so that there is accountability and there is someone that will be held accountable for what happens within the department.

5.3 Deputy C.F. Labey of Grouville:

After the e-coli contamination in the Royal Bay of Grouville this summer, could the Minister confirm what investigations and measures his department is taking to protect the public from any future health hazards?

Senator B.E. Shenton:

This is a specific case whereby there was a contamination of shellfish down on the Royal Bay of Grouville, albeit it was only shellfish further up the beach and the actual oyster beds and so on were not affected. As far as I ... well, I do know that the signs are still up because there is one right outside my house but the department will continue to monitor the situation and obviously if people

do need to be warned away from the beach that will be done. But I do not know the exact details, obviously I do not know the exact details of every single case that the department gets involved in.

5.3.1 The Deputy of Grouville:

I think the residents of this Island would have more comfort if the situation was not just being monitored and there was an investigation to try and discover the source, the reasons, for the contamination so it could be addressed.

Senator B.E. Shenton:

My understanding, and I may be wrong here because I have not spoken to the department, but last time I spoke to the department they were unable to trace the source of the infection, they could surmise what the source may have been but to have a 100 per cent *carte blanche* idea of exactly why the contamination had taken place, they were unaware of. Sometimes I think within these sort of areas you cannot say with your hand on your heart exactly why something has occurred but all you can do is warn the people to stay away from that area until the contamination is cleared.

5.4 Deputy P.V.F. Le Claire:

The Minister has just said that from the Williamson recommendations there needs to be more political accountability. I wonder how that marries with his earlier statement, or pronouncement, to the Constable of St. Helier that he does not wish to have ... or does not have an operational active oversight or direction of the environmental public health side of his service. Is the Minister not concerned, as I and other Members are, that in areas where there are active processes taking place on behalf of the Health Protection Team, such as in abating the functions of marriages, perhaps they are being overzealous whereas in others, for example in La Collette, they are being under-active. Does the Minister believe that his department is operating and policing the Nuisance Law in an even-handed and balanced way in Jersey?

Senator B.E. Shenton:

The job of a politician is to set policy and pass laws to make sure that his department follows those laws, and if they fail in following those laws then he or the department will be held accountable for that. As far as the nuisance down the harbour, I do not think that the department did anything incorrect, I think they followed policy, I do not think there was any reason for myself to get involved. With regard to abatement and so on, unfortunately this House does pass laws with unintended consequences and I can try and force the department to see common sense as they should in most matters and they should do that. But if the law as very black and white and they are there to follow a law, it is very difficult for the Minister to turn around and say: "Do not follow that law" because that breaks down the whole policy and the whole process and it would lead to abuse.

5.4.1 Deputy P.V.F. Le Claire:

In regards to the Nuisance Law would the Minister not agree that even in the actual guiding statements within the law that definition in defining of a nuisance is extremely difficult and while the department is voraciously stamping-out people's will and desire to get married in the Island it is doing very little in areas that deeply concern residents. While there is an opportunity for the Minister to direct the department in areas such as these, where there is an overzealous department in certain areas, would the Minister not agree that he could give political direction to his department in this matter to make them see common sense?

Senator B.E. Shenton:

I think the Deputy is trying to refer to one particular case without referring to the one particular case. The department tends to get involved in incidents like that when there is a complaint from a member of the public, so therefore you have the complainant and you have the other party that is subject to the complaint. Now, as we all know, if you are dealing with 2 parties and trying to negotiate a settlement sometimes it is easy to do and sometimes it is very, very difficult. What we

would like in all cases is for a negotiated settlement and a bit of common sense between the complainant and the person subject to the complaint. The department will only really get heavy or start following the letter of the law if this is not possible and they do have to step in on one side to try and force a resolution of the dispute that has occurred. As the Deputy said, you do an element of common sense but at the end of the day the law is the law and you have to abide by the law that has been passed by this Chamber.

5.4.2 Deputy P.V.F. Le Claire:

Could I just press the Minister? Is he not missing the point? In referring to the Nuisance Law, and I could refer to a specific case but it is not a specific case that I am talking about, I am talking about the misapplication of the policing of a law by his department where, in issues such as the compost site and Bellozane and the sewage plants, there are numerous, hundreds of people, thousands of people that complain on a regular basis and his department take little or no action but where, in certain circumstances, such as weddings, they seem to be overzealous in their application of the law. This is the question: would the Minister not undertake to direct his department to police the law in an even-handed way? If it is a nuisance in the country ...

The Deputy Bailiff:

I think, Deputy, you have made your point.

Senator B.E. Shenton:

I do not mind the Deputy going on, personally. **[Laughter]** The Deputy has a point but, you know, he has contacted me on both sides of the fence over recent months. On one hand he says that we are too lenient at Health Protection and in other cases he has said that we are too strong. So it is a difficult balance to get but at the end of the day you have to follow what the law is and certainly I think it would be wrong for any politician to turn around and say: "Well, no, I know the law says that but this is a mate of mine and do not do it" sort of thing. So I think political involvement should be avoided from bodies like Health Protection at all costs.

5.5 Deputy S.C. Ferguson:

The Minister is aware that the 2005 organisation structure shows an inordinate number of administration staff in the hospital with 8 levels of management in places. When will I receive the amended organisation structure which has been promised me for some time?

Senator B.E. Shenton:

I thought the Deputy was meeting with my Chief Officer at some point to go through this and I apologise if that is not the case. Certainly the statistics that we have based on the calculation of management with regard to management and professionals within the health service based on N.H.S. (National Health Service) guidelines, gives us a very favourable ratio between administrators and medical staff and the figure is very, very low. But I think if the meeting has been arranged then I am surprised the Deputy does not know anything about it. I will need to get on to my Chief Officer straight after the States session and get it organised.

5.5.1 Deputy S.C. Ferguson:

Presumably the Minister would be able to tell us how far his department has got with the plan for implementing the efficiencies outlined in the spending review if they have not had time to bring an organisation structure up to date?

Senator B.E. Shenton:

Our organisation structure is up to date we just have not had a chance to give it to the Deputy yet so, as I say, I think the best bet is to ... because I was genuinely under the impression that she was meeting with my Chief Officer so I need to sort that out.

5.5.2 Deputy S.C. Ferguson:

My second question was ...

The Deputy Bailiff:

Deputy you have had your 2 questions.

Deputy S.C. Ferguson:

He did not answer my question.

The Deputy Bailiff:

Yes, he did.

Deputy S.C. Ferguson:

No, he left out ...

The Deputy Bailiff:

Deputy Martin.

5.6 Deputy J.A. Martin:

In the written answer to the questions put by Deputy Gorst today, the Minister says that the Children's Executive has been very successful in delivering the major thrust of the Kathy Bull Report, well one major thrust of Kathy Bull and a definite recommendation from Andrew Williamson was the closure again of one children's home and much more professional fostering. Can the Minister inform the House how far he is down the line and how many people we still have in care in children's homes? Thank you.

Senator B.E. Shenton:

We have a significant reduction in the number of children that we have in residential homes on the Island and a significant increase in the number of children that we have in foster care. We have about 24 children at the moment in residential homes. The number of foster children has also increased and we were going to release these statistics shortly because it is very much a success story that we are very proud of at Health and Social Services, so we will not only be releasing those statistics to States Members but also we will be closing one of the children's homes, it is just a case of working out which one would be the best one to close, but it will be closed in the new year.

5.6.1 Deputy J.A. Martin:

Just a supplementary. I do appreciate that children are now being fostered, my concern also is that the fosterers are professional foster care and Kathy Bull and Andrew Williamson recommended that these people are fully trained, full time foster carers and are paid a very good wage. Are these the right people or are our children being put out to people who are not trained properly to look after them, and some of these with severe behavioural difficulties?

Senator B.E. Shenton:

We do invest in a significant amount of training for foster carers and also, going back a few years, we did significantly increase the amount of money paid to foster carers. As I said before, this is what we consider a great success because we are moving children out of residential homes into foster care. But foster carers have to do it for the right reasons, it must not just be monetary, it must also be because they want to give love to a child in need and so on and so forth. So although we have increased the monetary amount I am not quite sure where the Deputy is coming from with regard to whether it becomes almost like a business to foster care which is not something we would want to move towards.

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

Could I ask the Minister is he satisfied that enough is being done with regards to joined up working with all relevant bodies to tackle the alcohol abuse issue and its health and social consequences?

Senator B.E. Shenton:

I thank the Deputy for the question. The Deputy has done a lot of work on the new licensing laws and looking at alcohol abuse. What we need here is to have a balance because certainly as Minister it is quite interesting because from a health point of view it would probably be best if we all turned ourselves into people that did not drink alcohol and got rid of all the pubs and off licences and so on and so forth. But you need to have a balanced view. You need to have a view whereby you recognise the social side of alcohol and so on and so forth. So certainly from Health we are putting pressure on to bring into place an alcohol strategy that is much more fit for purpose and we have had meetings, not only with the Deputy of St. John as Home Affairs but also Economic Development and Transport and Technical Services and so on and so forth because it all links into the round. But it is an area that the Medical Officer of Health has highlighted as being a problem on the Island and it is a problem that we are continuing to work on and will be continuing to work on for many, many years.

The Deputy Bailiff:

That concludes the time available for questions to the Minister for Health and Social Services. So we come next to questions to the Minister for Transport and Technical Services.

6. Questions to Ministers Without Notice - The Minister for Transport and Technical Services

6.1 Connétable G.W. Fisher of St. Lawrence:

There is a large sign erected by Dandara giving notice of delays on La Route de la Haule shortly to enable works in respect of their Goose Green Development. Last year the Minister indicated it would be 3 years before the digging up of resurfaced roads would be allowed and he specifically stated that the Goose Green works would not interfere with the newly completed resurfacing of La Route de la Haule. Given that assurance in respect of the newly completed works on that stretch of road could the Minister clarify why permission appears now to be given to dig up this road so soon and what level of compensation is being required from the developer to make good the work once it is complete. Thank you.

Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

There have been a number of various developments that have taken place around that particular construction site and regrettably my understanding is that this is works that need to be put in place by one of our utility companies and, in effect, there was no practical alternative to take. I am not in a position to comment on what compensations may be made because I simply do not know the answer to that.

6.2 Deputy G.C.L. Baudains:

It is about a year ago since Clos de Corvets, otherwise known as the Jambart site, was completed. I believe the developer paid Transport and Technical Services for the construction of a bus shelter at that time yet it has not been provided. Could the Minister explain why it has not been provided and when it will be?

Deputy G.W.J. de Faye:

I am afraid this is news to me, I am not able to offer any explanation as to whether monies have been received by the department for a bus shelter and when a bus shelter is going to be erected. What I am aware of is that there were significant problems relating to the drainage aspects, I think, relating to that site, which are being resolved and I imagine that the bus shelter, as an item, will come before me in due course.

6.2.1 Deputy G.C.L. Baudains:

Will the Minister ensure that due course is sooner rather than later than?

Deputy G.W.J. de Faye:

As I am sure the Deputy knows, I am a huge fan of bus shelters, they enhance the comfort of the travelling public and as probably the Island's major exponent and promoter of our public bus services I think they are a very useful addition.

6.3 The Deputy of St. Martin:

Under item B today of the States Order Paper under R&O 123 this order increases the fee for the compulsory basic training for motorcycles from £85 to £102, the last increase was in April last year. Can the Minister inform Members why there is such an increase for this basic cycle course?

Deputy G.W.J. de Faye:

This activity is undertaken mainly at weekends and a submission was made to the department outlining that there was a difficulty in encouraging people to take part as instructors because of the level of remuneration. An amount of remuneration was put forward by the group that runs this particular set of tests and I found the amount being requested was entirely reasonable for people who are working over the weekend.

6.4 Deputy D.W. Mezbourian:

I was very pleased to be advised recently by the Minister that the speed limit outside St. Lawrence School was to be reduced on a part time basis to cover the times of opening and closing of the school. Will the Minister advise when that will be coming into effect and also how the public will be advised? Will there be notices put up within the area to warn motorists of the change in speed limit? Thank you.

Deputy G.W.J. de Faye:

It is always a matter of great pleasure to me to please Deputy Mezbourian as she sits immediately alongside me and when she is unhappy it can be a distressing experience. **[Laughter]** I can advise both the Deputy and the House that in effect these measures are already in place because I have agreed to an order which will extend the 30 mile an hour limit that currently prevails around St. Lawrence Parish Hall and School so that a new part time 20 mile an hour limit can be put in relating directly to the school that will come within an extended 30 mile zone. I am quite sure the appropriate notices will be put in place but I regret that because clearly this is currently a matter of technicality we have not got to the practical detail of knowing precisely when the relevant signage will be installed. But I will be happy to inform the Deputy as soon as I know those details.

6.5 Deputy K.C. Lewis:

I refer to the illuminated speed indicators that inform drivers of their speed, plus or minus 30 miles an hour. I congratulate Transport and Technical Services, I believe this is an excellent initiative. Does the Minister have plans to roll out this programme further around the Island?

Deputy G.W.J. de Faye:

Yes, I do.

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

With regard to the question that the Connétable of St. Lawrence raised, I may be able to assist the Minister because yesterday in a meeting with the officer responsible for drainage of the Island I asked precisely that same question, unaware at the time that the Connétable was going to ask his this morning. I was assured that a ducting system had been placed under the road in question prior to the resurfacing job and that there was no need or reason for the road to be dug up. So perhaps the Minister may look into this particular issue and clarify the situation.

Deputy G.W.J. de Faye:

I am very grateful to the Connétable of St. Peter for his intervention and comments although I rather think we may be talking about different stretches of roadway. However, I thank him for what he said and I will certainly be looking into it.

6.7 Deputy P.V.F. Le Claire:

The updated figures provided this morning by the Minister for Transport and Technical Services in relation to the compost operations have thrown more light upon the operational costs of this facility. In the recent sitting the Minister acknowledged that this was not the best location and that his department would once again be looking into alternative locations. Has he any progress to report to the House on that issue? Also, if I could ask, I supplied some information to the Deputy in relation to smell amelioration, I wondered if the department had looked into that issue and whether they had trialled the material I had forwarded to him and his department?

Deputy G.W.J. de Faye:

Yes, we have made some progress on looking at alternative sites but not sufficient progress where I think it would be valuable for me to make any statements to the House at this stage. I am grateful for the technical advice that Deputy Le Claire brought to my attention. I can advise him that having pursued that particular matter the department has trialled a number of liquids that can be poured over or applied to, spray, et cetera, to the open windrow compost rose and my officers assure me that they are happy to try out the particular substance that he put forward. Our general experience though is that these types of industrial applications have a level of success but that needs to be balanced against their costs. They are quite expensive to apply. But my understanding is that the officers in the department were quite enthused and will be pursuing application of that particular liquid.

6.8 The Deputy of Grouville:

I have got 2 questions rolled into one here in case I am not asked again. Could the Minister confirm if sewage was injected into land up until 2005 and what his department is doing to investigate and try and trace the source of the e-coli outbreak in the Royal Bay of Grouville this summer?

The Deputy Bailiff:

I think those are 2 separate questions, Deputy, and the rules say you should ask one. So you asked the first one.

The Deputy of Grouville:

I shall ask the first one.

Deputy G.W.J. de Faye:

I am happy to pursue both those questions because my understanding is the outbreak of e-coli in Grouville Bay was very heavily investigated by the relevant protection agency and it was shown that it did not appear to bear any relation to sewage sludge being disposed of on the land surface in the area. Certainly there has been a period when it was normal practice for sewage sludge to be injected into agricultural fields, normally at the request of the field owner, and conducted normally on a payment, I think, where the dispersal was paid at rate of £10 per vergée to the proprietor of the property. It is important to say, though, that the sewage sludge was pre-treated before being injected on to the land, therefore there was no danger of any pathogens being dispersed by that particular process. To the best of my belief the Transport and Technical Services Department is not linked in any way whatsoever with the outbreak that the Deputy is referring to.

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

I notice over the last 6 months or so that very large advertising hoardings have been erected or placed on a number of public buildings under the administration of Transport and Technical Services, notably the car parks. Has planning permission been applied for? How much revenue is being generated? What are the monies being spent on? Will this new policy be applied to the funding of bus shelters?

Deputy G.W.J. de Faye:

I can give the Deputy and the House an assurance that all the proper processes have been followed. Every single one of those commercial hoardings has secured appropriate planning approval after detailed discussion with the Planning Department. I regret I cannot give the Deputy a precise figure on how much money has been accrued from those particular sources which primarily are multi storey car parks but I can give the House an assurance that those sorts of monies are the sort of monies that I plough back into public services on various levels, for example the sort of money we are deriving currently from a new approach to advertising on car parks, on buses and, most lately, on taxis will achieve results such as the issue of free bus timetables as opposed to the former charge of 50 pence and a continuation of the much applauded taxi marshal scheme that is utilised on Friday and Saturday evenings at the Weighbridge when previously things could get a bit out of hand down there. I can assure Members that all the monies are being well spent.

6.10 Deputy C.J. Scott Warren:

Does the Minister agree that it is essential that there is an early debate by the new States Assembly on the long awaited Integrated Travel and Transport Plan and that it is imperative that this is considered to go alongside and be integral to the urban regeneration of St. Helier?

Deputy G.W.J. de Faye:

As I am sure Members will know, I sincerely wish we had had this debate some time ago. But a number of elements have interceded, not least of which are the proposals to construct a tunnel under the Esplanade Quarter. I took a strategic decision to put the Integrated Travel and Transport Policy on hold because, broadly speaking, the expert members of the department in that particular field were having to plan a traffic management system of the size of a small village. Not to say even perhaps a large village. That took an enormous amount of work. Nevertheless there are spin offs from that and it is important that we take on board the experience that we have gained from that and apply it to the Integrated Travel and Transport Policy. Yes, the sooner we debate this the better because it will relate to congestion around the Island and I can assure Members it will not be an easy debate because Members may be faced with having to consider some relatively draconian moves in order to sort out the traffic situation. The whole thing is an extremely complicated issue and there are no easy solutions. But as I have indicated earlier, at this stage in proceedings I think it is a matter that should become before a new Assembly and should be handled by a new Minister who may not see things the same way as myself, and I think that is the appropriate way forward as I have said. At the same time I am considering whether to release the current I.T.T.P. (Integrated Travel and Transport Policy) as a report so that all Members, extant and to join the Assembly, can have the fullest information at their disposal.

The Deputy Bailiff:

Very well, that means that the time has expired in relation to the questions to the Minister. We come next to personal statements. The Connétable of St. Peter will make a statement about the Broadlands Fire.

PERSONAL STATEMENTS

7. The Connétable of St. Peter:

The 14th July 2008 will seem a distant memory for many but for the residents living and working at Broadlands St. Peter it was a day they will never forget. Over 40 family members and children

were affected by one of the worst fires in recent years. I would like to pay tribute to all parishioners and friends Island-wide who rallied with support, time and the donation of all types of clothing and furniture in their hour of need demonstrating the care and compassion shown by so many. As Connétable I warmly thank my senior Procurer, Rector and Deputy, the States Fire Services, the States Police and the Ambulance Service along with the support staff from the Housing, Social Security and Tourism Departments, and the emergency officer. A special thank you to my Chef des Police and fellow members together with officers from neighbouring parishes who did not have to be called but appeared suddenly in St. Peter to assist in the hour of need. Also the outstanding work done by my parish secretary and staff at the parish hall and community centre; not forgetting the ladies who manned the clothing distribution at the St. Thomas' Church Hall. My thanks to St. Peter's grande marche and the many businesses who responded immediately with offers of help and food preparation later into the night. Finally to the parish and Island businesses and organisations along with many individual residents who contributed to the magnificent total of £50,000 that was donated to support the fund which I launched within 48 hours of the fire. My thanks to Mr. John Refault, my senior Procurer, Mr. Chris Bright, Editor of the *Jersey Evening Post*, Reverend Martin Poltin, Rector of St. Peter and Jurat John Le Brettle who were responsible for the fund allocation, which has now been distributed. That fund is now officially closed. Thank you to the Chief Minister and Members of this House for their concern and support for everyone affected by this dreadful fire, along with the news teams of the *Jersey Evening Post*, BBC, Radio Jersey and Spotlight News, Channel Television and Channel 103 for their sensitive reporting of a very difficult experience for so many families who were left with only the clothes they were wearing. In a very kind gesture from the management of the Living Legend St. Peter it is very pleasing to see the families enjoy a relaxed evening recently. My sincere thanks to everyone for your help and support for so many in their hour of need. **[Approbation]**

The Deputy Bailiff:

Then we come under K to Statements on Matters of Official Responsibility and first of all the Chief Minister will make a statement regarding a proposed partnership agreement with the Conseil Général de la Manche.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

8. Statement by Chief Minister regarding a proposed Partnership agreement with the Conseil Général de la Manche

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

Jersey has important and ancient links with the region of Normandy and in the last few years the Conseil Général de la Manche and the States of Jersey have forged much closer working relations. Most recently regular working groups have been established involving political representatives and officials from each administration working together on shared initiatives in 3 areas: commerce and tourism; education, culture and sport; and the environment and waste. In 1995 following the opening of La Maison de la Normandie et de la Manche in St. Helier the States of Jersey opened an office, the Maison de Jersey in Caen, Normandy. Since that time these offices have been the mainstays of our links between Jersey and Normandy. However, in keeping with the development of a modern working relationship the former Maison de Jersey has evolved a wider range of roles and responsibilities. Now renamed the Bureau de Jersey this office represents and promotes Jersey's external interests at a departmental and regional level in Normandy and Brittany with major businesses, chambers of commerce, government departments and multi national institutions such as the Jeux des Iles. The bureau has recently relocated to more appropriate modern premises in the business district of Caen yet it is fully integrated as a satellite office of the States of Jersey, part of the Economic Development Department and electronically linked with the States information technology network. On 5th November in Paris, when I will meet with the President of the Conseil Général de la Manche, Senator Le Grand, it is intended to underpin the close links that

Jersey has with la Manche by signing a partnership agreement which aims to formalise, develop and strengthen our economic, cultural and political co-operation. The proposed agreement has been endorsed by the Conseil Général and it is also appropriate to bring this agreement to the notice of the States Assembly. I have attached a copy of the text to the statement for the information of States Members. Any costs involved in co-operative initiatives are to be shared as agreed and there are no significant financial implications arising from this agreement.

The Deputy Bailiff:

Does any Members wish to ask any questions arising out of that? Very well, then we come next to a statement the Chief Minister will make regarding the British Irish Council Summit Meeting to be held in Jersey in 2009.

9. Statement by the Chief Minister regarding the British-Irish Council Summit Meeting to be held in Jersey in 2009

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

The British-Irish Council was established under the agreement reached in Belfast on Good Friday, 10th April 1998. The Members are the British and Irish Governments, the devolved administrations of Scotland, Wales and Northern Ireland, and the Crown dependencies of Jersey, Guernsey and the Isle of the Mann. It aims to promote the harmonious and mutually beneficial development of our relationships among the peoples of our Islands. Jersey has been fully committed to participation in the British-Irish Council since its inception. This is the only international organisation in which Jersey has a presence in its own right and where the Chief Minister and other Ministers meet on an equal standing with heads of government of other countries. In June 2002 Jersey hosted the third summit which was attended by the Prime Minister, the Taoiseach and first Ministers and Chief Ministers of all the member governments. This provided an important occasion for one-to-one dialogue at the highest level of government and was extremely valuable in promoting Jersey's relations with our neighbours in a positive way. Jersey delegations have attended every summit meeting held in turn by each of the member administrations and our officials have continued to contribute actively to all of the current work streams, including leading on the knowledge economy projects in relation to the digital divide and business continuity and disaster recovery. The benefits have included a fruitful exchange of ideas and best practice and a shared commitment to tackling common issues. Most notably the British-Irish Council has facilitated the peace process in Northern Ireland and re-engagement of their democratic institutions. I would like to inform Members of the States that at the last summit, which I attended in Scotland in September together with Senator Le Sueur, I made an offer for Jersey in due turn to host the summit meeting in the autumn of 2009. I am delighted to say the offer was gladly, indeed enthusiastically, accepted by the council. This will be a great opportunity to once again invite the Prime Minister, the Taoiseach, the first Ministers and Chief Ministers to meet in our Island, to promote our international identity in this key forum and to present Jersey at its very best. I am sure Members will wish to support this initiative and the Chief Minister's Department will keep Members informed as the plans for this important occasion are developed.

The Deputy Bailiff:

Does any Member wish to ask any questions on that statement?

9.1.1 Deputy S.C. Ferguson:

I would just like to ask the Chief Minister what the budget is.

Senator F.H. Walker:

There is no fixed budget at this stage but it is likely to be circa £250,000. The reason it is so high is that, as I am sure Members will appreciate, there are significant security issues relating to such a high level meeting.

9.1.2 Senator P.F.C. Ozouf:

Would the Chief Minister also confirm that if an additional amount is required then he or the Minister for Treasury and Resources will need to bring forward a proposition to the States to allow that additional resource to be made available to ensure that the Chief Minister's Department or Treasury is not yet able to discharge other matters that they need to?

Senator F.H. Walker:

It will not be me but I am sure I can give that assurance on behalf of a future Chief Minister and/or Minister for Treasury and Resources.

The Deputy Bailiff:

Very well, we come next to the statement the Chief Minister will make regarding the implications for depositors in the current global financial conditions.

10. Statement of the Chief Minister regarding the implications for depositors in the current global financial conditions:

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

I am sorry, I seem to be hogging the airwaves at the moment but I need to make a short statement concerning a matter which I know will be at the forefront of all our minds at the current time; namely, the current global financial conditions and the implications for our finance industry and, in particular, for our depositors, both domestic and international. These are difficult times and we are not alone in trying to steer a course in uncharted waters. It is a time to ensure that we all work in the long-term interest of our Island and everyone who lives here. So firstly let me say that Jersey can be proud that it has managed to avoid any dislocation in respect of local deposits and that we can be and are increasingly confident about the prospects for our banking system as a result of the growing and concerted action by national governments across the globe. Our success in this regard is no accident. Jersey benefits from a banking system of unparalleled strength with banks only from the world's top 500 and all of the larger deposit taking banks being from the world's top 100, which almost, without exception, benefit from the unqualified support of their national governments. Jersey banks also benefit from some of the highest capital ratios anywhere in the world and are in the strong position of acting as a source of liquidity in the form of deposits that are passed upstream to the parent companies that need them and which are themselves among the strongest banks in the world. It was with the strength of our banking system very much in mind that on 3rd October I was confident in our ability to give assurances to Island residents that their deposits would be fully safeguarded. The confidence that we had that the U.K. Government would not allow its banks to fail has been fully vindicated by subsequent events. We have been in touch with the U.K. authorities and they have confirmed their confidence in and their full support for the continued commercial operations of the U.K. banks that have offices in Jersey. The U.K. Government have delivered on their promise to do whatever it takes to ensure the continued strength of the banking system by pre-emptive action designed to give all their banks the support they need within a framework of continuing commercial freedoms to operate without the need for complete nationalisation and deposit guarantees as in the case of Northern Rock. This model has been and continues to be replicated by other governments in the U.S. (United States), Europe and elsewhere. This strong and positive action by the U.K. and other governments can be of great comfort to both resident and non resident depositors with Jersey banks. Let me be absolutely clear what this means. As the banking operations in Jersey make a significant contribution to the liquidity and profitability of their parent banks we can have every confidence that our banks are healthy and robust. Through the action taken by the U.K. and other governments, the parent banks of the subsidiaries and branches in Jersey will have the capital and liquidity they need to continue to operate, which includes their ability to provide liquidity to their subsidiaries and branches here in Jersey if it is needed. We are not aware of any problems arising from the local operations of any

banking branch or subsidiary here in Jersey. As Members would expect, however, in current conditions there has been, and continues to be, intensive monitoring of this by the Island's regulator, the Financial Services Commission. The Commission also maintains regular contact with the regulators of the parent banks in order to ensure our interests. All of this has confirmed once again the primary importance of depositors selecting top flight banks from well regulated jurisdictions rather than relying on the existence of a local compensation scheme. However, the review of a compensation scheme announced recently by the Minister for Economic Development continues and I hope to be able to put proposals before the States in the near future. I hope Members and all who have an interest in this matter will take comfort from my comments here today. We have adopted a measured response in difficult circumstances and that approach appears to be working. I can confirm that I continue to meet with my advisers to monitor developments and agree any necessary actions. I can also confirm that we are doing all that we can to ensure the continued security of all individuals' deposits, the continued health of the banking industry and the long-term interests of our Island and everyone who lives here.

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

I would like to be assured because I am going to talk for the ordinary person outside who is not a banker. A lot of them obviously have their deposits, and I would like to be assured that if the capital and liquidity that we are talking about here is needed - if it is needed - then can we be assured that there will be much stricter regulations in the banks themselves and not the self-regulations that they have been putting up themselves? In other words, it has been very, very lax, that is why we have a credit crunch. It must be a lot stricter. It is because they have been allowed to self-regulate themselves. Can we be assured that if they are bailed out they are not going to do exactly the same thing again? That is what the average person is worried about. It is fine to throw money at something ...

The Deputy Bailiff:

That is your question, is it?

Deputy J.J. Huet:

Sorry. Thank you.

Senator F.H. Walker:

I think I made it clear in my statement that the reason Jersey is in a good and strong position at this time is because of the robustness of our regulation. This is a renowned feature of Jersey throughout the world. I see the Deputy shaking her head; no doubt she will come back with a supplementary question. That is a fact. Now, as to how parent banks will react long term to the present situation, I can give no indication of that because I simply cannot be in a position to have that knowledge. What I can say is that Jersey will, with the support, I hope, of future States Assemblies, continue to regulate our banks very strictly and very robustly, as we have done for many decades now.

Deputy J.J. Huet:

A supplementary. I know that we are regulated; I am talking about the banks. Because I know for a fact that loans are being given to people that do not have the means to repay them. Now, I know that it is the bank, it is not us, and I am asking can we be assured that the banks will be stricter than they have been, because that is why we are where we are now. They have not been strict enough.

Senator F.H. Walker:

I cannot possibly give that assurance because Jersey directly has no control over the commercial policies of the parent banks. Unless the Deputy is suggesting that we should exercise state control or nationalisation or one of the 2 I fail to see how her obvious concern can be addressed.

10.1.2 The Deputy of Grouville:

What implications does the nationalisation of banks, where a local branch is set up in Jersey, what implications does this have with regard to Jersey as (1) an offshore centre; and (2) our Constitution?

Senator F.H. Walker:

First of all, no bank that I am aware of has been fully nationalised. Secondly, I did say in my statement that the Treasury have confirmed at a recent meeting that it is their intention, where the U.K. Government has taken an interest in a bank, it is their intention, their absolute determination that that bank should continue to operate commercially as it has done in the past. In other words, with I am sure some hopefully due restraint exercise by the banks on matters such as lending and so on in the future, it will be business as usual.

The Deputy of Grouville:

I was not especially talking about lending. I was more interested in the offshore business, tax and company ... trust and company administration, how does that ... what implications does that have if the branch is nationalised or part of it nationalised, what implications does that have to us as an offshore centre?

Senator F.H. Walker:

I should correct what I said. Of course, Northern Rock was fully nationalised but that has no direct bearing on Jersey. I can only repeat I think again what I said in my statement that the Treasury has confirmed that there are no implications, certainly at this juncture, for Jersey as an offshore centre. They do not intend to interfere with the commercial activity of the banks, which includes their activities in Jersey.

10.1.3 Deputy R.G. Le Hérisier:

Would the Chief Minister not confirm that an undercurrent of his statement is that he is not really enthusiastic about compensation schemes and he is riding on the reputation of the top 500 banks, some of whom, of course, have fallen under this partial nationalisation which the Deputy of Grouville has alluded to. So would he on a scale - I have to ask this - of one to 10, 10 being total enthusiasm, would he acknowledge what level of enthusiasm he has for a local compensation scheme?

Senator F.H. Walker:

I have a great deal of enthusiasm for a local compensation scheme. You can put it up as 8 or 9 or even 10. I did say in my statement that I hope to be in a position to bring a proposal to the States in the very near future, although that is complicated by our own rules about meeting in election periods and the fact we only have one meeting left of this current States. So it may be that someone else will have to bring it early in January, but the determination to put one together and bring it forward is complete and discussions with the banks are taking place more or less as we speak.

10.1.4 Deputy C.J. Scott Warren:

Does the Chief Minister consider that Deputy Huet and all depositors can take some comfort from the announcement by President Bush in conjunction with European leaders that there will be much consideration given to the events surrounding this current situation to ensure that this will not ... as much as possible ensure that this will not reoccur in future years?

Senator F.H. Walker:

Yes, we can take comfort from that. It is very evident that governments throughout the world and not just in Europe are determined to ensure that their mainstream banks are maintained and able to function again in the future, perhaps with some changes but nevertheless as they have in the past. It grieves me somewhat that some Members anyway seem to be lightly dismissing the fact that Jersey is only in this position because we have pursued the most robust and rigid regulation policies.

Some Members seem to be dismissing that. They should not do so because Jersey people, Jersey residents, Jersey-based depositors in Jersey banks can take great comfort from the work that has been undertaken now over many decades to ensure the robustness of our banking system. I will not do so. We can compare ourselves favourably with just about anywhere else in that respect, and we should be thankful and grateful for the work that has been done in ensuring that we are indeed in such a strong position. We should neither be sneering at it, nor dismissing it lightly.

10.1.5 The Deputy of St. John:

There is a concern among some of the public that money is flowing out of Jersey when, in fact, it is the opposite and it would appear there is evidence of money flowing in. So, could the Minister confirm that should any banks try to repatriate significant liquid funds to their parent companies that they could be in breach of their local licensing obligations? Would this in turn prevent possible outward flow of significant monies?

Senator F.H. Walker:

Yes. All banks in Jersey have to maintain minimum liquidity and capital requirements under the law.

10.1.6 Deputy J.A. Martin:

Just a confirmation. The Minister's statement starts off in the first paragraph: "All our depositors, both domestic and international ...". I have only briefly glanced at the scheme to protect local depositors. In his final paragraph, and emphasised in bold, it says: "All individual depositors." Can he confirm which we are talking about under the new guarantee scheme that we cannot discuss because we will not be meeting? I did not read it as being all individual deposits that were held in Jersey, only local residents. Can he confirm which one it is for me, please?

Senator F.H. Walker:

It is, indeed, both. Though I understand the point to the Deputy's question, the guarantee that has been given only extends to local resident depositors with deposits in local banks, Jersey-regulated banks. The reason, though, we - I - emphasised in the statement all depositors is linked to the compensation scheme that I referred to in answer to an earlier question. I confirm really the answer I gave to Deputy Le Hérisier in that respect. I would, however, point out, though, that the guarantee to local depositors was for all their deposits. The compensation scheme, generally speaking ... and I am not in any way here prejudging what proposals will come to this House for Jersey, but compensation schemes generally speaking around the world cover only up to £50,000. Any depositor with more than £50,000 in, for example, a U.K. bank or many other banks in many other countries around the world is not protected above that figure.

Deputy J.A. Martin:

Sorry, just a supplementary there. Would the Chief Minister not agree that the U.K. Government set a precedent with Northern Rock and absolutely dismissed the £35,000 that was a guarantee then? I wonder if our scheme will be going their way or will it be kept to the £50,000 that the Minister has just alluded to.

Senator F.H. Walker:

Northern Rock was clearly an exception. It was a one-off reaction by the U.K. Government before they put their general policies in place. I do not see much sign of the U.K. Government wishing to fully nationalise any other bank at this stage. In fact, I think they are anxious to keep their involvement, as one would expect, to a minimum. But the point I made to the Deputy's earlier question is still valid: depositors generally in the U.K. are ... the compensation scheme only protects them up to £50,000.

The Deputy Bailiff:

Very well, no other questions. Then we come to a statement which the Minister for Transport and Technical Services will make regarding the Victoria Avenue resurfacing contract.

11. Statement by the Minister for Transport and Technical Services regarding the Victoria Avenue Resurfacing Contract

11.1 Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

I earlier congratulated Deputy Mezbourian on election success and I now see Senator-elect Maclean immediately in front of me, and of course to my immediate right Senator-elect Breckon, all 3 of whom my immediate neighbours will be crossing the floor of the House. If I do have an issue with bad breath, I would have preferred it to have been dealt with more discreetly than by these extreme measures, but I congratulate them nevertheless. The Victoria Avenue resurfacing contract. When I answered a question regarding the difficulties the department had experienced in relation to the Victoria Avenue resurfacing contract I advised Members that I would ensure a full investigation took place to find out what went wrong with the consultation process and what steps should be taken to ensure that there is no repetition in future contracts. That investigation has been completed and I would like to provide Members with the main findings and recommendations. When the project was in its early design phase, the Jersey Highways Partnership - consisting of Transport and Technical Services staff and a consortium consisting of a local engineering consultancy - teamed up with a major U.K. engineering practice and undertook an initial review of the scope of the works. That partnership applied the same criteria for project management as it had done on all of the other major resurfacing projects undertaken over the last 2 years. The Victoria Avenue project was more complex than previous works as it required realignment to the carriageway, new lighting and surface water drainage pipes to be laid. The Jersey Highways Partnership did not recognise at the outset that this project required tighter control and more stringent project management checks to be applied at an early stage by comparison to previous projects. This initial error, coupled to the application of a new Highways Agency Safety Audit Scheme that was being introduced for the first time, led to the failure to consult with the emergency services at the outset. Had the full 3 stages of the new Highway Audit Scheme been fully applied or had the project manager applied certain control procedures, the failure to consult would have been highlighted at an early stage. On commencement of the work on site, the fire and rescue service raised concerns about the new Bel Royal Junction layout and following a series of meetings and drive-through tests immediate remedial action was taken to accommodate their concerns. Due to the timescale required to complete sufficient work for a full-scale check on the new layout, a period of 5 weeks elapsed before full sign-off was achieved. The investigation concluded that there was a lack of overall project management applied by the project manager, in this case a member of the consultant team, and the Transport and Technical Services staff working alongside the consultants were not fully conversant with the requirements of the new Highways Agency Safety Audit System. A number of recommendations were made and adopted by the Jersey Highways Partnership for all future contracts. I will not, if the House will indulge me, read all those recommendations because they are clearly printed. Although the failure to adequately plan this project caused much public criticism, the overall impact to the scheme in terms of additional cost and time was negligible. The costs associated with realigning kerbs and providing some drop kerbs to allow the emergency services to mount the pavement were £3,000 on a scheme with a total cost of £1.2 million. The costs for that project were broken down as follows: resurfacing £635,000; drainage and ducts £97,000; street lighting £111,000; landscaping and signage £32,000; kerbs and footways £104,000; contingencies £52,000; variations £200,000. I should just briefly explain that the failure and age of the substation was a matter discovered once the works had commenced and would not have been obvious at the outset. In conclusion, a small initial error caused by a lack of adequate control led to a failure in the comprehensive consultation of all interested parties to the roadwork scheme. I hope Members will accept that the cause has been identified and new measures put in place to ensure there is no repetition.

11.1.1 Deputy J.A. Martin:

Just a quick question. In the paragraph where the Minister states that the project managers working alongside were not fully conversant with the requirements of the new Highways Agency Safety Audit System, can the Minister inform the House when this new Highways Agency Safety Audit Scheme or System was put in place? It is recent or is it something that was overlooked?

Deputy G.W.J. de Faye:

The extraordinary irony, perhaps, is that the department since I took responsibility as Minister has engaged in some of the trickiest and most comprehensive road works maintenance procedures that the Island has probably seen for some decades. In many respects, all of those, the Queens Road works, the Springfield Gyratory works, the works at La Haule, were a basis of being an effective training ground to tackle the really difficult project which was Victoria Avenue. It is now, in hindsight, a matter of regret that at precisely the moment where the Jersey Highways Partnership decided to take on the Victoria Avenue project there was also a decision by that consortium group to introduce at that time the new Highway Agency Safety Audit Scheme, which was a brand new scheme to a number of the personnel involved. That is the time that scheme was introduced, yes. It is a brand new scheme and, as I say, it is a source of regret that it was not fully understood when it was initiated.

11.1.2 Deputy R.G. Le Hérisier:

Can the Minister, notwithstanding some of the excellent work done there, can he indicate why, after the revisiting of the work to ensure better access by emergency services, just opposite the hamburger stall a very elaborate railed-in section appeared to assist pedestrians across a very lightly crossed part of the road? Why was that installed just as vehicles, it appeared, would need to accelerate on to the pavement and pass other parked vehicles?

Deputy G.W.J. de Faye:

The Deputy raises a number of aspects, one of which I do wish to address, which is the description that this is a very lightly crossed section of road. Quite clearly, the reason for that is that in the past pedestrians have perceived it as a rather dangerous section of road to attempt to cross. That matter has now been significantly addressed and I anticipate seeing more people crossing there. In respect of the railings, they were installed at the specific request of the emergency services. I can advise Members that the thinking behind that was quite simply that if an emergency service vehicle was approaching at some speed, if the centre island was effectively open members of the public would be concerned about what precisely to do. The concept that lies behind the railings is that that is where people would go to in order to ensure that they were totally protected from any vehicle that is mounting the kerb. That installation was a result of the advice given to us by emergency services.

11.1.3 Deputy G.C.L. Baudains:

Picking up on the same issue, the kerbs have been dropped to allow the emergency services to mount the pavement, but it seems to me from observation that it is impossible for the emergency services to drive down the pavement because of railings and other issues. Could the Minister assure us that the emergency services are now perfectly satisfied with that situation? Because I cannot see how an emergency vehicle could get down there.

Deputy G.W.J. de Faye:

Yes, I can give that assurance. The emergency services complied very helpfully with the department once communications were established. As I indicated in my statement in what I called drive throughs, the procedure that revolves around that description is that the largest vehicles that are operated by the emergency services were all taken down on a particular ... it normally was done on a Saturday, with other vehicles put in the positions of where cars might pull aside, given the fact

that the driver is aware of an emergency vehicle approaching from behind. These drive throughs were carried out on a number of occasions to precisely ensure that there would be no difficulties with the functional operation. I am totally satisfied and, indeed, I insisted that the emergency services did effectively sign off their approval of the current arrangements and that they have done.

11.1.4 The Deputy of St. Martin:

I would like to raise a question about the Jersey Highway Partnership. I am rather surprised to see that this consists of the Transport and Technical Services staff and a consortium of local engineering team teamed up with a major U.K. partnership practice. Could I get an assurance from the Minister that should not the police, the fire and the ambulance be part of that emergency ... of the Highways Partnership; thereby they would be seeing probably the problems that could be envisaged from their point of view rather than wait for problems to occur afterwards? I say that because I have raised the issue this morning with the Connétable of Trinity whereby we have now major works going on and yet so little attention has been given to the residents around where quite obviously if the police, the fire and the ambulance had been consulted they may well have made plans before the work got underway rather than trying to solve a problem when it is underway. So, can I get an assurance that in future the Jersey Highway Partnership will include the police, fire and the ambulance services?

Deputy G.W.J. de Faye:

I cannot give that assurance to the Deputy because it may be that the emergency services - the police, fire and the ambulance - may not wish to be part of the consortium simply because what the consortium does is undertake the very detailed planning of road layouts. What I can give the Deputy of St. Martin assurance on is that the ... certainly in the light of the previous failure, consultations will unquestionably take place, and I would say to Members quite simply that contrary to some rather misleading information that was published in the media, it always has been the policy of the department to consult the emergency services about road works. Indeed, one of the first early changes I made as a Minister was to extend that level of consultation so that not only would emergency services be consulted on the matter of significant road works, but so also would be the relevant Constable of the affected parish and the Connétable's Roads Committee. So I think in overall policy terms we have the right policy in respect of who is being consulted. As has become clear - I am sure Members will realise from my statement - there was simply in this case a breakdown in the procedures because of the introduction of a new procedure with which people were not familiar. Otherwise I have to say all other road workings have gone so smoothly that the department, as I am sure Members will recall, previously received fan mail from members of the public saying how well it had been handled. So this really is an unfortunate and, I hope, entirely isolated issue.

11.1.5 Deputy D.W. Mezbourian:

Just picking up on what Deputy Le Hérisier referred to as I think a lightly crossed area of Victoria Avenue, may I just advise him that parishioners were mentioning this to me during my campaign recently because although there are railings on the traffic island now, the difficulty that they have is crossing to reach the traffic island. I will be looking to address that at some time in the future. My question is to the Minister. If I read his statement correctly, my understanding is that the investigation concluded that the error was due to a member of the consultant team. My question is if that is, indeed, the case, has there been a reduction in our payment costs to the consultants for the provision of their work?

Deputy G.W.J. de Faye:

No, there has not. If I may say to Members who may be considering what sort of disciplinary actions were pursued, I have to advise Members that no official disciplinary measures have been undertaken. That is for a number of reasons, primarily of which is the fact that the consultants

under all other circumstances have proved to be exceptionally good at what they do and it is unfortunate that this oversight took place on this particular resurfacing contract. Similarly, as Members will clearly have worked out, when one is dealing with initially a £1 million contract and additional works cropped up which brought the final total with additional spend to £1.2 million - and I should stress again as misreported in the media was not an overspend, it was an additional required spend - given that the actual error in consulting the emergency services resulted in only a further spend of £3,000, I think it would be distinctly unreasonable to adopt formal disciplinary proceedings against those involved.

12. Statement by the Deputy Chairman of the Committee of Inquiry into Third Party Planning Appeals regarding the progress of the inquiry

The Deputy Bailiff:

We come then finally to a statement which the Deputy Chairman of the Committee of Inquiry into Third Party Appeals will make regarding the progress of the inquiry.

12.1 Deputy R.G. Le Hérissier:

The Committee of Inquiry investigating Third Party Appeals' report promised to present a progress report to the Assembly before the end of this session and, indeed, was hoping to present the final report to the Assembly before the end of session. There have been some difficulties in arranging for the attendance of all of the witnesses, but it is hoped that the evidence-taking will be completed very shortly and that the focus will then be upon the compilation of the report. While we cannot give an absolute guarantee that the report will be completed before the session ends, it is our intention to do so assuming no further delays with witnesses or evidence.

The Deputy Bailiff:

Are there any questions? Very well, then that completes item K.

PUBLIC BUSINESS

13. Integrated Coastal Zone Management Strategy (P.76/2008):

The Deputy Bailiff:

We move on to Public Business and the first matter of business is the Integrated Coastal Zone Management Strategy, Projet 76 lodged by the Minister for Planning and Environment. This is a very long proposition. Do Members agree it should be taken as read? I take it that they do, in which case, Minister, I ask you to make the proposition.

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

The Assistant Minister will act as rapporteur in this.

13.1 Deputy A.E. Pryke of Trinity (Assistant Minister for Planning and Environment - rapporteur):

I bring forward this proposition for this Assembly to approve Jersey's first Integrated Coastal Zone Management Strategy. It aims to bring together all parties that develop, manage or use the coast to ensure that it is managed in a way that incorporates the social, economic and environmental needs. This proposition and report sets out the policies and actions within the strategy and why we need to introduce them. I would like to stress the importance of the strategy, that the Minister elected to lodge it for approval by the States rather than just approve it under his own powers. In essence, the proposals represent a logical, common sense approach to better manage our coasts and seas. But it is important for Members to be aware that many of these measures are also required to meet our obligations under a number of important international conventions that Jersey is already signed up to. The development of this strategy has been an inclusive process. Before the draft was developed, we produced 11 topic papers that identified the critical issues that we should be

addressing. These topic papers were developed with several working groups and a public consultation stand at the harbours open day in 2006. The strategy before Members is a result of further wide-spread consultation including the views of many stakeholders of the marine environment such as the Marine and Fishes Resources Panel, the Société Jersiaise and Jersey Heritage and others. It was fundamental to us that this strategy was developed in a transparent and inclusive manner as it can only be achieved if there is full engagement of all stakeholders. Turning now to the strategy itself, I would like to reiterate the importance of our coast and seas and why I believe that this strategy is necessary to achieve its protection. Jersey's territorial waters stretch out 12 nautical miles, or to the median line between France and Guernsey, and covers almost 2,000 square kilometres. This is a surface area of over 17 times greater than the Island itself, which is 117 square kilometres. Our coastal and marine areas are of outstanding scenic, historic and cultural value boosting Jersey's image both at home and abroad and feature regularly in tourism marketing material. The international importance of Jersey's coastal waters is recognised by the fact that almost 190 square kilometres of inter-tidal habitat spreads across Jersey's southeast coast and offshore reefs and are designated a wetland of international importance under the Ramsar Convention. The need for this strategy was identified with the Island Plan 2002 and then again in the current States Strategic Plan. So what is Integrated Coastal Zone Management? The concept is really quite simple. It is about securing better management and informed decision-making on coastal areas so that we are confident that we are managing our vital coastal and marine resources sustainably. Why do we need the strategy? The coast and seas around Jersey are part of our Island life and it is, therefore, essential that this coast is protected and managed so it can continue to be enjoyed by generations to come. We are also obliged, as I said, under the wide range of multilateral environmental agreements that Jersey is signed up to. These agreements address issues such as biodiversity, marine pollution, fishing, maritime safety and archaeology and put obligations on us to manage the Island's marine and coastal resources in a sustainable manner. A review of these agreements in 2003, which was updated in 2007, revealed that Jersey is currently not meeting many of its obligations under the Coastal and Marine Agreement and in particular under Ramsar. In the Strategic Plan we agreed to put in place measures to meet all of these obligations by 2010, so the adoption and implementation of this strategy is an essential step forward to putting this right. So what does this strategy propose? The strategy sets out a number of policies under 4 distinct aims, and they are set out clearly within the proposition. The first aim: we need to protect our coasts and seas. This section refers to the protection of wildlife, habitats, geological diversity and our cultural heritage. It includes policies to give better protection through both designation and also through introduction of management techniques and technical measures to control activities that are already taking place, such as the fishing, and also improve water quality. The second aim is to increase our understanding of these areas. We know far more about the land-based parts of Jersey than we do of our sea, and so our system for protecting the land is far more advanced. However, our coasts and seas are under increasing pressures, such as calls for more reclamation, the likely event perhaps of offshore wind farms on our borders, the impact of climate change and an unprecedented growth in marine and coastal leisure activities. If we are to manage these pressures with any confidence, we need to redress this imbalance and improve our knowledge of the underwater world that surrounds us so that we can manage these areas with confidence. The third aim: we need to use our marine and coastal environment sensitively. A large part of this section concerns the need to recognise the role of spatial planning in managing our coasts and seas and, in particular, to ensure that the policies within the Island Plan Review reflect the principles of this strategy. It is also important that we develop management plans for all of our Ramsar sites so that those internationally important areas are not just protected in name only. The fourth aim: everyone with an interest or responsibility needs to be involved to make it happen. Community involvement is vital in delivering these objectives and supporting the actions across the strategy. Eco-Active provides one of the mechanisms for achieving this, and using this campaign a dedicated programme, Eco-Active Marine, will be developed to increase the community's understanding of the issues raised in the strategy. That is important so all Islanders have the opportunity to be

involved and, indeed, proud of Jersey's world-class marine and coastal environment. Some good examples of the I.C.Z.M. (Integrated Coastal Zone Management) principles are already being put into practice, such as the majority of charter operators attended the WiSe (which is Wildlife Safe) operator's course in March this year and the response from participants was overwhelmingly positive. We are midway through the process of finalising a management plan for Les Écréhous reef. Following a very successful meeting of over 70 stakeholders earlier this year, we have been working over the summer to integrate all these views and are planning to hold another meeting very soon. I would like to stress, too, that nothing will be finalised until discussed with all the stakeholders. Also, summary leaflets of the Jersey Code of Conduct for Marine and Coastal Wildlife Watching were circulated at this year's Jersey Boat Show and also available on the Eco-Active website. Delivery of the strategy is vital and it will be achieved by more co-ordination between States departments working with various interest groups, of which there are many, and importantly by appointing one officer a marine coastal project officer. This will be achieved through internal restructuring and will be part of the fisheries marine resources section of the department. To sum up, the I.C.Z.M. strategy is a common sense approach to introduce measures to better manage our coasts and seas. Many of the measures are required to meet many of our obligations under numerous multilateral environmental agreements. Our aim in introducing this strategy is to ensure that in the long term Jersey has a well-managed, healthy coastal and marine environment that supports a thriving economy and which is a source of pride for all the community. I therefore urge Members to adopt this strategy.

The Deputy Bailiff:

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

13.1.1 Deputy S. Power of St. Brelade:

I would like to say at the outset that I will be supporting the proposition, but I have some questions for the Assistant Minister, 2 questions in actual fact, that I would like clarification on if she can do that. The first one is in the proposition itself on page 2(a)(iii): "Reducing inputs of nutrients and hazardous chemicals and materials from both land-based and boat-based sources to improve marine and coastal water quality." I would draw the Minister's attention to the many drying harbours and anchorages around the Island, and I specifically draw the Assistant Minister's attention to the basin at Commercial Buildings and to St. Aubins. Both have to be cleared and dredged from time to time and I think my council will probably correct me here but it seems to be about every 7 to 10 years. The Assistant Minister will be aware that there was a recent redevelopment and dredging of St. Sampson in Guernsey to use that harbour for a marina. During that operation, the States of Guernsey carried out toxicity analysis of the mud that was taken out of St. Sampson and it was subsequently barged to France by a specialist company. While I am opposed to the development of Commercial Buildings for marina use, I would like the Assistant Minister to give the Assembly an assurance that any future dredging of Commercial Buildings or, indeed, St. Aubins will be analysed for toxicity. My second question relates to (a)(iv), which relates to: "Introducing fishing management techniques and technical measures that are less damaging to non-target species in consultation with local fishing industries in France, Guernsey and the United Kingdom." The Assistant Minister may or may not be aware of the depleting stocks of sea bass, especially off its spawning grounds, and I received a phone call at the weekend in relation to this proposition that there is a particularly important sea bass spawning ground in a reef called the Boue Blondell, which is 3 miles north of the Hanois(?) lighthouse. I have been told that there are 60 boats fishing that area right now. Can the Assistant Minister in her summing up give the Assembly some assurance that the States of Jersey and the States Fisheries Department are aware of this problem and can she give us an indication of how warm relations are between Jersey and Guernsey in relation to fishing?

13.1.2 Deputy R.C. Duhamel:

I broadly support this proposition, but I just rise briefly to indicate to Members that it is in essence a framework for a whole stack of policies that will be developed into the future. That really is where the detail lies and, indeed, I look forward to working with the bodies involved to flesh out the policies into the future.

13.1.3 The Connétable of St. Peter:

I am beginning to get a little picture forming in my mind over this proposal, and I think it is one of those that fits in the category of nice to have but can we afford it? Because when you trawl through the very comprehensive leaflet which is covering all the aspects of it, it is giving quite a broad coverage of all the requirements which lead up to the actual running of this particular exercise and I believe it is going to be extremely costly. I would like to ask the Assistant Minister - there is no mention of costs at all, it is really brushed over in the comments on the Projet - what are the estimated costs and will they be ongoing? Will they indeed, as more areas are covered, give rise to additional costs? Because I believe it is going to be an extremely expensive exercise and I think that that has to be seriously taken into account before ... I fully support the principle of it, I have no problem with that at all, but I believe that we have to be mindful of the costs attached to it.

13.1.4 Deputy C.J. Scott Warren:

I will support this proposition, but we as the States Assembly sign up to many strategies and I believe it is important that the Minister for Planning and Environment does keep an overall eye on this during the next States Assembly to see that the provisions are implemented. It is one thing to sign up to strategies; it is another to have one person in charge to monitor that those provisions are put in place.

13.1.5 Deputy G.C.L. Baudains:

I am concerned about this proposition. When I was on the Environment Scrutiny Panel some time ago we looked at this, and I believe at that time the panel's opinion was that the strategy was likely to be a duplication of present work. I still hold that view. We have Ramsar, we have anti-pollution laws, we have fishing regulations, policing of beaches and endless other laws and regulations in this area. So I ask myself what will this strategy really achieve. The report attached to the proposition tells us under "Financial and Manpower Implications" that there are none, merely that all relevant bodies will use their existing powers better. It does seem to me that either nothing will happen or a new departmental section is going to be formed. My original concern over a year ago was that this was more of a job creation scheme than anything that would have any real effect. I do share the Constable of St. Peter's concern that this is something that is nice to have. I am very concerned that we will find in the future it achieves very little because it is an awful lot of money, and it is unlikely, as a result, that I will support it.

13.1.6 Deputy D.W. Mezbourian:

My comments are very similar to those of Deputy Baudains because I seem to remember during the recent debate on the amendment to the Netting Law that the Environment Scrutiny Panel held a review and the officers from the Environment Department made it clear in that that they did not have the manpower resources to enforce the netting amendment. I am, therefore, as concerned as Deputy Baudains is that the department either does or does not have the manpower and financial resources to implement the strategy, and I believe the Deputy of Trinity, the Assistant Minister, must address that and satisfy me that her department does indeed have those resources and will indeed be able to implement the strategy before I decide whether or not to support the proposition, which in itself is, I believe, commendable.

13.1.7 The Connétable of St. Brelade:

This proposition does tend to ring alarm bells with me. I think, firstly, the comment of the Deputy of St. Brelade, Deputy Power, the business of mud in harbours which has to be dredged out. Now, years ago it was a very easy business; when mud accumulated lorries would be got, they would be

filled up and it would be tipped on the low water mark and swept away without any consequence at all. Now, of course, it has to be barged to France at enormous cost because of a threat to the environment. This was never the case in the past. Fishing, the target species do change from time to time and I can just see added regulation and added cost into re-identifying the various changing species which happen to be marketable on the day. The fishing industry has over the years moved from fishing ground to fishing ground depending where the most attractive species from a commercial point of view lay. Now I must confess to a conflict in terms of polluting nutrients which can come from boat sources and go into the water. Anti-fouling is the point I am going to comment on. Now, anti-fouling compositions are applied to the bottoms of all vessels, whether they be commercial or leisure, usually on an annual basis. Traditionally in Jersey with our large tidal movements boats have been scrubbed off on the low water and re-anti-fouled. Will this practice have to cease? How are we going to achieve this? Is there going to be a financial impact on those vessel owners who have to deal with this problem? The cost of the marine resource officer, I cannot see anything in the proposition alluding to additional cost apart from the fact that there is not going to be any, and yet we hear from the Assistant Minister that we have to have a marine resource officer especially dedicated. Will this resource officer require backing up and any secretarial work? I am sure there must be cost. I feel that the whole framework, while very well intentioned, will only cost the fishing industry a fortune, put a multitude of spanners in the works and achieve very little. I suggest that the coast probably at the moment is very well managed and probably does not need fixing.

13.1.8 Senator P.F.C. Ozouf:

Many Members of the Assembly express concern about the concentration of power that Ministerial government brought in. Here is an example where a department is bringing forward a policy for approval by the States for endorsement. It has been put forward and could have been amended by Members if they would have had individual views. So I am somewhat disappointed that certain Members have on this occasion chosen to criticise the Minister for Planning and Environment and the Assistant Minister for bringing something forward for States approval. I think that is a shame. I thought Members wanted to give the opportunity of supporting initiatives. Members will be aware that fisheries is legally in most respects the responsibility of the Minister for Economic Development. However, it is effectively a shared responsibility and that is why I wish to add my support to the number of initiatives that are within the report. The strategy is going to need to be implemented in a number of different respects by the Minister for Economic Development in future, and I would give an example of the strategy (a)(4): “Reduce the impact of fishing activities on non-target species and habitats by introducing fishing management techniques and technical measures that are more selective and less damaging to the seabed.” Management of the fisheries is an ongoing issue. I do not entirely agree with respect to the Connétable of St. Brelade. There is work to be done, constant work to be done, on identifying and improvement in terms of fishing activity. That is done, of course, in consultation with the industry. There is a Marine Resources Panel that sit and discuss any measures before they are brought to the Assembly. I would suggest that this is not something that is just fixed, but is something that does need ongoing evolution. For example also, (c)(2): “Development of management plans for Ramsar sites and future protected areas”; having brought the extension of the Ramsar areas, this is something that should be done. I would encourage States Members to endorse a proposition that requires us to get on with these things. Also, (d)(3)(i): “Encourage all charter vessel operators to become accredited under the WiSe Scheme”; that is a step forward in terms of accreditation in environmental standards. I think this is a positive proposal. This is a positive framework. There will be more work to be done ... there will be more work done necessary to implement it, and I would urge Members to support the Assistant Minister and the Minister’s proposal.

13.1.9 Deputy S.C. Ferguson:

I have heard no mention that this can be financed through implementation of efficiencies, and I share the concerns with other Members of this House. I am also somewhat concerned to listen to in the Assistant Minister's speech so much mention of kilometres. I wonder perhaps if the data given to her was put together by an English import. We have not changed the law with regards to unit of length and area. We still use miles and vergées so why was everything measured in kilometres? But that is a side issue. I am also concerned about going into something for which there is no costing: "Yes, we can pay for it. You know, each department will apply its existing powers." I am sorry, something as extensive as this will have a cost and I think perhaps it should be taken back by the Planning and Environment Department and some idea of costing brought back to this House.

The Deputy Bailiff:

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

13.1.10 The Deputy of Trinity:

I will try and sum up and get a few areas together. I would like to say that this is a common sense approach. This is a major strategy but then it can only be implemented by full consultation with all the stakeholders. It is protecting all areas of our environment. If I start about Deputy Power regarding our future dredging, regular checks do take place on water quality and the dredging of the mud must be analysed before it is dumped because one of our ... F.E.P.A., which is the Food and Energy Protection Association, I think, which is part of the U.K. The relationships between Jersey and Guernsey, I think we have a good relationship and I am sure Deputy Ozouf if it was not would have highlighted that. Sorry, Senator Ozouf, I do apologise. One area which a lot of Members are concerned about was the cost. Yes, we do take costings very, very importantly and, as I said, and it is on page 31 in the Coastal Zone Management, that with internal restructuring we can have a marine coastal projects officer. But he or she will not be able to work alone. It is working with all interested parties. A lot of work is being done but not kind of all joined together, and that will be one of the important roles of that officer. So we do take costings very importantly and we realise that we are under manpower constraints. Duplication of present work suggested by Deputy Baudains and Deputy Mezbourian, we need to work all together. We previously did not have the resources. We will now with that marine coastal projects officer ... it will now be able to implement all that together, bring it under one roof. I think somebody ... sorry, which Deputy mentioned about the anti-fouling? The Constable of St. Brelade. Changes in international law about the content of anti-fouling paint is already bringing improvements, this will continue but at no cost to boat owners. Members have to be aware, too, that we are part of an international law. We just cannot go unfortunately ... we have signed up to quite a few multilateral agreements and, as I said about the Ramsar sites, we have not ... we are lacking in doing our bit. We all are aware of the importance of our Ramsar sites and we need to make sure that we have all the management and the information at hand. I hope I have answered most questions. I thank all those who have contributed and especially those who support the framework. Yes, the detail will come and that is going to be at the important stage. I do stress again that it will be under consultation with all the stakeholders. We cannot do this alone. The Environment Department cannot do this alone. It will need some input and that is where all consultees will play their part. It is an important strategy and it is, as I said before ... and I am afraid, Deputy Ferguson, I do not know it in square miles and I apologise for that because I agree, like you, square miles are more important than kilometres, we are still British. But it is a big area and it is 17 times larger than the size of our Island, so we need to make sure that we protect it not only for this generation but future generations. I maintain the proposition.

Deputy R.C. Duhamel:

Can we have the appel, please?

The Deputy Bailiff:

The appel is asked for in relation to the proposition, so I invite Members to return to their designated seats.

POUR: 35		CONTRE: 4		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. Peter		
Senator M.E. Vibert		Connétable of St. John		
Senator P.F.C. Ozouf		Deputy G.C.L. Baudains (C)		
Senator T.J. Le Main		Deputy S.C. Ferguson (B)		
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy J.J. Huet (H)				
Deputy of St. Martin				
Deputy P.N. Troy (B)				
Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				

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

14. Esplanade Quarter Master Plan, St. Helier: Development Agreement - Approval by the States (P.111/2008):

The Deputy Bailiff:

Very well. We come next to the Esplanade Quarter Master Plan, St. Helier: Development Agreement - Approval by the States, Projet 111, lodged by Senator Perchard. The Greffier will read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Chief Minister to give directions to the Waterfront Enterprise Board Limited in accordance with Article 22(a) of the Articles of Association of the company that no development agreement should be signed by the company in relation to the proposed Esplanade Quarter, St. Helier until the details of the proposed development agreement have been recommended by the Waterfront Enterprise Board for endorsement by the States, presented to the States by the Chief Minister and approved by the Assembly.

14.1 Senator J.L. Perchard:

The decision to adopt the Esplanade Master Plan, P.60, was fully debated by the States earlier this year, in a debate that took place over 3 days on 3rd, 4th and 5th June. I am sure Members remember the debate only too well. It was a lengthy and somewhat confusing debate. I say confusing because P.60 was lodged in the name of the Council of Ministers. It was a proposition with 2 quite different themes and, strangely, 2 different rapporteurs. Just to remind Members, the Minister for Planning and Environment was the rapporteur for Part A of the proposition and this was a request from the Minister to the States to endorse his intention to adopt the Hopkins Master Plan for the Esplanade Quarter. The remainder of the proposition changed tack and it was the Chief Minister who became the new rapporteur. This part of the proposition requested the authority from the States and W.E.B. to assemble the necessary land to enable the development. Some Members, including Deputy Baudains of St. Clement, were uneasy with the way the debate was conducted and its eventual outcome in that the States seemingly and almost unknowingly gave their approval for the Esplanade Quarter development to progress without being asked if they agreed that the development should proceed at all. A masterful example of sleight of hand by the Council of Ministers; a good example of what is bad about this outgoing Council of Ministers, I say. Deputy Baudains was so troubled by what the States had agreed that just 5 days after the

conclusion of the debate on P.60 he lodged a rescindment proposition, P.97, which if adopted would overturn the previous decisions of the House in respect of P.60. Deputy Baudains' rescindment proposition was debated within a month on 2nd and 3rd July of this year and overwhelmingly rejected. The States reaffirmed their earlier decision to adopt the Esplanade Quarter Master Plan and assemble the necessary land to enable the development. Thirty-one Members, including myself, did not support the rescindment motion presumably because we were content with the original decision. Let us be clear, the original decision was to adopt the master plan and assemble the land to enable the development. During the 2 lengthy States debates some very relevant areas were explored by Members. Many Members, I remember well, expressed concern surrounding some of the detail of the development agreement, in particular the financial capacity of the preferred developer and the level of protection to be afforded to the Island in the event of a failure by the developer to complete the project in a satisfactory or timely manner. During the rescindment debate there was an attempt by the Minister for Treasury and Resources to reassure Members when he said, and I quote: "I intend to engage an independent external valuer to give a view on the contract itself, on its financial appraisal, on its commercial appraisal and its building appraisal. I will make that advice given to me available to States Members before I authorise the contract to be signed." I am aware that the Minister has indeed appointed an external valuer and I am relieved that he, the Minister, clearly intends to make this advice available to States Members before he authorises the signing of the contract. By approving this proposition today, Members will assist the Minister for Treasury and Resources to this end in that they will provide the formal opportunity and proper environment for the Minister to share this and other relevant information with Members before seeking their endorsement. If we do not approve this proposition today, Members will effectively be relinquishing all responsibility for this immense decision to the Minister for Treasury and Resources who, incidentally, is quite likely to be a new Minister, and the board members of W.E.B. who, incidentally, are still 2 men down. I believe the final decision to authorise the signing of this development agreement, an agreement that commits the Island to this huge project, is a decision that should be taken by the States Assembly as a whole. I have every confidence that this House, once provided with all the relevant information, will make the right decision. This is simply an enormous decision, unparalleled in the Island's modern history. I ask Members to take ownership for this decision and support the proposition.

The Deputy Bailiff:

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

14.1.1 Senator F.H. Walker:

After some debate, the Council of Ministers has agreed to accept Senator Perchard's position. [**Approbation**] I have to say that I do not believe any Minister ... or certainly the majority of Ministers do not believe it is necessary because of all the work that is being undertaken and all the guarantees that have to be in place before the development agreement can be signed. Those include, of course, as I referred to in answer to earlier questions, the work of PricewaterhouseCoopers on Harcourt and their financial capacity to deliver the project; the work by Trowers & Hamlins, who are an eminent firm of legal and professional advisers with specialist practical experience in this field, who are advising on the value of the deal to Jersey; the work of Carey Olsen, who are investigating, have reported on the legal issues in which Harcourt are or have been involved; and the establishment of a political oversight group by the Minister for Treasury and Resources, the members of which are Senator Perchard, Senator-elect Ferguson and Deputy Gorst. Every possible security guarantee is being set up and will be established before the development agreement can be signed. Therefore, I do not believe - and the majority of Ministers do not believe - that it is necessary for the agreement to come before the States because all the assurances Members have sought are going to be delivered or the development agreement will not be signed. However, we recognise the fact that Members are fully aware of the magnitude of the scheme and, therefore, anxious - I guess determined - that there is no risk whatsoever of a development

agreement being signed which does not deliver all the bank guarantees and all the other assurances. So, as I said right at the outset, the Council of Ministers accepts the proposition. I think I owe the Greffier £10, I beg your pardon. **[Laughter]**

The Deputy Bailiff:

Very well. Does any other Member wish to speak in view of the fact the Council is accepting it? Deputy Le Claire.

14.1.2 Deputy P.V.F. Le Claire:

I would like to congratulate Senator Perchard for bringing the proposition and also equally the Council of Ministers for accepting it. I was only going to rise to ask for clarification in respect of the fact that W.E.B. has, in my understanding, made an application on behalf of itself and on behalf of the developer as a tandem approach to initiate proceedings. I wonder what the consequences would be, having made the application, in regards to this decision and I wonder what the consequences would be if the developer was not to progress due to the decision that it was no longer interested. Would it have the ability to sell on the agreement, the approval from the Minister for Planning and Environment, and would that perhaps impact upon the delivery of the excellent scheme that has already been outlined? My concern is that for once we have a very exciting and impressive, well-thought-out and well-consulted scheme. I am concerned that it might not achieve as the first one did. Is the rapporteur, the proposer of the proposition, able to give us some indication in these matters and, if he is unable to, may I put those questions to Her Majesty's Attorney General because they are of concern in respect of delivering what it is we wish to see at the waterfront. It is a multi-million pound project and I am concerned that the application being made at the moment on behalf of W.E.B. with the developer may have implications if the developer itself does not wish to proceed or cannot proceed and that is passed on to another owner, sold on to another new owner that may have no intention of delivering the kind of scheme, the kind of master plan that has been approved by the Assembly.

14.1.3 Deputy G.P. Southern:

Without wishing to prolong the debate too much and certainly not over lunch hour, it is absolutely vital that this decision does come back to the States. There were serious questions raised at the time during the debate about the financial capacity of the backers of the developers to see this whole project through. Given the near meltdown in the credit crunch and the absence of readily available cheap money - nobody is lending to anybody, it seems, still - and given the nature of Harcourt, which not only develops office space and accommodation but rents out accommodation and office space to a large extent in the U.K. and Ireland where property prices are the most markedly hit and are still going down, it seems to me that it is absolutely essential that the reservations that were already made during the original debate are revisited in the most thorough and exact way to make sure that we can and Harcourt, the developer, can deliver all or even part of this large multi-million pound development. Indeed, the whole economic base on which this development was sold to us, this much office space in demand at this particular time, that whole economic base must also be revisited and very thoroughly analysed because it seems to me that we cannot safely predict how the banking world in particular is going to progress and what we will see in the coming 3, 4, 5, 10 years and where we will be starting this particular project at this particular time. It is full of risk, I believe. It is full of potential mantraps.

Senator S. Syvret:

I was going to propose the adjournment if no other Member wishes to speak.

The Deputy Bailiff:

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

14.1.4 Senator J.L. Perchard:

There were 2 comments there from Deputy Le Claire and Deputy Southern where they posed questions to which I do not have the answers. That is why I think Members will require some information. Deputy Southern asked about the financial capacity of the preferred developer. I do not know. We are expecting imminently a PwC financial capacity report which will go to the board of W.E.B. What they do with it I am not sure, but they have asked for a financial capacity audit to be undertaken again in the case of the preferred developers. I am encouraged by the Chief Minister's support and recognition that the Members of this House have a responsibility to their electorate before endorsing this huge project and that the Council of Ministers recognise that we all need to take ownership for this huge decision, and I thank him and the Council. I maintain the proposition and ask for the appel.

Deputy P.V.F. Le Claire:

I appreciate that the rapporteur did not have answers to the questions that I posed, but I was ...

The Deputy Bailiff:

I think, if I may, Deputy, your questions, it seems to me, relate to the matter as and when it comes back. At the moment this is merely a question of whether it will have to come back, so I am not sure that your questions are strictly relevant.

Deputy P.V.F. Le Claire:

I was going to ask, given the issues that I outlined and given I am not expecting them today, I was going to make a request prior to the vote that Her Majesty's Attorney General could perhaps inform us in due course as to the questions that I put this morning.

The Deputy Bailiff:

Very well, yes. All those in favour of adopting the proposition kindly show? **[Interruption]** The appel is called for then in relation to the proposition, Projet 111.

POUR: 40		CONTRE: 1		ABSTAIN: 1
Senator S. Syvret		Deputy J.J. Huet (H)		Senator F.E. Cohen
Senator F.H. Walker				
Senator P.F. Routier				
Senator M.E. Vibert				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Peter				
Connétable of St. Clement				
Connétable of St. Lawrence				

Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy G.C.L. Baudains (C)				
Deputy P.N. Troy (B)				
Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Very well. Senator, do you propose the adjournment?

Senator S. Syvret:

I propose the adjournment.

The Deputy Bailiff:

The adjournment is proposed, so the Assembly will reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

The Deputy Bailiff:

I understand we are not quorate. I ask the usher to fetch the extra Members. We are now quorate. Sorry, Deputy, do you want to say something?

Deputy G.P. Southern:

May I ask your permission to make a statement about my duties as Economic Affairs Scrutiny Panel, please?

The Deputy Bailiff:

About what, sorry?

Deputy G.P. Southern:

My duties as Chairman of the Economic Affairs Scrutiny Panel, permission to speak.

The Deputy Bailiff:

I see, yes, certainly.

STATEMENTS ON A MATTER OF RESPONSIBILITY

15. Statement of the Chairman of the Economic Affairs Scrutiny Panel regarding draft Foundations (Jersey) Law 200- (P.143/2008):

15.1 Deputy G.P. Southern:

I apologise to the Assembly and, in particular, to the Minister for Economic Development for this late notice, but I wish to inform the House that the Economic Affairs Scrutiny Panel wishes to call in for scrutiny the draft Foundations (Jersey) Law 200-, P.143/2008 lodged on 9th September 2008. To his credit, the Minister for Economic Development did, in fact, release a draft to the panel on 1st August 2008. However, we were unable due to work pressures and then to staff departures to fully consider this proposition. However, the panel does have concerns about a move to further expand the range of products that the Jersey financial services industry has on offer at this particularly sensitive time. In particular, it has concerns that the O.E.C.D. (Organisation for Economic Co-operation and Development) is currently investigating the extent of the role played by offshore finance centres in creating special purpose vehicles for the securitisation of debt and the extent to which this has contributed to the current crisis in the credit market. In particular, the German authorities have focused on the practices of Lichtenstein and its use of foundations in particular to facilitate the avoidance or, on occasion, downright evasion of payment of tax by German citizens. The panel wishes to assure itself that the adoption of the draft Foundations (Jersey) Law will not draw undue attention to the Island from the O.E.C.D. and others. The panel is in the early stages of appointing an adviser and believes it can produce its report in the timescale allowed by Standing

Order 72 by the required deadline of 23rd February 2009. Accordingly, I am informing the Minister and Members that I intend to use Standing Order 72 to examine this issue.

The Deputy Bailiff:

Very well.

Senator F.H. Walker:

Sorry, Sir, I assume as it is a statement it is subject to question?

The Deputy Bailiff:

Well, I suppose as he has chosen to make it through a statement, yes.

15.1.1 Senator F.H. Walker:

Would the Chairman of the panel please advise Members when the panel was first advised of the Foundations Law and sent the draft of the law? Secondly, will the Chairman accept that given that timescale, given as I understand it there has been no response from the panel to the Minister for Economic Development at all, and to come forward with an announcement at this stage, when it is planned to debate the law, is an abuse of the Scrutiny process? **[Approbation]**

Deputy G.P. Southern:

Indeed, to the Chief Minister, I started with an apology. A draft was circulated to the panel on 1st August. We had very little time in August to organise anything. As people know, we tend to go on holiday in August, the entire civil service does. Then we had a workload problem. We had 2 Scrutiny reports to get out, a review of retail trade again, a refresher on that, but then we had, due to pressure of time ... and, indeed, we have lost 2 Scrutiny Officers, one promoted, one left the service in this particular time, so that did not enable us to give this its proper due attention. It is a serious matter and I accept and I have apologised for bringing this particular proposal at this particular time. However, it is of such a serious nature I do not believe we should be letting this go through without proper scrutiny. It is a serious matter at a serious time and that is why I have taken what is perhaps a serious step.

15.1.2 Senator F.H. Walker:

Does the Chairman not accept that if it is such a serious matter the very least he should have done or his panel should have done is write a letter in the first week of August or thereabouts to the Minister saying that it would be their intention in due course **[Approbation]** to subject it to scrutiny? Not to respond at all until today, I repeat I would ask the Chairman to confirm whether or not he thinks it is an abuse of process and whether or not he thinks his apology is a totally empty one.

Deputy G.P. Southern:

I do not issue empty apologies. It is a genuine apology and I accept that I have been tardy. I accept that entirely. However, as I repeat, it is a serious issue that requires serious consideration, and that belatedly is what it is going to get.

15.1.3 Deputy R.G. Le Hérissier:

As a fellow member of Scrutiny I find myself in total disagreement. Would the Chairman of the panel not acknowledge that the abandonment of the report on skills training for Jersey young people in the light of the revival of the committee was a terrible act and that was a much more urgent matter, and would he not secondly admit that the issues here are global issues that have been around a long, long time and if they were a matter of political interest should have been tackled a long time ago?

Deputy G.P. Southern:

No, I do not accept either of those statements. The Deputy must be aware of the importance of officer time and officer resource. The fact is that we have lost 2 officers and have been completely stymied, one by promotion, one by a return to private industry, so that responds to that “why”. He knows full well that Scrutiny cannot take place without officers. He should know that well enough. In terms of why now and this being a longstanding issue, on the contrary, on the contrary, the O.E.C.D. are meeting this very day to discuss the contribution of offshore finance centres to the so-called credit crunch and their role in it, and it is being taken forward as we speak.

15.1.4 Senator P.F.C. Ozouf:

I have to say I am shocked. Would the Chairman confirm that it is not just simply on 1st August that his panel was made aware of the imminent arrival of Foundation? Would he not confirm that the issue of foundations and the drafting of Foundation has been discussed with his panel on numerous occasions at all briefings where I have sought to ensure that his panel is fully briefed on the legislative programme? Would he also agree that he failed ... I think only one member of his panel failed to turn up to a States briefing on the issue of foundations. Would he not in the light of the question that has just been raised by Deputy Le Hérissier consider his position as Chairman of the Economic Affairs Scrutiny Panel and on the back of this abuse of power of the States Assembly resign from his position? **[Approval]**

Deputy G.P. Southern:

There is absolutely no question of resignation over this issue and, yes, we did send along one member of our panel to that briefing, but yes, notice of intention to deliver a draft is not a draft in front of one, nor does any Scrutiny Panel have with it at all times the relevant expertise to fully analyse what are very complicated documents, high-powered financial documents, at a moment's notice. We need to engage expertise to do it. We cannot just say: “Oh, well, it looks all right to me.” That is not proper scrutiny. I am now in a position, I believe, to be able to do that and will do it as soon as I can.

15.1.5 Senator P.F.C. Ozouf:

Would the panel Chairman accept that frankly his arguments in favour of pulling this piece of legislation at this late stage are simply not good enough? Foundations have been approved by this Assembly in terms of the outline of the fact that we are bringing forward a foundation in a business plan, they have been communicated in my own Economic Development Affairs Scrutiny Panel and that this message that the Deputy is sending out today will send a shockwave through the financial services industry that one Member supported by a couple of other panel members recently engaged in electioneering is going to be able to bring effectively the future development of our finance industry to a halt. Does he not understand the implications of what he is doing?

Deputy G.P. Southern:

I fully understand the implications of what I am about to do, and that is to belatedly, admittedly, get on with proper scrutiny of a complex issue. I believe the Minister for Economic Development exaggerates beyond all reason when he talks about shockwaves running through the industry. We are talking about a delay until 23rd February as prescribed by our own Standing Orders and under the powers given to me; absolutely, totally normal.

The Deputy Bailiff:

I am sorry, Senator, you have had 2 questions; we have been here for 10 minutes and I see 2 others.

15.1.6 The Connétable of St. Brelade:

I would like to ask the Chairman to acknowledge the fact that the Scrutiny Panel are not unanimous in this decision.

Deputy G.P. Southern:

Yes, I acknowledge that and I accept your reservations. The Constable has explained his reservations to me and I understand them. Nonetheless, however, it is a 4 to one vote.

15.1.7 Deputy P.V.F. Le Claire:

I find it remarkable coming in to listen to what has been proposed at this juncture. Does the Deputy not appreciate that a delay until February when he may not even be returned to the Assembly at this late stage in a law, given the circumstances that the world is in right now in matters of confidence for the finance industry ... what real scrutiny can be achieved under these conditions and what real scrutiny can be achieved if the Deputy is to face an imminent vote of no confidence, based upon this rash decision that he has made today? If he has not made it today, why was this statement not prepared for Members when he was preparing his 13th question to the Minister for Social Security?
[Approbation]

Deputy G.P. Southern:

The Deputy talks about an impending motion of no confidence; bring it, Sir. I am confident that I am doing it right. I am taking exactly the right procedure in this. This is a serious matter and it requires serious scrutiny. Belatedly - and I have apologised for that - it will happen. Let us scrutinise this, let us not draw the world's attention, the O.E.C.D's attention, on to Jersey at this particular time without checking that what we are doing is absolutely the correct way forward.

15.1.8 Deputy P.V.F. Le Claire:

Would the Deputy not agree with me that bringing attention to the issue is something that he has done in quantity today?

Deputy G.P. Southern:

The Deputy must surely see the point of Scrutiny is to scrutinise and that is what we are doing.

Deputy R.G. Le Hérissier:

On a point of procedure, can we tie the hands of a yet to be elected Scrutiny Panel?

The Deputy Bailiff:

No. The current Chairman of the Scrutiny Panel will be asked, if the principles of the law are adopted, whether he wishes to call it in for Scrutiny and he is entitled to say so.

15.1.9 Deputy I.J. Gorst:

I am absolutely flabbergasted. The Chairman, in his opening statement, proves that he neither understands the finance industry nor the products that it avails itself of. He confused "regulation"

and “prohibitive jurisdiction” with “product” and he also tried to extrapolate what has gone on in the rest of Europe. I believe that the Chairman and his panel obviously have no idea about what they are doing and I call upon him to resign. How can he scrutinise something that he knows nothing about? **[Approbation]**

Deputy G.P. Southern:

The Scrutiny Panel will of course engage the appropriate advice; that is the simple answer. In particular I am drawn to the powers given under Article 32 and I certainly would like to be discussing with the Attorney General in some depth how those apply, because they seem to give extensive powers to this foundation.

Deputy I.J. Gorst:

Sir, if he says that he needs to call professional advice, on what advice has he made this decision?

The Deputy Bailiff:

Deputy, I am sorry, the 10 minutes allowed under Standing Orders has expired.

15.1.10 Senator F.H. Walker:

Sir, may I ask a procedural question, it is procedural. We are told - and you quoted the article - that the Chairman of the Scrutiny Panel has the right to say he wants this referred; do the States have any influence over or any powers in this issue at all, or do we merely have to give way to what is very clearly a highly unpopular decision?

The Deputy Bailiff:

I am afraid that under the Standing Order, which was passed by this Assembly, if a matter is called in by the Scrutiny Panel, then that is it.

15.1.11 Senator M.E. Vibert:

Sir, we often suspend Standing Orders. Is it possible to suspend Standing Orders to have further discussion on this, and is it also possible to suspend Standing Orders so that this does not go ahead?

The Deputy Bailiff:

Well, let me take those one at a time. It is open to Members if they wish with Standing Orders to extend the 10 minute period. Are you proposing that?

Senator M.E. Vibert:

I would like the answer to the second question as well, please.

The Deputy Bailiff:

I would like to think about that one. That would need exploration.

15.1.12 Deputy P.V.F. Le Claire:

May I ask, Sir, during your consideration of it, in my understanding I was going to raise this point myself. It is a shame Senator Perchard is laughing, because it is a serious issue, give us a break. Is it possible that under the various Standing Orders, the privileges of the States might be considered in your determination? Also, where there are matters that would gravely affect the Island to its detriment, we have been informed on previous occasions the States are able to make a decision, and the Bailiff has ruled on a number of occasions the States should be masters of their own destiny. In this event, Sir, it would seem pretty evident that 99 per cent of the States' Members do not feel this is a sensible course of action by the Chairman, and I think that we need to really make a States decision to stop his action or bring a vote of no confidence in him before the end of the day.

The Deputy Bailiff:

I will consider the matter, but can I only say this, just as an introduction. Whatever the strength of feeling of Members, the States has agreed that a Scrutiny Panel should be able to call in a matter for Scrutiny. If a habit develops, if it is possible, of suspending that Standing Order and therefore overruling it, then in fact the majority, even if by one, will at all times be able to prevent something being called in for Scrutiny, which I would have thought was not in accordance with the intention of the Assembly when it introduced the Standing Order in the first place. It did not say: "By majority", it said: "If the Chairman calls it in."

15.1.13 Senator P.F.C. Ozouf:

Sir, I have great sympathy with your remarks. The difficulty is that I find myself in an exceptional position, having notified the Scrutiny Panel of my intention to propose legislation for it to be debated, offering numerous briefings the opportunity of discussing it with the panel. At no moment has there been any communication to the Minister of the intention of the Scrutiny Panel Chairman. That is why I believe that there is certainly a feeling among Members that this is an abuse of procedure. May I suggest that the Panel Chairman has not exchanged one word, one word with me as Minister out of courtesy in relation to this matter. If he believes that it is of such constitutional and Island importance, would he at least agree to meet with me either after the sitting this evening or first thing before tomorrow morning, that we may attempt to deal with any concerns that the Panel Chairman has? As Deputy Gorst perfectly said, I think the Panel Chairman is hopelessly confused about some of these issues. All of these issues have been resolved, they have all been extensively consulted upon with industry, we have brought in experts from outside of the Island, we have had extensive discussions with law officers in the industry, et cetera. I believe that there is nothing, but nothing, that the Panel Chairman and, indeed, any Member of this Assembly, would have to deal with in this, and could I ask for some time, certainly overnight, in order to discuss with the Panel Chairman that we may resolve this issue. Otherwise I fear for the ability of this Assembly to hold Standing Orders in such exceptional circumstances.

The Deputy Bailiff:

Well, would it be sensible for this matter ... we are not at this matter yet and in fact the Chairman does not have to take his decision until the matter is proposed and if the principles are adopted, although clearly he has given an indication of what he proposes to do. Would the Assembly agree that this be put down the list so that assuming we do not finish our business today, this matter comes on tomorrow and we will see if discussions help overnight? If not, then the Chairman will

take whatever decision his panel wishes to take tomorrow morning. Does that seem a sensible way or proceeding?

Senator P.F.C. Ozouf:

If the Panel Chairman will give the undertaking to start communicating immediately.

The Deputy Bailiff:

Chairman, do you agree that you will meet with the Minister and discuss the matter?

Deputy G.P. Southern:

Starting immediately, Sir.

The Deputy Bailiff:

Does the Assembly agree that that we will defer that matter until the appropriate place on the list? Very well, and in the meantime I will give consideration to the question of suspending Standing Orders, but I think we should press on for the moment. Now, there was one matter I wanted to inform Members of that has lodged. It is the Waterfront Enterprise Board Limited Appointment of Director Amendment lodged by Senator Shenton. It is a matter which is due; the main proposition is due for debate at this meeting. Senator, I do not know whether you wish to say anything at this stage or simply deal with this when we get to it.

Senator B.E. Shenton:

We will deal with it when we get to it, thank you.

PUBLIC BUSINESS - RESUMPTION

16. Draft States of Jersey (Amendment No. 5) Law 200- (P.122/2008):

The Deputy Bailiff:

Very well. So we return then to Public Business. The next matter on the agenda is the Draft States of Jersey (Amendment No. 5) Law 200-, projet 122, lodged by the Privileges and Procedures Committee, and I will ask the Greffier to read the citation.

The Greffier of the States:

Draft States of Jersey (Amendment No. 5) Law 200-: a law to amend further the States of Jersey Law 2005 the States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

These draft amendments of the States of Jersey Law are a result of the Machinery of Government Review that was carried out last year by a sub-committee of P.P.C (Privileges and Procedures Committee). The first amendment concerns the ability of the Chief Minister to suspend a Minister with the agreement of the Council of Ministers, who is the subject of a proposition to dismiss him

or her. The second is in regard to the delegation of Ministerial function to an Assistant Minister, and the third is to enable the Remuneration Review Body to consider the possible provision of pensions as well as considering Members' remuneration. I move the citation, Sir.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Senator Syvret, do you wish to speak on the principles?

Senator S. Syvret:

I do, Sir. I have just got my papers in a bit of a ...

The Deputy Bailiff:

Does any other Member wish to speak in the meantime? No? Then I think, Senator, it is for you.

16.1.1 Senator S. Syvret:

This proposition is of significant importance on a number of grounds. It deals with a number of different issues, most of which are comparatively unimportant. But the one that is of fundamental importance is the one concerning suspension of a Minister. It seems to me that this is an extremely dangerous proposition, because it removes from the Assembly its power and its sovereignty. At the moment the Assembly, quite rightly, decided to take to itself the ability to hire and fire Ministers. This because we do not have a prime Ministerial system of government, we do not have party politics, so it would not be realistic or appropriate to confer such power to hire and fire into the hands of a particular Chief Minister, especially a Chief Minister who has no particular mandate from the public to hold that post. So the Assembly in its wisdom did decide that it was important that we did not become like the House of Commons and that we instead retained some ability, meaningful ability within this Chamber, within the legislature, to hold the Executive to account. Which is why the Assembly agreed that upon the Chief Minister proposing his preferred candidates for Minister, the opportunity would exist for alternatives to be proposed, for elections to be held. Ultimately the power to appoint or not appoint Ministers was retained to this Assembly for very important reasons. If we were to agree the proposal before us today it would have the effect of conferring power into the Executive to override the will of this Assembly. This Assembly could have elected a Minister who it is entirely happy with, or at least happy with for the time being, and yet if this gets passed the Executive on its own, the minority, could simply usurp the power of this Assembly by suspending the Minister in question. So I think it is very, very important that Members understand that if this particular aspect of this proposition is passed it will mean a dramatic reduction in the sovereignty of this Assembly and the conferring, the handing over of a substantial amount of power to the Executive. Now, if Members want to go down that path, so be it, but I think it is important that we do so with our eyes open. We have to ask ourselves: "Is this kind of power necessary?" Well, perhaps in some circumstances it might be necessary. If a Minister had been accused of murdering his wife or something of that nature, some very, very serious and grave matter, then, yes, you can see that there would need to be a power to immediately suspend the Minister in question, were they unwilling to voluntarily give up their post or voluntarily agree to surrender it. But I think it is only in those kinds of *in extremis* situations that such a power could be remotely considered plausible within the non-party political environment of Jersey. So I have to ask where in here is the detailed explanation of the grounds, the gravity of the issues upon which this particular power would be invoked. It just is not here, it is not described. Essentially, at the moment you are simply giving to the Executive a power whenever they feel like

it to suspend a Minister over the heads of this Assembly. I do not believe that can remotely be considered in the public interest. Because there are occasions when a Minister may well be doing something that is right and in the public interest, but that does not suit the political convenience of his Ministerial colleagues, so he could be suspended pending a States debate on dismissal. Now, I cannot see that being in the public interest, not for one moment. I think there is a profound flaw in the particular amendment that has been brought before us today in that it is not clearly defined just how and under what kind of circumstances this really quite dramatic power would be exercised by the Executive. It does represent a wholesale transfer of power of sovereignty from this Assembly to the Executive. Another point that has to be borne in mind is that if there were to be the circumstances whereby a Minister was doing something truly awful and did have to be removed, a meeting of this Assembly can be requisitioned upon the signatories of 7 Members. So at any stage an emergency meeting of this Assembly can be requisitioned in the event of some pressing urgent matter requiring a decision of the Assembly. So if you had hypothetically a Minister who had, as I suggested earlier, perhaps been accused of murdering his wife or something of that nature, then the Assembly could meet in short order and undertake a vote of no confidence against the person concerned, but ultimately that would be preferable because the power, the sovereignty, would reside with this Chamber, where it should. I think it is important to emphasise that the concept many people look to, that of Prime Ministerial power in the United Kingdom, is only legitimate on the back of a parliamentary majority. We do not have that custom and practice in Jersey; we choose predominantly to elect independent Members, therefore it is entirely right that such centrist concentrations of power are not glibly handed over to whoever may be in the seats in the Executive of the day. We have also heard only this morning how it is entirely feasible on whichever whim happens to be that of the Employment Board of the day for civil servants to remain entirely in post working, carrying on just fine, no matter that they have grave, grave allegations against them, and yet here we are faced with the prospect of just glibly handing over to the Chief Minister, the Council of Ministers, the power to suspend a Minister just like that, without any hurdles to cross, without any checks and balances on that power. As I said, I can see that there are some very rare circumstances in which a power to suspend a Minister immediately may be necessary, if they are accused of a grave crime or something of that nature, but that is not what this legislation before us today proposes. This is basically handing a political tool to the Executive to silence, to shut up, and to intimidate individual Ministers. It is ill thought out; its purposes and parameters are not properly defined. If we were to agree anything of this nature, we would need a far, far more detailed explanation of under what grounds, what gravity of circumstances the power to suspend would be invoked. That information just is not in here. So on that basis, I would like to propose that this matter be referred back for more detailed and proper consideration, because there are such a variety of issues in here that have simply not been properly addressed. It is not to say that the issues within this proposition are entirely without merit; there may well be some merit in them, but they are ill-defined at the moment; there is insufficient evidence, insufficient detail accompanying them. So I would like to ask if a reference back for further detailed thought, analysis, evidence and examples could be made. Would that be in order?

The Deputy Bailiff:

Well, that is no longer a matter for the Chair, provided that it falls within Standing Order 83, which is a proposition may be referred back in order that (a) further information relating to the proposition can be provided, or (b) any ambiguity or inconsistency. Well, I do not think it relates to (b), so can you be precise as to what is the further information you are seeking from P.P.C.?

Senator S. Syvret:

Certainly, Sir, the circumstances under which these kinds of powers would be invoked. There is insufficient detail attached to them at present, there is a dangerous transfer of power from this Assembly, from the legislature to the Executive, a significant reduction in the sovereignty of this Chamber and the conferring of the consequent power on to the Executive.

The Deputy Bailiff:

It is further information you require from them; those are assertions on your part. What is the information you seek?

Senator S. Syvret:

Yes. The information we require is a much, much more clearly defined explanation, evidence, details, as to under what circumstances and how and when it would be appropriate to invoke such an extreme power.

The Deputy Bailiff:

Well, I think it is marginal, but I think these are matters for the Assembly nowadays, not the Chair. So is the proposition seconded, is the reference back seconded? No, it is not, in which case ... it is. It is seconded. **[Seconded]** It having been seconded I think it is just in order, therefore we have before us a proposition to refer the matter back for the information referred to by Senator Syvret. Does any Member wish to speak on the reference back?

Senator S. Syvret:

Am I able to say a few words on the reference back?

The Deputy Bailiff:

I thought you already had, Senator.

Senator S. Syvret:

Well, I was initially asking if it would be in order.

The Deputy Bailiff:

Yes, all right. Well, just say what you wish to say then, yes.

16.2 Senator S. Syvret:

It is in order, therefore I am proposing the reference back because setting aside all partisan considerations, we are about to undergo Deputy elections; a new Assembly will be appointed by the public very shortly; this is a matter of very significant gravity, in that it involves a substantive transfer of power from this Assembly to the Executive. I think Members need to think about that very carefully and really ask themselves whether it is appropriate in the dying days of the life of this particular Assembly to undertake such a dramatic step. I do not believe it is; it needs a great

deal more work, a great deal more evidence, a great deal more thought. I propose the reference back.

The Deputy Bailiff:

Does any Member wish to speak on the reference back? Chairman.

16.2.1 The Connétable of St. Clement:

I think that this proposition should be rejected. It is quite clear the circumstances in which a Minister would be facing suspension, and therefore the possibility of dismissal is that the Minister, or him or her has lost the confidence of the rest of the Council of Ministers, and it is important that the Council of Ministers work together. If they cannot work together, there is always the possibility that the Ministerial system could break down. So I would ask the Assembly to reject this proposition.

The Deputy Bailiff:

Does any other Member wish to speak on the reference back?

16.2.2 Deputy R.G. Le Hérissier:

Very briefly, Sir, I seconded it simply because I thought it was a matter that required debate, but I would say is obviously there are 2 dangers. One is of course that it may be part of a continuing vendetta, and the second thing is that the Minister might misuse his or her powers in the dying day of their administration. My view is there is a convention and some people dislike conventions, but I would have expected the convention to operate that in such circumstances a Minister would only take routine decisions, and if they were to be evidenced that they were not taking routine decisions, they were actively intervening or whatever, then I would say there would be a case for the Chief Minister to bring the matter immediately to the attention of the States and for a debate to take place immediately on those particular grounds. It might even involve rather like a nuclear option; it might even involve an immediate debate in order that whatever behaviour that was regarded as reprehensible could be examined as soon as possible. But I think there is a real danger that if we do not do this, we could be getting involved in all sorts of vendetta situations and I would much prefer that there be a fallback position, rather than there be immediate suspension and, quite frankly, Sir, it may pain me and I may have to choke on my cornflakes at this point, but Senator Syvret makes a very good point. Here we were this morning looking at the issue of suspension and here we are in a situation where we are being recommended almost automatic suspension without necessarily having examined the evidence beforehand. It is just not good enough and it is double standards.

The Deputy Bailiff:

Does any other Member wish to speak on the reference back? Very well, I call upon Senator Syvret to reply.

Senator S. Syvret:

Sir, simply to reiterate the points I made initially. It is interesting that no Member has proffered any argument against the dangers of the transfer of sovereignty from this Assembly to the Executive, which is what this proposition would amount to. As Deputy Le Hérissier correctly

points out, there are a great deal of double standards involved in this. You see one standard of almost cast iron, Teflon-plated immunity to Jersey's very expensive civil service, and yet here we are regarding it as entirely proper on the basis of very thin evidence, poor examples, poor thought, less than adequate explanation, regarding it as simply okay to transfer a substantial amount of power from this Assembly over to the Executive, whereby the Executive will be able to, effectively, remove from office to any practical purpose a Minister who has been appointed by this Assembly. I am afraid it is a dramatic transfer of power from the legislature to the executive. There is no real recognition of that in this proposition, and I just do not think that such a dramatic step, such a dramatic transfer of power, can remotely be considered credible on the basis of such a thin and inadequate analysis. I propose the reference back, Sir, and I ask for the appel.

The Deputy Bailiff:

The appel is asked for in relation to the reference back.

POUR: 12		CONTRE: 21		ABSTAIN: 0
Senator S. Syvret		Senator M.E. Vibert		
Connétable of St. Peter		Senator T.J. Le Main		
Deputy R.C. Duhamel (S)		Senator F.E. Cohen		
Deputy of St. Martin		Connétable of St. Ouen		
Deputy P.N. Troy (B)		Connétable of St. Mary		
Deputy R.G. Le Hérisssier (S)		Connétable of St. Clement		
Deputy P.J.D. Ryan (H)		Connétable of Trinity		
Deputy of Grouville		Connétable of St. Lawrence		
Deputy P.V.F. Le Claire (H)		Connétable of St. Martin		
Deputy D.W. Mezbourian (L)		Connétable of St. John		
Deputy of Trinity		Connétable of St. Saviour		
Deputy I.J. Gorst (C)		Deputy G.C.L. Baudains (C)		
		Deputy C.J. Scott Warren (S)		
		Deputy S.C. Ferguson (B)		
		Deputy of St. Ouen		
		Deputy of St. Peter		
		Deputy G.W.J. de Faye (H)		
		Deputy S.S.P.A. Power (B)		
		Deputy A.J.D. Maclean (H)		

		Deputy of St. John		
		Deputy of St. Mary		

The Deputy Bailiff:

Very well. So we return then to the debate on the principles of the legislation. Does any other Member wish to speak on the principles? No other Member wishes to speak on the principles? Very well, do you wish to reply, Chairman?

16.3 The Connétable of St. Clement:

I think most of the things have been said about the principles and it is a pity that this debate was for the suspension of the whole proposition, because if Members did not want to have suspension of Ministers, they could have voted against Article 2. I propose it.

The Deputy Bailiff:

Very well. All members in favour of adopting the principles, kindly show. Those against. The principles are adopted. Now, Deputy Ryan, I think this is a matter which falls within the Corporate Services Scrutiny Panel. Do you wish to have it referred to you?

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

No, thank you, Sir.

The Deputy Bailiff:

Very well. Now, how do you wish to propose the Articles? They are separate matters, so I would have thought you ought to take each topic in turn, Chairman, should you not?

The Connétable of St. Clement:

Each one, Sir, I think.

The Deputy Bailiff:

Very well.

The Connétable of St. Clement:

Starting with Article 1, I propose the Article 1, which is the interpretation.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on Article 1? All those in favour of adopting Article 1 kindly show; those against; Article 1 is adopted. Then, do you propose Article 2, Chairman?

The Connétable of St. Clement:

Yes, Sir. Article 2 concerns the suspension of a Minister who is subject to a proposition to dismiss him or her. It is indeed a very serious matter if the Chief Minister with the support of his colleagues on the Council brings a proposition to this Assembly to dismiss a Minister. It would indicate a complete breakdown in the relationship with his or her fellow Ministers. As a result of this breakdown the sub-committee felt it was inappropriate for the Minister concerned to continue to exercise the considerable powers the Minister possesses. The safeguard is that the dismissal proposition will have to be agreed by the other Ministers and be lodged within 3 working days of the Minister being informed of his suspension and at the same time necessary steps must be taken to inform other Members and the members of the staff of the relevant Ministerial department. If this proposition, that is the proposition from the Minister, is not lodged within 3 days, then the Minister is reinstated. Of course, when it is lodged it is in everybody's interest that the matter is dealt with speedily, and in the meantime the Chief Minister or Minister delegated by him or her will take over the responsibilities of running the suspended Ministerial department. I must add, Sir, that the States still has ultimate power because they decide whether or not the Minister concerned is dismissed. If the States decide that the Minister, him or her, should not be dismissed, then that brings the Chief Minister's position into question.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on Article 2? Yes, Deputy Ferguson.

16.3.1 Deputy S.C. Ferguson:

In fact, this method of suspension and leaving your desk immediately is common practice in commerce. I see no problem in that. I feel that one thing we have missed is that higher standards are required of us as legislators as well, and we must stick to the highest standards. Providing that we are, as I say, sticking to higher standards then we can then insist on higher standards in perhaps similar setups in the civil service. As the Chairman of P.P.C. has already said, the ultimate power does rest with this house, this Assembly, in that we can if we wish reverse a decision that is made by the Council of Ministers. Quite what the result of that would be, I am not quite sure, but we certainly could, so that we have not abrogated our total power.

16.3.2 Senator S. Syvret:

Obviously I am going to oppose this proposition, and I can point out a number of serious flaws in it. For example, it refers to agreement in accordance with Article 21(6)(b) to the lodging of a proposition for dismissal of a Minister. Now that is all fine and dandy, but consider the abusive process that was adopted by this Council of Ministers in my case. There was a decision by the Chief Minister in collection with the majority that they would have the meeting referred to in that clause to discuss whether a proposition should be taken forward to dismiss me. Fine; I was busy preparing my case, my defence, as it were, my ability to defend myself, the evidence, seeking the relevant professional advice from a range of people; all due to come together at the date, the set date of the next Council of Ministers meeting. That is what I was working to. Then lo and behold I get an email with 5 day's notice of an extraordinary meeting of the Council of Ministers some time ahead of the original scheduled meeting in which I had to prepare my case in a dramatically reduced period of time. Then to add insult to injury in real banana republic fashion, I received the supposed case against me for dismissal less than 24 hours before the meeting took place. Now,

there are no remotely credible standards of the good administration of justice in any respect that would regard that as being a fair hearing. Yet this amendment to the law we have before us today leaves such issues, such fundamental issues as due process completely unaddressed. The process, as it is, is widely open to abuse as happened in my case; that will be even more so if the Assembly adopts this change in the law today. It is absurd to expect somebody to be given less than 24 hours' notice of the case against them and then expect them to prepare and mount a defence of themselves. It is ridiculous, but that is what occurred to me. The date of the meeting was abandoned, it was rushed forward, I did not even get the case against me e-mailed to me, made available to me, until less than 24 hours before the meeting took place. I complained or sought an adjudication on this matter from in fact, as it so happened, the Deputy Bailiff, who said that, well, this was all just fine and dandy and it did amount to an effective opportunity to be heard by the Council of Ministers. Again, not a decision I can find remotely plausible when compared alongside any acceptable acknowledged standards of the good administration of justice and fair due process. But nevertheless that is what happened. What then is the motivation for P.P.C. and the Council of Ministers bringing forward this proposition? It was to stop a recurrence of what happened in my particular case, which was that my resignation was demanded by Senator Walker with the complete agreement of all of the other Ministers; I declined to do so, having done nothing wrong; and they wanted to remove me from office as speedily as they possibly could with the senior civil servants cracking the whip behind them, who were desperate to carry on with all of the cover ups. Before the dismissal actually took place I was able to do a great deal of very important public interest work. I was able to uncover a great deal more evidence towards the child protection disaster. I was able to discover the facts that enabled and required in fact, as it would any decent person, the sacking of the then Chair of the Jersey Child Protection Committee. I was able to in that period research myself, recruit and appoint a new Chair of the Jersey Child Protection Committee, Emeritus Professor June Thoburn. I was also able during that period before the axe dropped upon me to negotiate an invitation with the Howard League for Penal Reform to come and undertake their own independent inspection, evaluation assessment of the Island's approaches to child custody. If those 2 things, the restructuring of the Jersey Child Protection Committee and the invitation of the Howard League are so dreadful that Ministers have to be prevented from doing such things until the powers that be can get rid of them, we have to ask ourselves why is it then that since I took those steps and put those decisions into practice, in the teeth of rabid opposition and hostility at the time from the civil servants and all of the other Ministers, particularly Senator Vibert, why is it now the case since then that the Council of Ministers, the Chief Minister, and others have laid claim to the appointment of Professor Thoburn as Chair of the Child Protection Committee as a marvellous, wonderful thing and a fine example of how serious Jersey is about child protection issues. Why is it that they publicly and repeatedly said: "Well, look, is it not marvellous, we have got the Howard League coming to do an independent individual report into our child protection systems" and so on and so forth. Important measures that I was able to undertake which were rabidly opposed by the Executive at the time, but which now with the passage of events, now that I have been shown to have been right and the Council of Ministers have been shown to have backed the wrong horse utterly, suddenly those measures, those decisions are seen to be good. I think members of the public will see through this amendment to the States of Jersey Law for exactly what it is. This is a device and a mechanism of shutting up, intimidating, bullying and silencing any Minister who happens to be a bit independently minded and who happens to want to do something according to their conscience that does not chime with the political desires of the rest of the Council of Ministers. Transparently, that is all this amendment is, and on top of that it involves the wholesale transfer of a significant amount of power from this Chamber, the Island's legislature, to the Executive. There is simply no justification for this change in the law at all, certainly not in the way it is presently drafted and certainly not on the paucity of information that accompanies it, and I will certainly vote against it and I would urge others to do the same.

16.3.3 Senator M.E. Vibert:

I listened with interest to Senator Syvret's beration where he mentioned all the things he did and failed to mention the reason that he is no longer a Minister was because this House took that decision, not the Council of Ministers. The House decided he was no longer fit to be a Minister, and that is exactly how it should be. Of course what the Senator, when he mentioned some of the things he did, he did not mention all the things he did in between times and I do not regard the removal of files that should not be removed from certain places as a correct and proper thing to do. I do not believe that many other things that were done were correct and proper. I believe that what is being suggested here ...

Senator S. Syvret:

A point of order.

Senator M.E. Vibert:

I do not think it is a point of order and I am not giving away, Sir.

The Deputy Bailiff:

If it is a point of order.

Senator S. Syvret:

The former Senator Vibert has made an assertion to the effect that I inappropriately removed files. I would like him to explain what files those were.

The Deputy Bailiff:

I do not think that is a point of order; that is seeking a point of clarification.

Senator M.E. Vibert:

I am still a Senator, I understand, until the end of this session [**Approbation**] and I intend to carry out my duties accordingly and not be intimidated by Senator Syvret and his lies. His inappropriate exactitude of truth.

The Deputy Bailiff:

Now, Senator, you may not attribute wrong motives to any other Member, Senator; you know that.

Senator M.E. Vibert:

I know that very well, Sir. I also know you should not name civil servants who cannot answer back in this House.

The Deputy Bailiff:

Indeed you do, and I corrected the Senator and I am correcting you now.

Senator M.E. Vibert:

Thank you Sir. As I was saying, I think that Members made their decision when Senator Syvret had the opportunity to put his case before them. They made, I believe, the right decision. I believe that the point ... I would ask if I could continue uninterrupted, Sir. I did not interrupt the Senator, though I could have on many occasions. I believe that what P.P.C. are seeking to achieve here is the fact that unfortunately, and it is very unfortunate that we have to bring such a proposition, it showed that much to many people's surprise that a Member could not be trusted to behave appropriately and obey the convention that Deputy Le Hérisier referred to of not making major decisions while there is a case of no confidence and dismissal against them, but that was the case. What this is seeking to do is to ensure there is no repetition. If it needs the backing of the Council of Ministers to suspend a Minister, it needs it to be brought here and presented to the State within 3 days. It needs to be brought to the States as soon as possible to decide and of course the power, as Deputy Ferguson said, still remains with the States, and that is a considerable power. Because let us be quite clear, and it was very clear in the case against Senator Syvret, is that if the States had backed Senator Syvret it would have meant that the Chief Minister and the Council of Ministers would have resigned, and this would be the case in any future consideration. It is quite clear the Council of Ministers should act as a group and this is a mandate given to them by this House, and this is just a sensible precaution, an unfortunate precaution that has been forced upon us by the appalling behaviour of someone when they were facing such a threat of dismissal, and not abiding by the convention, but continuing to, in my opinion, Sir, abuse their powers.

16.3.4 Deputy P.V.F. Le Claire:

It is sometimes unfortunate that we are not able to focus on the actual bigger issues, which are the mechanisms that we have been handed down from previous generations to govern the Island and what we choose to do with them. Senator Vibert has only just now stated that he believed that it was right for the Assembly to have been the ones to remove Senator Syvret from the post. Yet within the same set of arguments he makes the case that we have been forced to change this privilege because of the actions of Senator Syvret in relation to the historical child abuse issues. Senator Syvret's actions over the last 2 or 3 years in relation to his actions and his duties have been made by him in relation to the experiences, challenges and responsibilities that he faced after we gave him the mandate to take on the Ministerial role. Once something so fine as the erosion of power has established itself it is a very difficult thing to unpick once it has been stitched up. I believe if the States were able to, this afternoon, set aside personalities which have been an abhorrence in the recent elections in my view to the detriment of some, then we would be looking at the issues of what we are going to hand on to the future Assembly and the Assembly after that. I do not think it was right that we entered into Ministerial government without putting that to a referendum. I have always maintained that, and I do not believe it would have been supported in a referendum either. Senator Vibert made that point only recently that moving from a committee system to a Ministerial system had perhaps been a grave error. At the very least it had changed the face of politics and the personalities and the personality politics, and the intimidation and the derision that has since sprouted from Ministerial government has been something of a disappointment to witness. We were warned against it by the last Lieutenant governor on his departure from the States Assembly, and I think we would do well to keep that in mind. I am reminded of the saying, and I will not get this right but Members will get the gist: "First they came for the Jews and I said nothing; then they came for the gypsies and homosexuals and I said nothing; then they came for the priests and I said nothing; and then when everybody else had been taken, they came for me and there was no one left to say anything." If we pass over sovereignty of these types of decisions to the Council of Ministers that are led by a selected Member of this Assembly, not an elected Member of the people of Jersey, then we are further eroding the accountability and

the due process that we need to ensure continues. Nobody would expect in the civil service to have to face a court of inquiry or a hearing with less than 24 hours' notice without them having at their side somebody to assist them, and at the end of the day an independent arbitration process. In some respects, although not totally independent, any Minister in the future coming back to the Assembly to plead his or her case, has the opportunity to make that case and has the opportunity to carry out their duties and responsibilities and put that before the elected Members of this Assembly. I made the point earlier in the year that it was unfortunate at the time that the Council of Ministers did not get around Senator Syvret and ask him to take over another area of responsibility, to have an independent Member of the Council or some other person look at these issues, because I feel that once the cork was out of the bottle there was no putting it back in. The Council of Ministers now wish to remove it completely. Once this has been achieved if it is achieved today, we will never regain control of this Assembly and there will be erosion of the sovereignty of the Assembly that Senator Syvret has said there will be, to the Council of Ministers. I believe if a Minister has acted inappropriately then a vote of no confidence can come by any Member in that Minister. If the States Assembly who should remain masters of their own destiny wish to remove that Minister, they can do it. It will be taken at the very next meeting of the States; it will be taken at the top of the agenda by practice, by protocol. Members are handing over or are in danger of handing over this afternoon much more than they realise with this.

16.3.5 Deputy J. Gallichan of St. Mary:

I am at a bit of a loss to follow that because it seems to me that the previous speaker had a complete misunderstanding of what this is about and completely misunderstood the difference between dismissal of a Minister, which only this House can do, and suspension, which is a completely different matter. This issue is not about the situation that arose concerning the former Minister for Health; it is not about that at all. Indeed, Senator Syvret cited things that he had done immediately before he was dismissed and claimed that they had been successes. Well, that may indeed have been the case; that is not the point. The point is that any Minister is vested with considerable power and it is how that power is utilised when the Ministerial relationship with the rest of the Council of Ministers has broken down that is at issue here. Members of this House have voiced concerns from time to time and certainly members of the public have voiced concerns. I have just gone through an election campaign; I have met with a vast section of the St. Mary's public and many times the sheer concern at the power that vests in the hands of individuals was raised to me: "Were there adequate safeguards in place?" This is an example of where an adequate safeguard is not in place and can be remedied now. Members of the public want to know that this power cannot get out of control. This House must realise that if, as has been alluded to by Senator Syvret, this new proposed power could be used as a mere device by a Chief Minister or sections of the Council of Ministers to silence an independent thinking Member of the Council, they are gravely mistaken. The credibility of the Council of Ministers and of the Chief Minister in that circumstance would be immediately lost and this House would know how to deal with that. This motion does not interfere with the sovereignty of this House. Only this House can confirm the appointment or remove a Minister. What we are talking about here is simply what happens when the relationship on the Council of Ministers has broken down. This came out of the review of the machinery of government, something that the Privileges and Procedures Committee was charged to undertake, as we have all agreed, I think, probably too early in the Ministerial system, but nevertheless it has been done. That is what we are handing forward to the new House which will shortly take office.

Deputy P.V.F. Le Claire:

Could I ask the Member to give way for a second, please, to ask a question? With respect, I sometimes do miss the point, but I believe what I was making - maybe not well enough this

afternoon, and I would like clarification if I am wrong - was the point that the States empower a Minister; a suspension disempowers a Minister; the States empower a Minister to act; a suspension disempowers a Minister to act.

The Deputy of St. Mary:

That can be said to be true, but what the States do is appoint and then remove a Minister. We are not talking here about the removal of a Minister. This is simply a hold measure. For example, imagine the Minister who controls a budget of say £250 million, let us just take a round figure, having some sort of crisis or having some sort of major dispute, and then without any possible challenge by this House, dispensing or tying up or allocating huge chunks of that budget immediately before a dismissal procedure goes through. What we are talking about here is simply ... it is a holding measure which means that until this matter of possible dismissal is addressed by the House, nothing else will happen. That is simply what it is designed to do. It is a safeguard, nothing more. The Council of Ministers, the Chief Minister, cannot remove that Minister from office; only this House can. What this seeks to do is simply stop any action by that Minister and it is for a very short time, as has been said. Unless the dismissal motion is lodged within 3 days, it falls away, a very short time. We have talked about timescales but this motion does not address the issues of the States of Jersey Law Article 1(21)(6) either (a) or (b). If that needs addressing, that is a different issue; that is not what we are dealing with here. Simply what we said, what the Machinery of Government Review Sub-panel said in their report: "Once the relationship between a Minister and his or her Ministerial colleagues has broken down to the extent that the Chief Minister is seeking the dismissal of the Minister concerned, it seems inappropriate that the Minister who may have extensive statutory powers and duties, should continue to carry out his duties, but should instead be suspended until the States make a decision on his or her dismissal." To get away from the actual wording of what we are seeking to do here and to put in all sorts of other ancillary objectives, which simply do not exist, in fact, is a very dangerous measure.

The Deputy Bailiff:

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

The Connétable of St. Clement:

I would like to thank all speakers. I would like to emphasise what the Deputy of St. Mary has emphasised; this Assembly has the ultimate control. I would also like to say that it has absolutely no relationship to any previous dismissal of a Minister. It was felt by the Machinery of Government Sub-Committee of P.P.C. that it was a much needed proposition or alteration to the Article to regularise what could be a potential dangerous situation which has been illustrated, I think, quite amply by the Deputy of St. Mary. There will be a build-up; it will not suddenly happen overnight. The Minister and the other Ministers will certainly be at loggerheads for some time before any dismissal proposal is put forward, so it is something that the Minister involved will have plenty of time to build up an adequate case for retaining his Ministerial position.

Senator S. Syvret:

Sir, a point of clarification; could the Chairman of P.P.C. explain where those details are laid down in any Standing Order or procedure in respect of having the proper and appropriate length of time and so forth?

The Connétable of St. Clement:

I think I explained that the Minister would be at loggerheads with his fellow Ministers probably for some considerable time before this dismissal is proposed by the Chief Minister to the rest of the Council of Ministers; there is a build-up; it is suddenly not something that is going to happen immediately and overnight.

Senator S. Syvret:

So to be clear, there is no codified procedure.

The Connétable of St. Clement:

Not as far as I am aware, but I do not think there could possibly be a laid down way of dealing with the situation. I think it is ad hoc. The situation occurs, begins to occur, and continues to occur, the loggerhead with the other Ministers continues. I do not think that it is going to happen all of a sudden and I do not think there could possibly be any laid down method of dealing with it. Each case has to be dealt with, as far as I can see, on its merits. I do not think there is any other point that has not already been covered by the various speakers. But I would like to emphasise to Deputy Le Claire that we are all elected by the public; our role is to govern the Island on behalf of the public and we must not think about going to the public for every decision that we make; it is a very dangerous precedent. I move Article 2.

Deputy P.V.F. Le Claire:

On a point of order, Sir, I never suggested anything of the sort.

The Deputy Bailiff:

The appel is called for in relation to Article 2.

POUR: 30		CONTRE: 8		ABSTAIN: 0
Senator F.H. Walker		Senator S. Syvret		
Senator P.F. Routier		Deputy R.C. Duhamel (S)		
Senator M.E. Vibert		Deputy of St. Martin		
Senator P.F.C. Ozouf		Deputy P.N. Troy (B)		
Senator T.J. Le Main		Deputy R.G. Le Hérissier (S)		
Senator F.E. Cohen		Deputy P.J.D. Ryan (H)		
Senator J.L. Perchard		Deputy of Grouville		
Connétable of St. Mary		Deputy P.V.F. Le Claire (H)		
Connétable of St. Peter				
Connétable of St. Clement				

Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy J.J. Huet (H)				
Deputy G.C.L. Baudains (C)				
Deputy C.J. Scott Warren (S)				
Deputy J.B. Fox (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

The Deputy Bailiff:

Then we come to Article 3. Do you propose the Article, Chairman?

16.4 The Connétable of St. Clement:

Article 3: at present there are a number of ways, delegated functions, for Assistant Ministers who are reporting to the States. Article 30 of the law requires the Chief Minister to maintain a list but this is not a detailed list. The delegating Minister publishes a report in the R series but this is not a statutory requirement. It could also be recorded as a Ministerial decision. This amendment seeks to regularise the situation. Statutory functions delegated must be reported to the States except that of short term delegations. The Chief Minister maintains and publishes a detailed list of the functions of each Minister and those that have been delegated to an Assistant Minister. The list will be published and maintained on a website. This will make it easy for the list to be kept up-to-date and be easily accessible. I move Article 3.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on Article 3? All those in favour of adopting Article 3 kindly show; those against? Article 3 is adopted. Do you propose then Article 4?

16.5 The Connétable of St. Clement:

Article 4: when the States Members remuneration review body published its report in 2005 it felt it was restricted in its recommendations by Article 44 of the law which provides that no Member should receive remuneration or allowances different from any other Member. Members have pressed P.P.C. over the years for the provision of pensions to Members to be considered, but this Article has prevented the board from considering this. As a result, the subcommittee has proposed this Article 4 to address these concerns and expand the remit of the board to consider the possibility of providing this provision to Members. I must make it quite clear this is not an instruction to the board which is in the process of being reconstructed. I move Article 4.

Senator S. Syvret:

On a point of order, should not the Assembly suspend standing orders or declare a collective interest or whatever the issue is because this is a matter of direct financial interest to quite possibly all Members?

The Deputy Bailiff:

No, I would not have thought so. Does any Member wish to speak on Article 4?

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

I am afraid I cannot support this particular proposal. I see no evidence to persuade me that any form of special arrangement or pension is required for States Members and I firmly believe in the principle that all States Members should be paid at the same rate. It is quite clear that there are very easily other arrangements that could be put in place or, in fact, one could argue perhaps they are already included in the overall remuneration that we currently receive to enable us to provide for our own pension provisions at present. So I would also like to draw Members' attention to a comment made by the Privileges and Procedures Committee regarding Article 4 which, indeed, states on page 8 that Article 4 relaxes the rule that all States Members shall receive the same remuneration and allowances. It allows different amounts of pension contributions to be made whether directly or by way of allowances to the States Member concerned in respect of different States Members. I believe this is a total variation from what has been agreed by the States in the past and I feel I cannot support it.

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

Up to now States Members, in effect, are on a 3 year or a 6 year contract and up to now they have expenses which, over a certain amount, they can declare to income tax. I would have thought and I have always been of the belief, that if you have short contracts like this for jobs that are short contracts like this you should be making personal provision for your pensions, your medical or anything else that you choose to have. Having said that, I think that the remuneration panel might and have already expressed that it restricts them from considering, and I would not like them to have a restriction on being able to consider something and so my temptation is to say yes to this to allow the panel to deliberate and make their opinions but bearing in mind that at the present time, the States have a right of veto. I do not particularly like that either because I think it is the turkey for Christmas bit, but I can see both sides of the argument. I certainly, in all the years, have made provision by either the type of employment or the way that you look after your family and I think that that is the number one importance and, therefore, I think on balance I will support this but I, like the Deputy of St. Ouen, strongly believe that we are all equal in this Assembly.

16.5.3 Senator S. Syvret:

Certainly I will be joining with the Deputy of St. Ouen and voting against this utterly preposterous nonsense. Who do States Members think they are honestly expecting pension provision possibly to be made as a result of this change off of the back of taxpayers' money and what is the need of it when it is perfectly feasible to undertake proper future financial provision for yourself by, for example, taking legislation through the Assembly that is being introduced at the sole and express request of your own law firm, being a non-executive director of Bank Cantrade while deciding not to investigate them for criminal conduct ...

The Deputy Bailiff:

Senator, this is not relevant to this matter which is should there be a pension contribution. Please confine your comments to that.

Senator S. Syvret:

Indeed and I am talking about the fine historical traditions by which many States Members have in fact made provision for their pension funds. Indeed, if you have been a good States Member once you have retired from the States you can become a non-executive director and adviser to companies like Dandara and no doubt make another fortune that way. Now, these are all fine examples that have been set for us by the elder Statesman of the past and I think we ought to be following those examples personally, and I think it is quite preposterous that we should be doing something so disgraceful as establishing a basic pension scheme for Members and, you know, certainly I am going to even further take a leaf out of the Deputy of St. Ouen's book. I am going to undertake a little small holding so I can be classified as a farmer and then get a lot of agricultural subsidies and I can become an employee of my own company at the *de minimis* rate thus attracting full scale social security supplementation off the backs of taxpayers. Now, that is the kind of good solid traditional means and methods by which States Members have made provision for their future. Oh, and also taking the odd bribe every now and again as well. **[Members: Oh!]** So this is the way that things work and I think with these fine traditions we really ought to maintain ...

The Deputy Bailiff:

Senator, can I remind you of Standing Orders that say you shall not impute improper motives to other Members. Standing Orders are to be obeyed by all Members; you just like anyone else, Senator.

Senator F.H. Walker:

I have to say this is twice today the Senator has got away with a flagrant breach of standing orders and I am extremely disappointed that should be the case.

Senator S. Syvret:

Senator Le Main accuses me of being **[Interruption]** ... Well, Senator Le Main just accused me of being a crook. Well, I can assure him that in the next year or so a very, very, very close examination is going to be undertaken by Her Majesty's constabulary of some of his activities.

The Deputy Bailiff:

Does anyone have anything relevant to this debate to say?

16.5.4 Senator P.F. Routier:

I am very, very disappointed in some of the comments which have just been made and it makes me wonder why anybody should want to be a States Member, some of the comments that are made **[approbation]**. I always thought that being a States Member was a privilege and we were sort of here to do the good for the Island, but during recent times ... when I first became elected I was able to mix my own personal business workload with my States workload and that is now impossible. We have to commit ourselves fully to especially being a Minister. I am not saying that other Members do not have to do it as well, but I can assure you that being a Minister does require an

exceptional amount of commitment in time and effort and that is something I am prepared to do. I have to say if we are wanting to move forward with an Assembly to encourage quality people to stand for the position within the States we are going to have to remunerate them properly, and I am afraid to say, and people might not think this is an appropriate thing to be saying, but the level it is currently settled at it is not at a level which will encourage middle managers, senior executives, lawyers, accountants; the sorts of people who we need who have the expertise to help run the Island. Among that is the necessary provision of a pension and I will be supporting this amendment because I do believe ... and I am quite surprised at Senator Syvret's comments because it was only during this year I think it was, he made quite public comments about he is going to have to leave this Assembly without a pension and he was bemoaning the fact that that is how he is going to end up and he did not know how he was going to survive at the end of it. So I really think ... and particularly for Senator Syvret because he does not have all those other mechanisms, he is not prepared to use all those other mechanisms he has quoted, that he would be better looked after by this Assembly for people ... and provide for him when he is no longer a States Member. I would hope that he would recognise it as a caring organisation, as a good employer, which the States are for States Members. I would hope that they would recognise there is a need for a pension.

16.5.5 Deputy I.J. Gorst:

I will try not to be ironic. I will, however, declare that should I be re-elected and this proposal gets approved then I will potentially benefit from it. I am extremely disappointed by the tack taken by the Deputy of St. Ouen. He seems to either not have read this particular amendment ... not only that, he seems to misunderstand entirely how pensions operate. It is not possible if one is to use an off the shelf pension scheme to input exactly the same amount for each individual because they have varying ages and, therefore, it is necessary to amend this particular requirement whereby States Members are paid identically. But I should say the amendment is - and I must make this extremely clear - purely in relation to any pension provision. We tried to keep this particular amendment as broad as possible because it might be that the review board when looking at this area of remuneration might decide that for some particular individuals it is best to give them a small increase of a monetary value because of the age that they are. There are certain individuals that will not be able to contribute into a pension scheme because they will be too old and it would be a shame that they should miss out entirely from that benefit to look after themselves in later life. There will be a cost associated with this. It is certainly not clear from this what type of pension scheme might be possible. Different jurisdictions have different types of pension schemes. In the United Kingdom they have a rather generous scheme, in some other jurisdictions they do go for the lump sum approach, others are underwritten by their own government themselves. We have tried to make this appropriate and acceptable but also being responsible to ensure that those, and it is a serious matter, that have no external or outside income or asset base are looked after in later life when they either leave this place or retire. It would be irresponsible of us, I believe, to continue without this particular provision. I think that is all I am going to say. I hope that Members do support it. We are trying to encourage members of the public to save for later life and, therefore, it is important that we do the same for Members of this Assembly.

16.5.6 Deputy G.W.J. de Faye:

Despite previously being on the receiving end of criticism, I must say how welcome and refreshing it is to see Senator Syvret using the medium of comedy to pursue a political point and put his point across, and in some ways he did so quite effectively. But like any coin has 2 sides I put the point back to the Senator, and that is this, that if States Members perhaps had the comfort of knowing that pension provisions were in hand in respect of short, medium or long-term service then perhaps the temptations which the Senator alleges would not be quite so tempting. If Members are not perhaps aware, one of the reasons why people who work in financial services are so well rewarded is to ensure that you are not tempted to put your own hand into the till because your salary is quite

adequate. So there are always 2 ways of looking at things. Indeed, I go further than Senator Routier who I thought was quite charming in his remarks. I think it would be something of a travesty if a person like Senator Syvret who has given up many years of his life in service to the public in the States, who is very highly regarded in a number of quarters, who has a track record of being an extremely popular States Member, not to say a poll topping States Member, I think it would be a travesty if someone like the Senator reached the end of their political career by retirement, or like some other of us may be cast on to the political scrap heap by the voters, and find that he has nothing to safeguard his retirement. I think that is morally repugnant and it does seem strange to me and it is a hangover from the historical feature of States Members adopting an honorary role, that States Members have ended up certainly as one of the few classes of local citizens, if not the only class of citizen in this Island, who do not get a pension contribution. All self interest aside, it does seem an extremely inequitable position that somehow Members have found themselves in. In conclusion, we are not entirely awarding pensions to ourselves in any event. We are simply allowing the body of the remuneration committee to be able to widen their field of discussion and review and decide whether this is an appropriate way forward or not. They are an entirely independent body and I think that they should be allowed this extra level of discretion.

16.5.7 Deputy P.V.F. Le Claire:

I thought we had finally got rid of these in-house debates when we set up the remuneration board and I was tasked with ex-Deputy Bernstein to interview the first board and appoint them to review our pay so we can get away from the usual eye rolling of the public and the chastising that would occur from the media every time we stood up to talk about how we are remunerated. Now not so long ago in this Assembly we endorsed in the business plan proper remuneration for the Law Officers. Unfortunately, the Deputy of St. Ouen has got us all in a position where, no doubt if it was possible, it would appear in the next couple of days, how we all spoke on this and how we all voted as when in the last election it was pointed out that I and other Members had supported States free parking regardless of the fact that I do not use it. That is how it is used and manipulated in the media. The reality is that if we look around the Chamber we are represented by very wealthy individuals from the community; overbearingly in relation to those of the community that come from modest backgrounds. We heard today about the input from ex-Senator John Le Marquand and how he recognised and was the catalyst for recognising that people who could excel from modest backgrounds were being held up because of the fact that they did not have the means and the wherewithal to contribute in the way that they could possibly do. We have young people that we are trying to engage too in the political process and we are dragging them into the States Assembly to practice stamping their feet on a weekly basis in this Assembly. The Privilege and Procedures Committee and the States Greffe should be congratulated for engaging them in that manner in the same manner as they were engaged when I was at that stage in school. It fell away for many years and was reintroduced by Senator Vibert's Education Department and the Greffe and that is a wonderful thing; we engage the young people. But are we really seriously saying to them: "Do not consider ending up in here unless you are a millionaire or a retired civil servant because if you want to stake your career and your education on this game, you are wasting your time" because who in their right mind would adopt the attitude that it would be wise to give to their community the sorts of intrusions into our life that we give with the idea and the concept that one could bring up a family in an Island where a house is £480,000, on a salary that does not even compete with what we give our Scrutiny officers. No child in their right mind would look at engaging in political education and political participation at a young age and into university if we adopt this sort of nonsense. It is time for us to recognise that States Members' remuneration from the top down needs a thorough review. The work that is conducted by Ministers and Assistant Ministers and lead Members of Scrutiny far outweighs on many occasions the work that is conducted by Back-Bench Members. I know because I have been on committees across the board. I have been on Scrutiny Panels of one form or another and I have also been a Back-Bench Member for a couple of years at

least, so I know the varying levels of work that Members have to undertake. The only thing I do not understand from the States perspective is the workload of a Minister or a Chief Minister but having been privileged from a former life, as Deputy Fox would say, to have been a bodyguard to people of that calibre in the private sector I know that the workload does not end at 5.00 p.m. and work does not get left behind at the desk. There is then at 6.00 p.m. an appointment to run to before rushing home, changing, putting on a smile, getting in the car and ending up at some ceremony or another to put on the face of Jersey to say how wonderful people are doing and on behalf of the community congratulations to you all before ending up back in that same car at 11.30 p.m. or 12.00 a.m. at night being driven home knowing they have another first meeting in the morning at 6.30 a.m.-7.00 a.m. in the morning. It is just not going to happen in the future that States Members are going to have the abilities that are going required of a modern government if we continue to think that this Island is best served by the old boy's brigade because it is not going to be. If we want young independent thinking individuals, men and women, to come into this Assembly and treat it for what it should be which is a commitment from the heart for the community not for the pocket, then they need to be remunerated properly. There are idiosyncrasies one could talk about. One could debate about the issues about pensions. Why are we worrying? The current theology in the community and probably within the next remuneration board is that we should not have one anyway so what are we sweating about? The reality is sooner or later it will become crystal clear to all Members and all members of the community, if it has not already, if you pay peanuts you get monkeys. If we are going to continue to deride the remuneration of the Ministers in the way that they have been and set up some incompatible system to the private sector where you say, well, if you are in the civil service, if you be a Scrutiny officer then you can have more money or the same money and a pension but do not, whatever you do, take a short-term contract that is up for ... no negotiation, it is up in 3 years time and at the end of that 3 years you are out on your ear. So what does somebody in my position think that is maybe looking for a career change? "Oh, hello, darling, yes, I just thought I would be a politician. It is a really good job, yes. I get to be disturbed from morning until night for £40,000 a year, not guaranteed to be continuing in 3 years' time however, and will appear in the media at everything we do and anything that happens to us and, oh, sorry, there is no pension and if I fall down ill or become mentally unstable unlike proper considerate pensions which are provided for by us as States employers to our employees, we do not have it." We do not have an ill health retirement scheme in the Assembly. So I am sorry I am going on, but congratulations to Deputy Reed to once again us being in a position where we have to stand up and say those Members of modest means that want to give to the Island are giving as much as they can and in return, as we rightfully acknowledged to the Law Officers, it is time the Island paid Members not only the remuneration, which is more than adequate as it stands for people such as myself for what I am doing I believe, but also give them the assurance for their families that there is a pension should they become ill, should they need to retire, should their activities within this Assembly drive them around the bend because I have seen a few Members go around the bend in this Assembly. **[Approbation]** Well, exactly, I could go out there and I could become a farmer and I could get myself some nice little kickbacks from the community. Yes, well, I know that the actual farming industry, having family in it, is not as easy as it is cut out to be but the one thing that is for certain is that £480,000 for a house is not something you achieve on a 3 year salary at £40,000, no guaranteed renewal, no pension. People are going to look for careers elsewhere; they are going to look for residences elsewhere. So if we want to continue to be represented by rich men, because it will not be women, and the old boys' brigade and the retirees who can sit there and say: "Well, I am all right, Jack. I have got a States pension" and if there is any shortfall in that we will just throw a couple of hundred thousand million in it - £170 million, £190 million - to make up the shortfall in the States pension scheme and then we can sit back and we can deride all of the other States Members to the old ladies who are going come and vote because they are just interested in the money. Well, I am sorry. I am not interested in it for the money. I took my ...

Deputy I.J. Gorst:

Excuse me, Sir, the Deputy just made reference to the States pension scheme. I am aware that he has in the past sat on that scheme as a Member of the Committee of Management. I wonder if he could just confirm for the public's confidence that he was talking hypothetically and the numbers that he just referred to were picked off the top of his head and do not necessarily have any bearing in reality.

Deputy P.V.F. Le Claire:

Well, it is funny but there was something in the region of £170 to £190 million of money that was required to be set aside to make up for the pension shortfall over the next 80 years which the States are going to increase contributions to, to make up that shortfall. So it is not fantasy. The States made up that pension contribution and the past service liability was in the order of hundreds of millions of pounds and you look at the ...

The Deputy Bailiff:

Could I ask you, Deputy, to come back to the particular Article.

Deputy P.V.F. Le Claire:

Well, yes, it is enough. Enough is enough. I for one am disappointed that every time it gets down to looking at an issue regarding pensions or something it is somehow seen as filling one's pocket or not taking care of one's affairs if one wants one. Well, I could sign a form today saying, thank you, never give me one. I would be quite happy with that but it will not get young people into politics. It will not set their minds on a political career and all we will continue to see is old rich men in the States Assembly.

16.5.8 Deputy P.J.D. Ryan:

Deputy de Faye got on the right track as far as I was concerned at the end of his speech. I thought that Deputy Le Claire started in the right vein on his speech but what I am seeking to point out and ask Members to just bear in mind, and I do not seek to be in anyway patronising, but this proposition, this amendment, is simply about freeing the shackles on the remuneration board. The remuneration board is something we set up several years ago and we did it for the right reasons, it was the right decision. It is an independent remuneration board for the general public to have confidence in that independent remuneration board. It must be just that - independent. For States Members to stand here once again and seek to influence that independent remuneration board from the floor of this Assembly is completely undermining and the wrong thing that we should be doing. I would appeal to Members, can we please stop doing this. Can we please vote on this, free the shackles of an independent remuneration board and let them get on with it.

16.5.9 Deputy J.J. Huet:

Well, I know my colleague just sat down but I thought I had to stand up because I am not rich, I am not an old boy, **[Laughter]** I am not a retired civil servant. I am me, a working class woman, okay, and I find this quite interesting because what I am really interested in and the question I really wanted to know was, is this a pension that is going to be like a civil servants' pension which is inflation proof every year, or is this a pension that is going to be like the majority of the working world outside? I am very curious to know that because there is a big difference between the 2 but irrespective, you know, I do not like being labelled like somebody has attempted to label us and I think we each have a right to say what we think and I certainly do not agree with civil servant pensions because they are now the only ones that are still operating like that. The private pensions do not operate like that and I do not feel that the world can carrying on operating like that and so I would never ever vote a civil servant pension as I do not think it is correct.

16.5.10 The Connétable of St. Peter:

I think it is quite a sad reflection on this House that this type of debate should be taking place at all and on hearing the comments of Deputy Le Claire, quite frankly, it gave, for me, quite a number of

reasons why this House should not be discussing such matters as this but leave it to a totally absolute independent body. That independent body should, in my view, be given a complete free hand to come up with their realistic findings on the proviso, clearly, that the final acceptance they would recommend ... I would see the operation very simply. They would recommend a list maybe from one to 4, one to 14, who knows, of recommendations that should take place and, accordingly, they then would be put to the House and the House would simply agree or disagree with those recommendations either in part or fully, and thereon they move on. But I think it certainly does no credit to this House to hear the type of speech that we have been subjected to by some speakers. Having said that, could I say on behalf of Members I am sure, how pleased I am to see Deputy Ryan back with us. **[Approbation]** He has gone through a very difficult time and it is very nice to see you, Deputy.

16.5.11 Deputy G.C.L. Baudains:

The previous speaker suggested that what we should do is allow the board to come to its conclusions and then we would discuss and possibly accept what they suggest. Well, as far as I understood that is exactly what we do. What we are doing here as one or 2 other speakers have mentioned is merely giving them a wider remit, an option. We are not suggesting that there should be a pension scheme because if we were I would probably not support it. There is one point that we seem to have missed throughout this debate and that is that we are all supposed to be self-employed and like any other self-employed person surely we should making our own pension provision. I ran my own business, and still continue to in a small way, since 1975. There is nobody pays my pension; I have had to make my own pension provisions and I do not see why that should not continue as I am a self-employed States Member.

16.5.12 Senator P.F.C. Ozouf:

This debate seems to have gone slightly off track. A number of Members including Deputy Ryan and the Constable of St. Peter spoke of the need for a remuneration panel with a completely free hand. That is not what we have. That is not what the States have decided. The States have decided to effectively shackle the remuneration panel so that they cannot discuss any matters concerning remuneration outside the very tightly drawn words. I think that there are barriers to entry to the States. I think there are real issues that a future Assembly is going to have to deal with in terms of the unpredictable nature of States sittings, issues of remuneration, the differences that Deputy Le Claire makes between the workload of different Members. Sadly, this is not the matter before the Assembly. This is simply a very small extension of the remuneration panel's remit. I agree with that. I think that a pension provision is something that needs to be considered. It is a barrier to entry. I fully admit that I am a lucky individual that does have another income and I feel bad about that. I do know there are other Members that do have a barrier to being able to stand for this Assembly. This is step in the right direction but I am afraid it is not anywhere near the kind of free rein which many Members appear to have explained during their remarks. Let us just get on with the vote I think.

The Deputy Bailiff:

Does any other Member wish to speak? Very well, I call upon the Chairman to reply in relation to this Article.

The Connétable of St. Clement:

I would like to thank everybody who had taken part in the debate. I think that most of the speakers have been trying to influence the review body. I was thankful to Deputy Ryan who really said, quite succinctly I think, that we are breaking the shackles but we are not trying to influence them and this is what I think we have tried to do. I think it must be quite clear that this amendment does not grant a pension to Members. It just extends the remit. As Senator Ozouf said, a very narrow extension; the extension to allow that remuneration body to consider the possibility of providing

pension provision for Members when they leave the House. It still does not commit Members even if they recommend pensions. This Assembly decides exactly how much the remuneration should be. If Members wish that the body has a much wider remit and some Members have said they would like that, they would have to repeal Article 44 entirely. I move Article 4.

The Deputy Bailiff:

The appel is called for in relation to Article 4.

POUR: 37		CONTRE: 3		ABSTAIN: 0
Senator F.H. Walker		Senator S. Syvret		
Senator P.F. Routier		Deputy J.J. Huet (H)		
Senator M.E. Vibert		Deputy of St. Ouen		
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Peter				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy G.C.L. Baudains (C)				
Deputy P.N. Troy (B)				
Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				

Deputy S.C. Ferguson (B)				
Deputy P.J.D. Ryan (H)				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

The Deputy Bailiff:

Very well. Finally, Chairman, I think it is down as Article 4 but it is another one, Article 5 it must be; a citation amendment. Seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting Article 5, kindly show; those against? Article 5 is adopted. Do you propose the Bill in third reading, Chairman?

The Connétable of St. Clement:

I so propose that.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in third reading? All those in favour of adopting the bill in third reading, kindly show; those against? The Bill is adopted in third reading. Now this may perhaps be a convenient moment. The Chief Minister has indicated as he has mentioned earlier that he would wish to make a statement on the resignation of the Minister for Home Affairs. Chief Minister, do you wish to make that now?

STATEMENTS ON MATTERS OF OFFICIAL RESPONSIBILITY

17. Statement by the Chief Minister of the resignation of the Minister for Home Affairs:

17.1 Senator F.H. Walker:

Yes, please. Senator Kinnard has explained her reason for deciding to resign. The matter in question was a confidential matter before the Council of Ministers last Thursday. It was an item on which Senator Kinnard declared a conflict of interest and withdrew from the meeting. The Council, therefore, have not had the benefit of discussing the issue with Senator Kinnard. The issue is whether the present law which requires a judge to give a collaboration warning to juries in cases

where the evidence relied upon is that of an accomplice in sexual cases and in cases where the evidence was that of a child, is appropriate or should be changed. The Council of Ministers considered the issue placed before them in some depth. We decided it is a matter of great importance. However, we were also informed that there is more than one approach to the issue. For example, the Scottish position is different to the position in England and Wales. The Council, therefore, decided that it would be inappropriate at this time to take a final decision until there had been further analysis and consideration of all relevant issues. The Council, therefore, asked me as Chief Minister to refer the matter to the Jersey Law Commission and invite the commission to consider reporting on the matter expeditiously. Let me be clear: the Council of Ministers has not decided whether to accept or reject the Home Affairs' recommendation. We have merely asked for a fuller evaluation of the matter and to seek further advice. I maintain that this is the correct action and I remain saddened by the Minister for Home Affairs' reaction.

The Deputy Bailiff:

Are there any questions? Senator Syvret.

17.1.1 Senator S. Syvret:

I understand that the Chief Minister's term of office is due to expire soon, but did any discussion take place at this meeting as to how long this examination may take, when a decision will be made and what option might be brought forward?

Senator F.H. Walker:

Ministers have discussed that and it will not be an overnight reaction. The Commission assuming they agree to accept the reference, and if they do not then of course it will come back to the Council of Ministers immediately but the Law Commission, assuming they agree to accept the approach, will obviously want to consider the matter very closely and may well themselves wish to take expert advice, so I cannot give a time scale for the resolution to this matter at this stage.

17.1.2 Senator S. Syvret:

Can the Chief Minister give an undertaking that the Law Commission will take opinions from all those who may wish to give them and be open to views from all parts of the spectrum, as it were? I know certainly a number of survivors and a number of survivor representative organisations that would wish to express views on this. It is an important matter. It is axiomatic that many of the people who have been through episodes of abuse as children have had very difficult troubled lives, psychological difficulties, substance misuse issues, run-ins with the law and so on. It is almost axiomatic and it would be quite, quite wrong, in my view, if people were to be dismissed or at least to have aspersions cast upon their reliability because of that as witnesses.

Senator F.H. Walker:

I cannot make any comments on how the Law Commission will undertake its review should it agree to accept it. I think though that what I could say, although this will be for a future Council of Ministers to decide, is I would be very surprised and disappointed if the next Council of Ministers did not ensure that all appropriate advice has been taken and all necessary and appropriate views have been listened to before reaching its final conclusion.

17.1.3 Deputy R.G. Le Hérissier:

I have to ask the Chief Minister in a sense to speak on behalf of Home Affairs, as many of us are confused. Could he say whether the Home Affairs' recommendation was to remove the need for the judge to give the collaboration warning?

Senator F.H. Walker:

The recommendation was to change the existing law which requires the judge to issue a warning to a situation where it would be discretionary and the Council of Ministers accepted the strength of the

argument in favour, but equally there are matters of great concern about changing a law at this juncture and that is why we have asked for further expert advice and consideration.

17.1.4 Deputy J.A. Martin:

Would the Chief Minister refresh my memory and tell me exactly who are and who sits on the Jersey Law Commission, please?

Senator F.H. Walker:

I have not got names to hand but they are a body of 5 or 6 of Jersey's leading legal brains and they have the power, of course, to themselves seek detailed expert opinion on any issue that they may wish to discuss and upon which they wish to reach a recommendation.

17.1.5 Deputy J.A. Martin:

Sorry, Sir, a supplementary. My question is, are the Commission made up of probably the people who are carrying out the law or the people who will have to carry out the new law? I mean are they mainly judges or are they mainly lawyers? I need to know. He said higher legal minds. This recommendation came from the people who need to exercise law. Has he passed this on to people who are going to carrying out the law? This is what seems to be me to be the case.

Senator F.H. Walker:

They are leading local lawyers. That is all I think I can say at this point.

17.1.6 Deputy C.J. Scott Warren:

Could the Chief Minister inform Members how much warning he and the Council had of this important item being on the agenda?

Senator F.H. Walker:

My recollection is that it was circulated with other Council of Ministers' papers the day before the meeting. If I may, and I am grateful to the Greffier, give a more detailed answer to Deputy Martin. The Jersey Law Commission is currently comprised of Mr. David Lyons who is a leading solicitor in Jersey, Advocate A.R. Binnington, Mr. C.A.C. Chaplin, Mr. P. Hargreaves, Advocate K.J. Lawrence and Advocate J. Kelleher.

The Deputy Bailiff:

Senator Syvret, do you want to ask a further question?

17.1.7 Senator S. Syvret:

Yes. Certainly the question I was going to ask was about the membership of the committee, the Law Society. Will the Law Commission before making this request to them seek undertakings from them first of all that any potential conflict of interest be avoided in either the commission itself or any sub-panel it may wish to establish examining this matter, because having become very, very familiar with a lot of the cases, it is abundantly clear that there were a great deal of incompetencies and professional failings on the part of a number of lawyers and law firms over the years and decades?

Senator F.H. Walker:

The Council of Ministers would expect any member of the Law Commission with a conflict to declare that conflict and not to take part in the review and I have absolute confidence that that is exactly what they will.

The Deputy Bailiff:

Are there any other questions? Very well, then that completes that matter so we return to Public Business.

PUBLIC BUSINESS - RESUMPTION

18. Draft Policing of Parks (Amendment) (Jersey) Regulations 200- (P.131/2008):

The Deputy Bailiff:

The next matter is the Draft Policing of Parks (Amendment) (Jersey) Regulations P.131 lodged by the Minister for Transport and Technical Services. I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Policing of Parks (Amendment) (Jersey) Regulations 200- the States in pursuance of the order in council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956 have made the following regulations.

18.1 Deputy G.W.J. de Faye:

I am going to take a risk. In fact, I am going to take quite a big risk and advise Members that this is merely a matter of housekeeping. **[Laughter]** Now I have done that before and the debate has run to an hour and a half, but this time I think this is a fairly open and shut case if I can maintain the legal metaphors. I think it probably would be of some help to Members if I gave some quick overview of what the Policing of Parks Law is. I am hoping I do not have to explain where the Weighbridge Square is. It used to be a bus station and now it is a rather attractive cobbled area outside a brand new multi-million pound hotel and extended museum, garden and some international class petanque pitches, and that is the area we are talking about. The parks have to be policed as other areas do but there are particular elements of policing that apply to parks. It might be useful if Members have a flavour. There are regulations of prohibited acts in parks that run from (a) to (l). It is, for instance, a prohibited act for a person to enter or go on any shrubbery, flower bed or other area of a park where it is clearly intended Members of the public should not enter. It is also prohibited to undertake any activity in a park likely to damage the park or disrupt its maintenance. It is a prohibited activity to climb a tree, although this is not particularly relevant to Weighbridge Square, or other feature in a park not set aside for that purpose. Possibly the most astringent element of the law is that a person must not indulge in any behaviour in a park that unreasonably interferes with the comfort or convenience of other users of the park, or causes them annoyance or interferes with their enjoyment of the park. So this is pretty stern stuff and the sort of measures that are applied to all our other parks in the Island and it is now the intention to apply those stringent levels of behaviour to the Weighbridge Plaza to ensure that it will, in future, be a happy and harmonious location for members of the public to enjoy themselves al fresco. We need to amend the law in order that, effectively, a map or plan of the said park can be included in the prevailing regulations. That is all I have to say.

The Deputy Bailiff:

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

18.1.1 Deputy I.J. Gorst:

I was delighted to hear the Minister's explanation of the policing in the parks. There is just one point that springs to mind and that is how does a member of the public know whether a specific tree has been set aside for them to climb or not? **[Laughter]** I am aware there is no tree in this particular park but it is a matter of concern.

18.1.2 The Deputy of St. John:

The Minister will be aware of some concerns that have been expressed by residents of St. Helier about drinking in parks and it is possible by way of order by the Minister to reduce this unfortunate incident of excessive alcohol consumption in our public parks. This is a matter that is being consulted on currently as a result of the review of the licensing law. However, one of the last list of orders that he read out was quite interesting and could, of course, be used to enforce any

disturbance caused by over abuse of alcohol. However, there is an issue of confiscation of alcohol which makes it more difficult for the police to police such incidents. Would the Minister consider further dialogue about this matter so that perhaps by order with the discretion of the Honorary Police and the States Police, such alcohol could be confiscated if, indeed, it is seen to be breaking the park's order? Currently we cannot do that within the current regulations but would the Minister consider that something which we should discuss further in order that the people of the Island can enjoy our parks without being disturbed by people that are excessively consuming alcohol?

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

I was looking at the diagram of the area on page 6 which is in a lovely shade of green and I think it should have been in a lovely shade of concrete on this drawing because the problem with the park is that there is no greenery there, there is nothing there at all that is pleasant for the public. I think that Minister needs to take a look at the park and bring in more shrubbery and plants and so on into the area in tubs and so on because at the moment it is a desolate area. Those are my thoughts on the matter. Really something needs to be done to make it more of a park.

18.1.4 Deputy K.C. Lewis:

I welcome this legislation and I was thinking along similar lines to the Deputy of St. John regarding drinking in parks. I wish we had used an updated map as mine still says "bus depot" on it but I am sure it no longer exists and I have a query regarding the al fresco area now occupied by the Royal Yacht Hotel. Has this been sold, leased or otherwise disposed of?

The Deputy Bailiff:

Does any other Member wish to speak?

18.1.5 Connétable P.F.M. Manning of St. Saviour:

Very briefly, looking at this area, one open area that is adjacent to it is the area around the steam clock and I would have thought that if any area required policing, that was it.

18.1.6 Deputy J.B. Fox:

The principle of making these nice recreational spaces for all of us to use whether young, medium or old is to be welcomed but let us not run away from the fact that we have an alcohol problem in Jersey that has already been mentioned by the Deputy of St. John, and the Safer St. Helier Group are looking to encouraging that they will be alcohol free, these parks. All I want to do is to reiterate in us making a decision today, which is a good decision, that we will have to find alternatives for people to go if we cannot stop them drinking in a park because all that will happen is you will move on a problem to somewhere else which might be less desirable than what is happening at the moment and, therefore, it needs going into much further than I suspect has been thought of at this time. It does not stop this proposition going through, but one must recognise that if you move people on they might end up somewhere that is less desirable and also can, obviously, be more dangerous to them personally going down below the high water shoreline, getting totally drunk and that type of thing.

18.1.7 The Deputy of Trinity:

I just want to take up what Deputy Troy had to say and I think perhaps he needs to have a walk down there or perhaps he needs to get a pair of glasses. The whole area is cobbled in granite to complement that slipway from the Jersey Museum and all the way around the edge of what is going to be the al fresco eating areas to the south. The idea behind it was that it should be an open area so that they can have entertainment there and that has been very successful with the Branchage Film Festival as well as Architect Week and that was the whole point of it as well. It is also landscaped and if I remember rightly it was fully landscaped by a - dare I say - renowned landscape architect but the area is all granite, not concrete.

The Deputy Bailiff:

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

Deputy G.W.J. de Faye:

I hope Members will forgive me if I do not enter into a comprehensive dialogue about drinking in public and such like. On a personal note, I think there is a difference between what might be described as picnicking in a park of the nature of wine and cheese and social frivolity, and hard drinking by people who have a drinking problem in a park which is a different matter. I simply say to the Assistant Minister for Home Affairs that, of course, I am happy to discuss the subject. I personally think that the legislation in reference to parks is pretty all encompassing and while his serving officers may be having difficulty confiscating the bottles, I think the general idea is you confiscate the person and then the bottle is not a problem. I think that is how that particular aspect of the law is meant to work. That really is an item for another day. I have to say I did not know that Deputy Gorst hangs around in parks quite so much as he seems to be indicating. I do not believe in fact - and he is very observant to have picked up on this - that we have any signs that indicate that this tree is for climbing and that is something I am very happy to look into for the Deputy and if he would like to tell me which particular tree he wants to climb [Laughter] I will be most pleased to put up a notice to that effect. The Constable of St. Saviour pointed out possibly the requirement for policing down at the steam clock. I can confidently assure the Connétable that as nobody goes there, there is no need to police that particular area. [Laughter]

The Connétable of St. Saviour:

I used the words that it was “around that area”.

Deputy G.W.J. de Faye:

Reference was made to the Royal Yacht Hotel al fresco which is impressive in size at least. I am afraid I am not in a position to comment on that. The entire area comes under W.E.B. effectively and matters relating to that particular aspect have been dealt with by W.E.B. Members will have sensed that I have saved Deputy Troy until last for a very good reason. That is because I have spent the last 3 weeks hearing that the Deputy is a member of Mensa apparently [Laughter] and another lot of bright people from some years back were a group of comedians who made themselves very famous under the banner of Monty Python’s Flying Circus. They, indeed, made a film I believe that was King Arthur and the Holy Grail and I have to say I had not expected that in addition to being a member of Mensa, that I discover that Deputy Troy is also obviously one of the Knights who like to say: “Ne” because if Members recall and if I am not mistaken it was the Knights who say: “Ne” who came up with the demand: “Bring me a shrubbery.” [Laughter] It is a matter of astonishment what one can discover in this House quite unexpectedly and out of the blue. I regret that I did not have a direct hand in the design of this particular area. The Deputy may well be right in that further additions of shrubbery are required. I can put him straight though on why the colouring in the map before Members is green and not perhaps as he would like, a cobbled design, and that is because the parks themselves are split into 4 categories under the Policing of Parks Law. That would not have been evident to Members but the categories are also split into 4 colours and I believe they are green, orange, blue and red and this happens to be a green category park [Laughter] and that is why it is, in fact, green although clearly if you go there it is not very green. I thank all the Members who have spoken. I found what they had to say very entertaining and I would encourage Members to vote this through.

The Deputy Bailiff:

All those in favour of adopting the principles, kindly show; those against? The principles are adopted. Deputy Duhamel, is this a matter you wish to have referred to a Scrutiny Panel?

Deputy R.C. Duhamel:

I am tempted, Sir, but no.

The Deputy Bailiff:

Then do you propose the 2 regulations *en bloc*, Minister?

Deputy G.W.J de Faye:

Yes, please.

The Deputy Bailiff:

Are they seconded? [**Seconded**] Perhaps all Members could stand up when they speak. Does any Member wish to speak on either regulations 1 or 2? Very well, all those in favour of adopting regulations 1 and 2; kindly show? Those against? The regulations are adopted. Do you propose them in third reading, Minister?

Deputy G.W.J. de Faye:

Yes please, Sir.

The Deputy Bailiff:

Does any Member wish to speak in third reading? All those in favour of adopting the regulations in third reading; kindly show? Those against? The regulations are adopted in third reading.

19. Jersey Air Cadets' HQ, La Rue Carrée, St. Brelade – proposed Deed of Arrangement (P.132/2008):

The Deputy Bailiff:

Then we come to the Jersey Air Cadets' Headquarters, La Rue Carrée, St. Brelade - proposed Deed of Arrangement, Projet 132, lodged by the Minister for Treasury and Resources. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States has to decide whether of opinion (a) to agree that a Deed of Arrangement should be passed between the public as the owner of the site of the Jersey Air Cadets' Headquarters, La Rue Carrée, St. Brelade and Mr. Paul Christopher Little and Mrs. Samantha Little, née Hibbard, as the owners of La Petit Reve, La Rue Carrée, St. Brelade, as shown on drawing number 1412 D1, to agree the boundary between the 2 subject properties, that Mr. and Mrs. Little bear the public's costs in connection with the passing of the contract before the Royal Court and (b) to authorise the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public.

The Deputy Bailiff:

Yes, Deputy Le Fondré?

19.1 Deputy J.A.N. Le Fondré (Assistant Minister for Treasury and Resources):

Yes, thank you. I will try to keep it very, very short as Members will be aware deeds and arrangements are not covered under Standing Orders and so they have to be approved by the Assembly. All this does is regularise, once again, boundaries between property owned by the public and third parties listed in the proposition. Just to pre-empt, although Deputy Le Hérissier is not here, a question, and having looked into matters previously, my understanding is that there is, or there was, a possible change to Standing Orders to stop this coming to the States in the future because it is obviously a very simple matter but the reason it was held up is because people kept adding to it. So, just to make life simple, I have asked for a very, very simple change to be put through the system and it will be coming forward in due course. On that, I move the proposition.

The Deputy Bailiff:

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

20. Artificial Insemination of Bovines: fees (P.135/2008):

The Deputy Bailiff:

Then we come to artificial insemination of bovines: fees P.135/2008, lodged by the Minister for Planning and Environment. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion, to refer to the Act dated 24th June 2003, in which they agreed that no new user pays charges should be introduced without the prior approval of the States and to agree that a new charge should be introduced in accordance with the user pays principle for licensing and approvals required under the Artificial Insemination of Domestic Animals: Bovine Semen (Jersey) Order 2008.

The Deputy Bailiff:

Yes, Assistant Minister?

20.1 The Deputy of Trinity (Assistant Minister for Planning and Environment):

Has it been seconded? No? Members will be very aware that during the debate on importation of semen I spoke out strongly against it and voted contre. However, I recognise and accept the democratic wish of a majority of Members and now support it. As a team player I accept the decision of this Assembly and it is my responsibility as Assistant Minister to put aside my personal considerations and work professionally with the environment and with the industry. The Artificial Insemination of Domestic Animals: Bovine Semen (Jersey) Order 2008 sets down conditions which must be met by businesses such as semen collections, storage centres and individuals, chiefly farmers involved in collection, processing, storage and distribution of bovine semen. Licences and approvals are required for this process which must be carried out in accordance with the order. The licences are issued by the Minister for Planning and Environment following due inquiry, assessment of compliance and subsequent recommendation by the States Veterinary Officer or Deputy. This would normally involve a site visit with an inspection of facilities and records. Members will recall a States decision in June 2004 which requires a States agreement to introduce new charges for service provided to a small number of individuals and businesses. This decision requires approval for all new fees, regardless of the projected level of income to be generated. I wish to ensure that the cost of this work is borne by those who require licences and approvals. They are individuals and, most importantly, businesses who seem to benefit from the ability to undertake the practices involved, wish to introduce new fees, as permitted and described in the order to recover costs only, which is entirely in keeping with the user pays policy. Fees will be charged on a cost recovery basis and the industry have been fully involved in this process. It envisages incomes for this first year will be approximately £600. It is unlikely to exceed £200 in the foreseeable future. In accordance with the order, the fees will be published on the Department of Environment website. I commend the proposition to the House.

The Greffier of the States (in the Chair):

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? The Deputy of St. Martin.

20.1.1 The Deputy of St. Martin:

Yes, I was expecting some explanation as to how the figure of £600 was arrived at. Maybe the rapporteur could give us some information as to how that figure was arrived at and are there likely to be any annual rises after that? Thank you.

The Greffier of the States (in the Chair):

I call on the Assistant Minister to reply.

The Deputy of Trinity:

The figure was arrived, really, at on the amount of time that the Veterinary Officer will need to go to the farms and look at what the different storage, et cetera, et cetera that needs to be set up. Once it is set up, the cost for continual years should come down. It is mostly in the setting up of the process.

The Greffier of the States (in the Chair):

I put the proposition. Those Members in favour of adopting it, kindly ... yes, the appel is called ...

Senator J.L. Perchard:

Before we take the appel, I need to declare an interest as I am a dairy farmer and leave the Chamber.

The Greffier of the States (in the Chair):

Very well. Your interest will be noted.

POUR: 23		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Deputy R.C. Duhamel (S)		
Connétable of St. Ouen		Deputy G.C.L. Baudains (C)		
Connétable of St. Mary				
Connétable of St. Peter				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				

Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

Deputy P.V.F. Le Claire:

Sir, could you just explain, from a procedural perspective, what exactly that means?

The Greffier of the States (in the Chair):

The Assembly is quorate as 27 Members are present in the Chamber; 27 Members were present in the Chamber. There is no requirement for Members to vote and 2 Members clearly decided they did not wish to do that.

21. Draft Amendment (No. 9) of the Standing Orders of the States of Jersey (P.140/2008):

The Greffier of the States (in the Chair):

We come now to the next item, which is the draft amendment number 9 of the Standing Orders. I ask the Greffier to read the citation

The Deputy Greffier of the States:

The States, in pursuance of Article 48 of the States of Jersey Law 2005, have made the following amendments to Standing Orders.

The Greffier of the States (in the Chair):

Now, with amendments to standing orders, there is no debate on the principles. The debate moves simply to go through the various amendments. I therefore invite the Chairman of P.P.C. to propose amendment 1.

21.1 The Connétable of St. Clement:

Yes, Sir, I would like to propose amendment 1. This is merely is the cross reference.

The Greffier of the States (in the Chair):

Is that seconded? **[Seconded]** Does any Member wish to speak on amendment 1? I put the amendment. Those Members in favour of adopting it; kindly show? Against? Amendment 1 is adopted. You propose amendment 2, Chairman?

21.2 The Connétable of St. Clement:

Amendment 2, this Standing Order inserts a new provision restricting the maximum length of written questions and introducing for the first time, a limit of 5 questions that can be submitted by any Member for a particular meeting. At present there is no restriction at all on the maximum length of written questions or the number that a Member can table for any one meeting. In theory, the number and length of written questions could be tabled is therefore totally unrestricted. The Machinery of Government Review recommended that each Member should be limited to 3 written questions per meeting, of a maximum length of 200 words. Although the sub-committee was extremely conscious of the need to defend Members' ability to hold Ministers to account and obtain

information through written questions, it felt that the right needed to be balanced against the significant demands on Ministers and departments in preparing written answers. Certain departments mentioned to the Machinery of Government Review that one or 2 days per week were being taken up for senior officers preparing written answers. In considering the review's recommendations, the full P.P.C. believed it was unduly restrictive and for that reason this amendment suggests a limit of 5 questions per Member and not 3. The P.P.C. considered this an appropriate balance to preserve the right of Back-Benchers to seek information through written questions while not placing undue burdens on departments to answer, thereby compromising the efficiency of the public sector. The P.P.C. finds it hard to believe that there are more than 5 priority issues that any one Member might seek to question at a particular meeting. In fact, the committee believes it may improve the quality of written questioning if Members are required to prioritise their own answers rather than simply tabling a very large number at each meeting. The P.P.C. believes that there is considerable merit in introducing this change before the start of the new States, that all new Members could be fully briefed on the provisions as part of the process. I move amendment 2, Sir.

The Greffier of the States (in the Chair):

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on amendment 2? Deputy Southern.

21.2.1 Deputy G.P. Southern:

Yes. I am sure Members will not be particularly shocked and surprised, certainly nothing in comparison to the shock and awe that went through the Chamber just a short while ago, to see me rise to my feet on this particular issue. The case pot is that Ministers and their departments are having too much time taken up by questions which hold them to account in public. It seems to me that this is a step away from accountability and a step away from openness. Members must realise that ultimately we are held accountable to the public and written questions is a way of doing that. The second statement is that in support of restricting the number of questions that can be asked, is that thereby the questions will get better in some way by being merely 5. That does not seem, to me, to be a valid argument at all. One can ask 6 accurate, pointed and well judged questions just as easily as one can ask 5. So, the quality need not be raised. To suggest that in some way this is a waste of time is to ignore a fundamental aspect of our democracy, which is that of being open and accountable about decisions to the public and that is a vital, I believe, a vital element. A better solution and I think Members can probably see it in written questions today, if they pause to take a look at the answers, the answers largely are full of obfuscation, avoidance of the issue and non-answers which only results in a similar question being asked later on which that process takes up the time. If Ministers and departments were open and honest and frank about what they were doing and did not try to seek to hide or fudge the answers, then we would have a far more efficient, open and accountable system. That is the real problem; that the Ministers try not to answer questions and thereby means that the question gets re-put on, re-put on until we finally get an answer. Sometimes that is because the question was not accurately pointed enough but very often it is just simply avoidance of the answer and if we really want to correct the open and accountable nature and address the open and accountable nature of this House we must insist on a better quality of answer from Ministers, one that addresses the question instead of obfuscating and avoiding the issues.

21.2.2 Deputy P.N. Troy:

I was on P.P.C. many years ago now, it seems, and I was involved in bringing forward the proposals for written questions and I am going to agree with Deputy Southern in many ways, that this does hold the government to account and I think it is a shame that we are bringing forward restrictions on the written question procedure. Certainly restricting everything to 200 words, I would hope that can be clarified that that is excluding attachments because you might want to

attach some relevant newspaper articles or some relevant research to a question that you might want to put to a Minister, so I would like that just to be clarified for the record. I know the answer but I would like it to be clarified for the record. I also feel that sometimes we have got ... before the Summer break, for example, there might be a lot of issues building up around the Island and there might be a very valid reason to ask more than 5 questions at a single meeting simply because of the timing of the States sittings and so on. So, I am not in favour of this so I am going to vote against this section of this proposition and I hope Members give it adequate thought before they vote.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? Deputy Scott Warren.

21.2.3 Deputy C.J. Scott Warren:

Well, I was also on the Privileges and Procedures Committee when it was working, many years ago now, on the Freedom of Information Law which obviously we still are awaiting and hope will come into effect. It seems to me that it is possibly the overall number of questions that a department receives that may be a problem, if one department were inundated with questions, rather than the individual Members' numbers of questions, so I am not certain that I am going to support this.

The Greffier of the States (in the Chair):

No other Member wishes to speak? I call on the Chairman to reply.

The Connétable of St. Clement:

Thank you to the Members that have spoken. Just bear in mind that this is not trying to restrict Members' ability to ask questions; they can do that. They have got to be succinct, they have got to be 300 words and if we have already accepted the fact that oral questions are restricted, I think, to 70 words and to 2 questions as well and they have managed to be able to ask questions in that respect. You have got to bear in mind that this is a considerable cost to the departments and therefore to the taxpayer. Having said that, I must point out also that the number of written questions have risen considerably over the years. In 2005 we had 109, in 2008, to date, we have had 265 written questions so I think that this is probably a long overdue amendment. I do appreciate what the Members have said but I do not think that it is a restriction on the liberty of Members to ask the questions because, as they have done with the oral questions, they have passed it on to other Members to ask. I move the proposition.

The Greffier of the States (in the Chair):

The appel is called for. Members are - Deputy Southern - in their designated seats. The appel is called for and the vote is for or against amendment 2 and the Greffier will open the voting.

POUR: 28		CONTRE: 10		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. Ouen		
Senator M.E. Vibert		Connétable of St. Peter		
Senator T.J. Le Main		Deputy P.N. Troy (B)		
Senator J.L. Perchard		Deputy C.J. Scott Warren (S)		
Connétable of St. Mary		Deputy R.G. Le Hérisssier (S)		
Connétable of St. Clement		Deputy J.A. Martin (H)		
Connétable of Trinity		Deputy G.P. Southern (H)		

Connétable of St. Lawrence		Deputy S.C. Ferguson (B)		
Connétable of St. Brelade		Deputy D.W. Mezbourian (L)		
Connétable of St. Martin		Deputy K.C. Lewis (S)		
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy J.J. Huet (H)				
Deputy of St. Martin				
Deputy G.C.L. Baudains (C)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy of St. John				
Deputy of St. Mary				

The Greffier of the States (in the Chair):

Very well, Chairman, you proposed perhaps standing orders 3, amendments 3 and 4 together?

21.3 The Connétable of St. Clement:

Yes, these changes have also come about as a result of recommendations from the Machinery of Government Review. There has been frustration in the past when Members have wished to question a Minister who has statutory responsibility for a particular area of government only to find that the Minister asked an Assistant Minister to answer on his or her behalf. These changes allow a questioner to specify, when given notice of a question, that the questioner wishes to have the question answered by the Member to whom it is addressed, which would normally be the Minister. It should be noted that the provision is expressed as the wish of the questioner and if, for any reason, there is for example a conflict of interest or another reason why a Minister cannot answer a question, the provision does not prevent the question being answered by someone else despite the

wish of the questioner. The change to Standing Order 13 made by amendment 3 relates to oral questions with notice and the change to Standing Order 15 made by amendment 4 relates to urgent questions. Identical provisions apply in both cases. I move amendments 3 and 4.

The Greffier of the States (in the Chair):

Are they seconded? [**Seconded**] Does any Member wish to speak? Deputy Baudains.

21.3.1 Deputy G.C.L. Baudains:

Yes, I am particularly grateful this has been brought forward. This is something I have been asking for for some time because there have unfortunately been one or 2 Ministers who I believe have hidden behind their Assistant Ministers. It is extremely difficult when you are trying to hold a Minister to account but the answer has been delegated to the Assistant Minister to answer. It is really not possible to ask an Assistant Minister what the Minister's views on a particular policy are. You simply cannot get to the root of the matter and I am grateful that this has come forward.

The Greffier of the States (in the Chair):

Does no other Member wish to speak? Deputy de Faye.

21.3.2 Deputy G.W.J. de Faye:

Just briefly, I am entirely surprised that the other option of requesting not to hear from the Minister has not come forward but maybe the P.P.C. want to look at that in due course.

The Greffier of the States (in the Chair):

Chairman, do you wish to reply?

The Connétable of St. Clement:

I will just thank the 2 Members that spoke.

The Greffier of the States (in the Chair):

I put standing order amendments 3 and 4. Those Members in favour of adopting; kindly show? Against? They are adopted. Do you propose amendment 5, Chairman?

21.4 The Connétable of St. Clement:

Amendment 5. This change amends the current provision relating to votes of no confidence and the P.P.C. is grateful to Deputy Le Claire for bringing this matter to its attention. As currently worded, the requirement for 3 additional signatures on any vote of no confidence only applies to a vote of no confidence in the Council of Ministers, any Minister or Assistant Minister or any committee or panels established by Standing Orders. It was noticed that in a recent vote of no confidence in the Bailiff, there was no requirement for 3 signatures. Furthermore, in the vote some time ago, against the Chairman of a Scrutiny Panel, there was also no statutory requirement for the signatures. P.P.C. considers any vote of no confidence, in any body or person is a very significant matter and should be covered by the requirement for 3 additional signatures on the proposition. This amendment will make that change. I propose amendment 5.

The Greffier of the States (in the Chair):

Is the amendment seconded? [**Seconded**] Does any Member wish to speak? Deputy Le Claire?

21.4.1 Deputy P.V.F. Le Claire:

Just briefly, Sir, I think I would like to thank the Privileges and Procedures Committee for acknowledging that I brought this forward. The reason, I think, that needs to be made clear is whether someone is Tom, Dick or Harry the law should be applied evenly. The previous vote of no confidence in the Bailiff did not even achieve, at the end result, enough signatures to be forwarded under any other circumstances for a similar Member and it just seemed completely unjust that,

where in a vote of no confidence in a Minister or in a Scrutiny member or a president or a chairman required 3 other Members' signatures, the Bailiff or the Deputy Bailiff or anyone else only required one so I just thought it seemed completely unjust, Sir, and I am very pleased that the Privileges and Procedures Committee has been kind enough to mention that it was me who came forward with it. I just thought, Sir, there should be one rule for all.

The Greffier of the States (in the Chair):

I put amendment 5. Those Members in favour of adopting it; kindly show? Against? That amendment is adopted. Do you propose amendment 6, Chairman?

21.5 The Connétable of St. Clement:

Yes. This Standing Order substitutes the present Standing Order 27. Under the current Standing Order 27 there is a requirement for the Greffier to refer any private Member's proposition to the Council of Ministers for report. The Council of Ministers is then supposed to report on the proposition or inform the States that it will not be reporting. Since 2006 this requirement has been found to be impractical as many private Members' propositions are not relevant to the entire membership of the Council of Ministers and it would be an inappropriate use of the Council's time to consider every single one. As a result, the full statutory provisions in Standing Order 27 have not been followed to the letter. The revised standing order provides what is hopefully more sensible procedure. Paragraph 1 provides that when a private Member's proposition is lodged the Greffier must then refer that to the relevant Minister or committee so that they can decide whether to report. In addition, paragraph 2 provides that any other proposition can be referred to the relevant Minister or committee at the request of the proposer. This would cover, for example, a proposition lodged by a Scrutiny Panel or another committee. The ability of any Member of the States to ask in the States Chamber for propositions referred to a Minister or committee for a report is preserved in the new Standing Order 77A that is inserted by amendment 8, which we will debate shortly.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on amendment 6? Deputy Scott Warren.

21.5.1 Deputy C.J. Scott Warren:

I support this amendment and I presume that the respective Minister will refer a proposition on to the Council of Ministers if he or she deemed that the matter under consideration of the proposition was sufficiently important. Thank you.

21.5.2 The Deputy of St. Martin:

I welcome this to a certain degree because, having been a Member who has brought a number of private member's bills, if one wants to call them that, and then asked that the matter be referred to individual Ministers, I think those who have done that will find the frustrating thing is that when the report comes back on the morning of the debate ... and what I would ask - it is probably too late now to put an amendment here - was to ensure that at least the reports came back at least a few days before the debate so you are not caught by surprise, so to speak, on the morning. You have prepared your speech and have prepared everything and then, lo and behold, you then get the comments from the Council or the Ministers or whoever. So, while welcoming this, I would ask that those Ministers who are called for, they will play the game and ensure that the reports come back in good time so that people who are preparing their presentations have ample notice for what is intended. Thank you.

The Deputy Bailiff:

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

The Connétable of St. Clement:

Yes, I would like to thank the Deputies that have spoken. As far as Deputy Scott Warren is concerned, I am sure that if the Minister considers that the Council of Ministers need to review that proposition then it would obviously be forwarded to them. I hope that the Deputy of St. Martin's mention of the timely return from the Ministers of their reports is duly taken note of. I propose the amendment.

The Deputy Bailiff:

All those in favour of adopting amendment 6; kindly show? Those against? It is adopted. Do you propose amendment 7 then?

21.6 The Connétable of St. Clement:

Amendment 7: this Standing Order has been proposed in response to concern that private Members' amendments can occasionally fall away if the Member presenting the amendment is absent for a legitimate reason. Under the new provision a private Member would be able, in these circumstances, to arrange for another Member of the States to propose the amendment in his or her place. It will be stressed that this provision only relates to amendments and not to propositions, as in the latter case the matter can simply be deferred until the Member concerned is available. In addition, the reasons for absence must be one of the legitimate reasons, namely absent on States business, illness or excused and a Member who is simply on défaut or absent at the time of the debate cannot take advantage of this provision. The P.P.C. believes the provision will insert a degree of fairness as, for example, the Minister can always ask for an amendment to be proposed by the Chief Minister or another Minister if he or she is absent from the States. I propose amendment 7.

The Deputy Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on amendment 7? Deputy Baudains?

21.6.1 Deputy G.C.L. Baudains:

Yes, I am grateful that the committee has brought this forward because there has been an inequitable situation previously. It could be that a person, a Back-Bencher has brought an important amendment, perhaps, to the budget or something of that nature and, through illness or other issues, is unable to attend that day and then of course it falls away, whereas if a Minister can ask his Assistant Minister or indeed another Minister to take the matter forward. A Back-Bencher does not have that facility and this is, as I say, correcting an inequitable situation. I am grateful that it has come forward and is possibly long overdue.

The Deputy Bailiff:

Does any other Member wish to speak? Do you wish to reply, Chairman?

The Connétable of St. Clement:

I thank Deputy Baudains, Sir.

The Deputy Bailiff:

All those in favour of adopting amendment 7; kindly show? Those against? Amendment 7 is adopted. Do you propose amendment 8 then, Chairman?

21.7 The Connétable of St. Clement:

Amendment 8, as indicated in relation to the debate on amendment 6, this new Standing Order 77A simply refers to the ability of any Member of the States to ask in the States Chamber for a proposition to be referred to the relevant Minister or committee so that the person can decide whether to report on the proposition. I move the amendment.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on this amendment? All those in favour of adopting amendment 8; kindly show? Those against? It is adopted. Do you propose amendment 9 next, Chairman?

21.8 The Connétable of St. Clement:

Amendment 9: the P.P.C. is proposing these amendments that one Member of the Chairmen's Committee should be appointed by the States as a member of the P.P.C. to ensure that there is good liaison between the 2 committees. The P.P.C. has been extremely grateful to have the present President of the Chairmen's Committee as a member but this membership only came about because of the decision of P.P.C. to propose the President for membership as she is not a member chosen merely because of her membership of the Chairmen's Committee. Standing Order 9 revises current Standing Order 112, as it is necessary to specify when a member of the Chairmen's Committee will be appointed to the P.P.C. Because the P.P.C. would like to open this position to all members of the Chairmen's Committee, including the 2 additional members, the appointment of this member to the P.P.C. could not be made until the 4th meeting after the elections. The procedure is nevertheless dependent on the outcome of the amendments being proposed by Senator Vibert, who wishes to propose that the Chairmen's Committee should no longer include the 2 additional members but not the Chairman. I propose amendment 9.

The Deputy Bailiff:

Seconded? **[Seconded]** Now, there is an amendment from Senator Vibert here so I will ask the Greffier to read the amendment to amendment 9.

The Greffier of the States:

(1) Page 15, amendment 9, for amendment 9, substitute the following amendments: 9, Standing Order 112 amended. In Standing Order 112(1) in the order of selection of appointments item 10 should be deleted and Standing Order 114 amended. In Standing Order 114(1) sub-paragraph f shall be deleted.

21.9 Senator M.E. Vibert:

Ronseal, though other brands of wood preservative are available. Why I say Ronseal is because it does what it says on the tin. At present the Chairmen's Committee does not do what it says on the tin, as presently constituted. It is not a Chairmen's Committee. It is a Chairmen's Committee plus 2 others. Now, when the sub-panel of which I was on, were looking at this issue, a number of Members commented on this and included in our report was that the sub-committee does not see the need to have 2 independent Members on the Chairmen's Committee but the full Privileges and Procedures Committee did not feel it necessary to bring forward this recommendation as a proposition to the States but I believe the States as a whole should be given the opportunity to express their view on it. So, really, it is quite a simple matter for Members. The question is should the Chairmen's Committee be what it says it is or should it be the Chairmen's Committee plus 2 other Scrutiny members? Some of the things for States Members to think about is does having independent Members on the Chairmen's Committee fundamentally change the nature of that committee, depending on its membership? So, should we call it something else? Sir, I brought this forward so that States Members could decide whether they want a Chairmen's Committee or whether they want a different sort of committee that includes a Chairman and 2 independent members and I propose the amendment, Sir.

The Deputy Bailiff:

Seconded? **[Seconded]** Deputy Le Hérissier.

21.9.1 Deputy R.G. Le Hérissier:

As one of the independent Members, I have got no problem with this. I think the case is totally overstated by the Minister but this was an addition that was put in simply to ease the transition of

Scrutiny and to ensure that there was an element of representation of the Back-Benchers. I think the Minister is quite right in a sense that, if there was indeed that need, that need has indeed passed and, unlike other Members or some other Members, I am quite relaxed about this, Sir. I do not think all the great sort of opposition to the stated function of the committee has been occurring despite the inference of the Minister but I am very relaxed with it.

21.9.2 Deputy S.C. Ferguson:

I thought you had seen my light already or maybe I have seen the light. Senator Vibert has presented a number of reasons in the report for not having 2 independent Members. As at least two-thirds of the P.P.C. Sub-Committee have not attended the Chairmen's Committee meetings how do they know it is not working? Perhaps the Council of Ministers have found Scrutiny less than compliant, which is just as it should be. Not all the members of the Chairmen's Committee, as evidenced by Deputy Le Hérisier, agree on the necessity for independent Members. He obviously can speak for himself but I find them very useful. I mean, sometimes the Chairmen get so engrossed in their reports that they are not able to undertake the extra work. Scrutiny is extremely time consuming and, unlike the Council of Ministers, we do not have a plethora of lackeys to do our bidding; just some extremely efficient and intelligent Scrutiny officers. As a matter of fact the officers are so good that various departments, like Economic Development have been poaching them from us. The independent Members do also bring an independent view to our deliberations. It can get to be a bit of a hot house sometimes and an external view is often very useful. However, another point that is entirely overlooked by the Senator is that if a Chairman is unable to attend a meeting then he appoints his Vice Chairman, or she appoints her Vice Chairman or another member of the panel, if neither of them can attend. That delegate may not only represent the main Scrutiny Panel but may also be on yet another Scrutiny Panel. So, the argument that the representation may be skewed has really no value whatsoever. Furthermore, pretty well everyone who is not in the Executive is on Scrutiny. Given that the independents may also be on a number of Scrutiny Panels then we could have an infinite number of permutations of various panels represented. What is the problem? I think what the sub-committee has missed is that Scrutiny is developing a personality of its own. On the whole it speaks with one voice. Not always; we do have our disagreements but we are all working to make Scrutiny a useful and viable part of government. A lot of water has passed under the bridge since this review was undertaken. Some of the points raised have been left behind as matters have developed, some the Chairmen's Committee have rejected absolutely and, frankly, some could be deemed to be interference by people who have not worked inside the system. I do agree with Constable-elect Gallichan's comment that the review was perhaps too soon after Ministerial Government was commenced and, sadly, has perhaps missed some of its usefulness but, all I can really say to the House is the system has worked very well over the past session and "if it ain't broke, don't fix it." I ask Members to reject this amendment.

The Deputy Bailiff:

Does any other Member wish to speak on the amendment? Very well, I call upon Senator Vibert to reply.

Senator M.E. Vibert:

I welcome the comments of Deputy Le Hérisier who says: "No problem; ease the transition" and he feels the need is now passed and he is quite relaxed about it. I was not so pleased with Deputy Ferguson's comments because obviously she has not read my amendment and has no comprehension of how it was brought. It has nothing to do with being a Minister or member of the Council of Ministers. If the Deputy read it, she would see I brought it because I was a member of the P.P.C. Sub-Committee who listened and listened to the public and all States Members about it and, as it says in there, it was a number of States of Members. The sub-committee noted several comments from Members that it interviewed regarding the membership and activity of the Chairmen's Committee and what I was doing was bringing forward this recommendation of the

sub-committee to give States Members a chance to make a decision on it. It makes no difference to me whatsoever and, you know, whether I attended or not, I was just reflecting the views that were passed on to the sub-committee and I think, as well, the Chairman of the Chairmen's Committee has got it wrong; the reputation will be skewed because what you have got at the moment is the Chairman plus 2 others. If the Chairman sends a delegate it is still only one representative, so you are not skewed. At the moment you could have up to 3 from one Scrutiny Panel on the Chairmen's Committee. I am afraid, in her opposition, Deputy Ferguson did not address at all the fact that if it is a Chairmen's Committee, it should be a Chairmen's Committee; not a Chairman plus 2 others Committee. Call it something else. Of course, things may have moved on but there was much dissatisfaction with the work of the Chairmen's Committee expressed at the sub-committee over them having innumerable meetings discussing things that they should not be discussing and a lot of that criticism came from members of the Chairmen's Committee. So, this is an opportunity for States Members to decide whether they want a Chairmen's Committee made up of Chairmen or whether they want something different. It is entirely up to Members what they would like to do. I propose the amendment.

The Deputy Bailiff:

All those in favour of the amendment; kindly show? The appel is called for. Very well, I invite Members to return to their seats for the amendment proposed by Senator Vibert and the Greffier will open the voting. There appears to be a rush. **[Laughter]**

POUR: 37		CONTRE: 4		ABSTAIN: 0
Senator F.H. Walker		Deputy G.C.L. Baudains (C)		
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator M.E. Vibert		Deputy S.C. Ferguson (B)		
Senator P.F.C. Ozouf		Deputy J.A.N. Le Fondré (L)		
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Peter				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				

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

The Deputy Bailiff:

Very well. Now, technically, I think that we return to the amendment as amended but of course that is now the matter before the Assembly so I am not sure there is any point in debating that further but does any Member wish to speak on it? Very well, all those in favour of adopting the amendment 9 as amended; kindly show? Those against? It is adopted. Then we come to amendment 10, Chairman.

21.10 The Connétable of St. Clement:

Amendment 10. This amendment inserts 2 new requirements relating to the appointment of Ministers. The change in part A will require the Chief Minister Designate to give advance notice of his or her intended nominations for Ministerial office. In 2005 the current Chief Minister did give

informal notification of the Members that he intended to propose to Ministers and this was circulated by the Greffier before the appointments. This was nevertheless an informal procedure and the Chief Minister was not required to do this. In order to enable all Members to consider the proposed nominations, P.P.C. considers it appropriate to make its requirement for the Chief Minister Designate to give advance notice. The time between the appointment of the Chief Minister and the appointment of Ministers is relatively short. The Chief Minister is appointed on a Monday and the Ministers, the following Thursday and, in order to give the Chief Minister time to put the team together, the requirement is that the nominations must be given to the Greffier no later than 9.30 a.m. on the day before the appointments are made. The Greffier is required to distribute the nominations to all States Members and, because of the restricted time scale, will, in practice, need to do this by email or by publishing the nominations on a website. The second change made by part B of this Standing Order relates to Ministers who are appointed unopposed. When a Ministerial position is contested, each candidate is required to address the States for up to 10 minutes, then follows a 20 minute question period. These exchanges are all recorded in Hansard; the Members therefore have an ongoing record of the manner in which a particular Minister stated that he or she wished to undertake his or her duties. With uncontested positions there is no such record at present. This amendment will require Ministers who are appointed unopposed to give the Greffier a statement of proposed policies within 3 working days. These declarations will be distributed to Members and the Greffier has also made it clear that he will exercise discretion relating to Hansard, publishing under Standing Order 16(3) to include the statement in the Hansard of the meeting relating to the Ministerial appointments. In this way there will be one record of the policy statements of all 9 Ministers in one location. I propose amendment 10.

The Deputy Bailiff:

Very well, is amendment 10 seconded? **[Seconded]** Does any Member wish to speak on amendment 10? Deputy Le Claire.

21.10.1 Deputy P.V.F. Le Claire:

I do not know if it was an oversight but I did not get an invitation to join the Council of Ministers last time so I hope that the extra time will give them the time to consider me but, more seriously, when I came to the Assembly, Sir, I got in on a by-election and I did not receive an induction. I never have received an induction so no one has ever really explained it all to me. That is probably what it is. **[Laughter]** It may be a bit late now. I have managed to figure it out, mostly, anyway, I think, although today would not hold that up. What I would like to say is these new regulations, if they are approved, to the Standing Orders do bring some benefits, I think, especially in regard to considering who is appointed and who can enter into areas of work after they have been elected. It has been my experience that new Members often enter the Chamber not as certain as to where they are going and what they are doing as perhaps they would like. I hope that once these have been approved, which I do not think there will be a problem with, that not only will we start to see more evidence of what Ministers propose, but we will start to see real engagement of those Deputy-elects, Constable-elects and Senator-elects hopefully by the Privileges and Procedures Committee that pick them up earlier than they are being picked up. Why should Members or future Members of the Assembly not be encouraged to start to consider these issues earlier than they are? In my view, the Privileges and Procedures Committee should make extra effort in the future to bring these people on board at an earlier stage and I would hope that the Chairman would take this point up with his committee to see if there is anything more that could be done to empower these people into positions of government.

21.10.2. Deputy G.W.J. de Faye:

I have got certain reservations about this proposal partly because I think that it would have been a very good idea when we commenced on the path down Ministerial government because, on day one there was no strategic plan, there were no business plans laid down by Ministers. There was no

question that at that early juncture it would have been extremely helpful for Members to have known what the 8 appointed but unopposed Ministers had up their sleeves in terms of what was likely to be coming forward in respect of the developing strategic plan. I believe that there is a certain level of merit in asking unopposed Ministers to give their, effectively, personal policy positions but, at the same time, I am concerned that it is potentially rather misleading and counter productive. It introduces an aspect of personality politics into the machinery of executive government. I think that one of the things that has dogged Ministerial government over the first 3 years are Ministers being personally associated with States policies. To take an obvious and personal example, I am currently finalising the details for the States new incinerator which the States decided to locate at La Collette following a States decision to adopt the 2005 waste strategy. Nevertheless, it is becoming increasingly clear to me that this is being regarded as my incinerator. It is the Minister for Transport and Technical Services' project and I think that, as we move forward, the strategic plan, backed by the business plan, becomes an increasingly refined tool, what exactly is the purpose of these unopposed Ministerial declarations that may be suggesting policies that are in fact unaligned to the policies that they are supposed to be putting forward on behalf of the States? I think there is a level of confusion here that is, frankly, unlikely to prove helpful in the long run. I think it would have been a great idea when we commenced Ministerial government but, now, as Ministerial government develops and I think not only Members within the Assembly, but members of the public, are beginning to understand that Ministers operate in an executive role, it really is rather confusing to suggest that Ministers also have some sort of separate personality which operates via their own personal manifesto. Indeed, it could be used by Ministers to divert away from the policies that the States wants them to pursue. So, I am undecided on this and, as I say to Members, I have some reservations about what actual practical value this measure has and, indeed, whether over time it may contribute to allowing Ministers to, as it were, undermine to some extent, the policies approved by the States in the strategic plan.

21.10.3 Deputy C.J. Scott Warren:

While I support this amendment, I would like to pick up on the fact that unopposed candidates for Ministers are required to give their policy statement within 3 working days of appointment, while it would be much more useful for the States Assembly if they had to read this out before they were appointed, to tell Members before they are appointed, their policies and I do urge that in future the Privileges and Procedures Committee will look at this further because that must be the right way round. It is a bit back to front, I think. There is no reason why an unopposed ... we need to know the policies of Ministers, whether they are opposed or unopposed, in advance of their selection. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak? Senator Vibert.

21.10.4 Senator M.E. Vibert:

Briefly. As one of the unopposed candidates that was elected as a Minister and the only one who did circulate his policies to all States Members 3 years ago, I found it a very useful exercise. I had obviously prepared what I was going to say and I think for other States Members it was a statement of intent against which States Members and the public could judge how I performed in office and I think it is a very useful tool. Obviously, any Minister's policies will be influenced and guided by what the States decide but Ministers are legal corporation souls who have extensive powers in their own right and I think it is only right that the other States Members and the public should know from the outset what their intent is, what their proposed policies are and where they are coming from. Any candidate will have prepared this and I do not see why it should not be shared with other States Members. Those Members should support this.

The Deputy Bailiff:

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

The Connétable of St. Clement:

Again, thank you to the Members that have contributed and I will support exactly what Senator Vibert has said; one assumes that no Member would be arrogant enough to assume that they would be walking into the position unopposed so one would think that they would have prepared at least a statement to read to the House at that time. So, all we are asking is that that particular document is published so that people ... so that the general public can see what the Ministers had intended. I am not certain whether there would be any mileage in the prospective unopposed Minister reading his statement to the Assembly because I am not certain what sanction the Assembly could impose. Once he or she has been proposed and there is no opposition and he or she is declared elected, then the House can have no say on the matter and, quite honestly, I am not certain that the advantage of not just publishing it instead of them reading it out and wasting the Assembly's time. I propose the amendment.

The Deputy Bailiff:

All those in favour of adopting amendment 10; kindly show? Those against? Amendment 10 is adopted. What do Members wish to do? It is now 5.30 p.m. so I think I must invite Members whether they wish to continue. I know you have something to say, Deputy Southern, but I just ... I think Deputy Southern would wish to make a statement in his capacity as Chairman of the Economic Affairs Panel.

Deputy G.P. Southern:

May I ask if it is the will of the Assembly to adjourn and continue this matter tomorrow? No? Okay.

The Deputy Bailiff:

Is opinion divided or are we clear that we carry on just to finish this matter? Carry on. Very well, I will take that as assent. So, Chairman, if you could propose amendment 11 briefly?

21.11 The Connétable of St. Clement:

I propose amendment 11. Under the current procedure the States appoint the 9 Ministers and then move immediately to the appointment of the Chairman of P.P.C., P.A.C. (Public Accounts Committee) and the 5 Scrutiny Panels. There is currently no break between the appointment of the final Minister and the start of the appointment of the Chairmen. In 2005 only one Ministerial position was contested and, as a result, the appointment of Ministers went largely as the Chief Minister had initially wished. If more Ministerial positions were contested it is possible that Members who have put their name forward for Ministerial office and have been unsuccessful, whether or not they were the Chief Minister nominees, they wish to stand as Chairman of one of the various bodies. The Machinery of Government Review recommended it would be appropriate for there to be a short adjournment after the selection of Ministers and before the States move to the appointment of Chairmen. This would allow all Members to take stock of the position of the appointment of Ministers and discuss informally which Members wish to be considered as Chairmen. This standing order will allow the States to adjourn if they wish, either to a later time on the same day or to the next day if the appointment of Ministers finished late in the afternoon. The P.P.C. is aware that some Members expressed concern to the Machinery of Government Review Sub-Committee that the adjournment would allow political intrigue to take place but believes the appointments are extremely important for the following 3 years and it is preferable for proper consideration to be given to them rather than undertaking them in an unseemly rush. I propose amendment 11, Sir.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on amendment 11? Deputy de Faye.

21.11.1 Deputy G.W.J. de Faye:

I think a breathing space is a welcome addition to procedures. It is important after some major decisions have been taken to be able to take stock of matters and I certainly welcome this particular proposal. But, nevertheless, I do think that the Privileges and Procedures Committee have potentially skated round a slightly bigger problem and that is a number of Members believe that the order of elections should be adjusted such that Ministers are appointed, Ministers then agree who are the Assistant Ministers and then we move to the Scrutiny appointments. Now, I know that is a view held and there was a suspicion that because of the way we do things, we got some slightly unusual results but last time round was a first time and everybody was new to the experience but I would ask Privileges and Procedures or whoever at some stage to put on their notes for consideration in due course, whether we have the appointments lined up in the right way. So, I rather think that once the Ministers are appointed, Assistant Ministers should be the next element to deal with, then the whole of the scrutiny matters.

The Deputy Bailiff:

Does any other Member wish to speak? Deputy Southern?

21.11.2 Deputy G.P. Southern:

Yes, just briefly, I think also the P.P.C. has again missed out on another issue, I think, which involves the appointment of Scrutiny Chairmen. As currently constituted, the Ministers can have a say in who would be their opposite number holding them to account. Now, obviously no Minister in this House would do so because they behave impeccably, but at some time in the future we need to address the question of possibly a Minister or a set of Ministers setting up a soft option, an easy time by electing one of their best friends as their opposite number. It could happen under the system we have got and that is something I think we ought to pay careful attention to, whether it is appropriate that Ministers should get to pick their opposite number.

The Deputy Bailiff:

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

The Connétable of St. Clement:

The Ministerial Government Sub-Committee did consider the order but they thought I think, at this stage, it was probably too early in the proceedings to do so and it probably is something for a later P.P.C. to consider. I am a little disturbed by Deputy Southern, who might be suggesting that we have selective elections, in other words, some Members of the Assembly would not be able to participate in an election. He has got to bear in mind, I think, that there are only 10 Ministers and I think that makes 43 other Members. I do not think it would be very easy for a Minister, particularly, to put their friend easily into a position of Scrutiny Chairman.

The Deputy Bailiff:

Very well, all those in favour of adopting amendment 11; kindly show? Those against? Amendment 11 is adopted. Now Chairman, amendments 12 and 13 are, I think, now consequential on the vote on Senator Vibert's amendment, so can I invite you just formally to stand up and propose them and then Senator Vibert can formally propose his amendment and then Members can vote and discuss on that? Do you agree? So you propose it? Seconded? Do you propose your amendment on 12 and 13, I think we can take them together? **[Seconded]** Now, does any Member wish to speak on 12 and 13 in their amended form? No? All those in favour of adopting these Articles 12 and 13 in their amended form; kindly show? Those against? They are adopted in their amended form. Then, now, Chairman, 14 and 15, would you take those together?

21.12 The Connétable of St. Clement:

I think so, Sir, yes, the Standing Order merely clarifies that the P.P.C. will now include one member of the Chairmen's Committee.

The Deputy Bailiff:

Very well, seconded? **[Seconded]** Does any Member wish to speak on 14 or 15? Very well, all those in favour of adopting those 2 amendments; kindly show? Those against? They are adopted. Then, there is amendment 4 of Senator Vibert, if Members will agree, we will not read it. Do you propose your amendment?

Senator M.E. Vibert:

I do, Sir.

The Deputy Bailiff:

Is it seconded? **[Seconded]** Does any Member wish to speak on Senator Vibert's amendment? All those in favour of adopting the amendment; kindly show? Those against? The amendment is adopted. Then, finally, do you propose amendment 16? Seconded? **[Seconded]** Does any Member wish to speak on amendment 16? All those in favour of adopting number 16; kindly show? Those against? It is adopted. Now, Deputy Southern, do I understand you would wish to make a further statement in your capacity as Chairman of the Economic Affairs Panel?

STATEMENTS ON A MATTER OF RESPONSIBILITY

22. Statement by the Chairman of the Economic Affairs Panel:

22.1 Deputy G.P. Southern:

I would, Sir, for the sake of everyone's blood pressure and a restful night. I have spent this afternoon with the Economic Affairs Scrutiny Panel. We have had extensive discussions with representatives of Jersey Finance Limited and sought clarification on legal aspects of the Draft Foundations (Jersey) Law 200- P.143/2008. In particular, we have examined parallels with the equivalent use of foundations that have proven controversial in the jurisdiction of Lichtenstein and have been made aware of significant and important differences. The panel is now convinced that sufficient safeguards have been put in place by the Minister, acting in conjunction with the Jersey Financial Services Commission to meet the requirements of our international conventions and any concerns that might be expressed by the O.E.C.D. I, as Chairman, have been persuaded that the opportunity to properly scrutinise the Draft Foundations (Jersey) Law in an appropriate and rigorous manner has been lost. While I regret our inability to properly address this law in a timely manner, due to circumstances largely beyond our control, I realise that to attempt to do so now would be an error, especially given the inability to ensure continuity of roles within Scrutiny between now and January. The panel is particularly grateful to the Attorney General for his prompt advice on this issue, especially on matters raised by Article 32 of the law and it shows you can get prompt legal advice, whatever side of the House you are on. While I do not concede the right of any Scrutiny Panel, in principle, to call in any particular law or proposition over which it has concerns, I accept the will of the Assembly which has indicated that in this case it would have been too late. The panel has been made aware that the new Foundations Law represents a substantial investment in developing opportunities for our finance sector at this critical time. It is further informed that the advent of this law has already been widely promoted around the world's financial centres and that any delay now would cause serious inconvenience. The panel therefore has reconsidered its position and will not now use its powers under Article 72. Thank you. **[Approbation]**

22.1.1 Senator P.F.C. Ozouf:

Sir, can I just express, please, my grateful thanks to the Chairman and his committee? I had marshalled my officers at 5.30 p.m. this afternoon to give the panel chairman a briefing. That is not necessary, however, I would say to Members that I would not take their decision tomorrow for granted and I will do my best to explain the full implications of foundations and their importance to the development to the finance industry tomorrow. Thank you, Sir.

Senator S. Syvret:

I propose the adjournment, Sir.

Senator P.F. Routier:

Sir, before the adjournment is called, the first item on the agenda for tomorrow morning will be the Draft Employment Law P.142, which, well, I have a hospital appointment at 11.15 a.m. and I hopefully will be able to deal with that immediately if we start at 9.30 a.m. but there is another item, Income Support: Cold Weather Payments, which I would like, with the permission of the Economic Development Minister and obviously other Members, to just lift that up to come straight after 142 if that is possible?

Senator P.F.C. Ozouf:

I am happy to take a slot whenever, Sir.

The Deputy Bailiff:

Do the Members agree to do that? The adjournment has already been proposed, so the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT