

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 6th DECEMBER 2006

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

PUBLIC BUSINESS – RESUMPTION

1. Draft The Law Society of Jersey Law 2005 (Appointed Day) Act 200- (P.115/2006)

The Bailiff:

We now return to the Order Paper and the next item of public business is the Draft Law Society of Jersey Law 2005 (Appointed Day Act) and I ask the Greffier to read the long title.

The Greffier of the States:

Draft The Law Society of Jersey Law 2005 (Appointed Day) Act 200-. The States, in pursuance of Article 38 of the Law Society of Jersey Law 2005, have made the following Act.

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

The States approved the Law Society of Jersey Law last year, in 2005, and this Appointed Day Act will bring the Law into force on 1st January with the exception of those provisions requiring practicing advocates and solicitors of the Royal Court to be members of the Law Society of Jersey. It is intended that the Appointed Day Act in that respect - which is Article 3 of the Law - will come into effect on 1st April and the time delay is to allow practitioners who may not yet be members of the Law Society a sufficient opportunity to join it. So, Sir, I make the Act.

The Bailiff:

The Draft Act is proposed and seconded. **[Seconded]** Does any Member wish to speak on the draft Act?

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

This is a red letter day, one I have - and I know members of the profession have - looked forward to for a long time. There are certain exceptions. I am not sure I totally agreed with those but that is the way of the world. The point I would like to make, Sir, and ask the Minister is, as he knows, part of the so-called investigation and disciplinary procedure is that there will be outsiders involved. That will, I thought, require the recruitment of these people so that there would be an outside view brought on to these panels. Can he assure us, Sir, that that recruitment is going to take place immediately? I thought that was why the delay was in place and I would like that assurance. I congratulate him on bringing this forward. This is indeed a major red letter day.

1.3 Senator P.F.C. Ozouf:

I would just also like to welcome this. I think there is much work that, as a result of this new structure for the Law Society, is to be done with the Law Society and Economic Development is working with a group of senior lawyers. I think that it is a sub-committee of the Law Society in developing exactly policies for the legal services sector and, indeed, in that work last week I spent the morning at the legal aid clinic; something which not many people, perhaps not many States' Members and not many Islanders, know what happens. I saw just the scale of work that is carried out by lawyers in this Island in terms of delivering legal aid in the way that they do. I learned that some 1,500 to 2,000 certificates are issued in legal aid and I was extremely impressed with what I saw with the manner in which people have been handled, et cetera. There is an agenda, there is a job of work to be done in helping the Law Society in developing projects, in developing procedures and, dare I say, improving what we can do to help them in the way in which legal aid is delivered. There are efficiencies and opportunities and I look forward to working with the Law Society in this new structure that they now have to do that and I support the Bill absolutely.

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

I was the President of the Legislation Committee when this Law was brought forward to the States and I would just like to say that I welcome the time that has come, that the Appointed Day Act has

arrived because I would just like to correct, very slightly, the Chief Minister's statement that it was 2005 that the Law was passed. It was on 2nd November 2004, so it is 2 years and 2 months to get it to the Appointed Day Act and I am glad that, at last, it has arrived.

The Bailiff:

I call upon the Chief Minister to reply.

1.5 Senator F.H. Walker:

I share the support of those who have spoken and share their enthusiasm for this Appointed Day Act and for this important step forward. I do assure Deputy Le Hérisier that the recruitment process will be under way immediately and I am grateful to the Constable of St. Clement for correcting me and pointing out that it was November 2004 that we approved the Law. Of course the reason for the delay since then is there has been some discussion over whether or not it should cover lawyers, Law Officers and members of the Law Officer's Department and that discussion took quite some time. Now, happily, all is resolved and, Sir, I maintain the Act.

The Bailiff:

I put the Act. Those Members in favour of adopting it kindly show. Those against? The Draft Act is adopted.

2. Draft States of Jersey (Transfer of Functions No. 2) (Planning and Environment to Economic Development) (Jersey) Regulations 200- (P.125/2006)

The Bailiff:

We turn now to the Draft States of Jersey (Transfer of Functions No. 2) (Planning and Environment to Economic Development) (Jersey) Regulations and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

The Draft States of Jersey (Transfer of Functions No. 2) (Planning and Environment to Economic Development) (Jersey) Regulations 200-. The States, in pursuance to Article 29 of the States of Jersey Law 2005, have made the following Regulations.

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

The fisheries functions of the States of Jersey currently reside with the Minister for Planning and Environment but after the benefit of 10 months operating experience it has become clear that the major aspect of political management of our fisheries function is more economic than environmental and therefore, Sir, it is proposed that the responsibility for the fisheries function should be transferred from the Minister of Planning and Environment to the Minister for Economic Development. I think it is a very straightforward proposition. It just makes sense and, of course, as I think Members are well aware, the major fisheries issue of the last so many months - indeed so many years - has been that of our agreement or lack of agreement with Guernsey which is very much more an economic issue than environment. Sir, this is a tidying-up; it is a slight evolution of what the House agreed to when we set up Ministerial government but it is one, which in my view and in the view of the Ministers concerned - indeed the Council of Ministers generally - makes sense. So, I would propose the transfer.

The Bailiff:

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

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

Could the Minister please tell the House what are the net implications of manpower and cost involved? Are there savings to be made in the Environment Department? Are there net increases that will be required in the Economic Development Department? One of the original reasons was to do with efficiency and saving of manpower and money and that was virtually the only reason, I think, because there was a discussion that even a year or 2 years ago, I was involved in, where it was quite likely, even then, that it was really an economic function rather than an environmental one and some of the reasons for transferring it to the environment were to do with the saving of money. Does that mean that there are going to be increases somewhere?

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

While I am not wishing to oppose this transfer of functions of the fishing elements of Planning and Environment to Economic Development, I would like to remind the Ministers - both Ministers involved and, indeed, the House - that there is an environmental damage to fishing. It is not just a case of resource over-exploitation which is happening in a lot of the international waters and, indeed, some of our waters as witnessed by the Regulations that we had in the south some months ago in terms of the beam trawlers and the use of stocks. I would urge the 2 relevant Ministers, that is, the Minister for Planning and Environment and the Economic Development Minister, to recognise that there is some still - even if the functions are transferred to Economic Development - there is overarching environmental interest between both of the Ministries and to bear that in mind in all their dealings. Fishing is very, very important not only economically but also in terms of making sure that we use our resources sensibly. The whole of the world's fishing product at the moment is over-exploited and characterised by greed and I think that is the point I would like to make sure is addressed between those 2 Ministries.

2.1.3 Senator P.F.C. Ozouf:

It is probably appropriate for me to say... and respond to a couple of the points that have been raised as the receiving Minister on this. I would say for a start that Economic Development does not seek work but it has been clear - as the Chief Minister has indicated - that it would make better sense, certainly from a negotiating point of view, in dealing with both sensitive issues concerning the Guernsey matter which is dealt with by my opposite number, the Commerce and Employment Minister in Guernsey. Indeed, it was former Deputy Gerald Voisin and E.D. (Economic Development) who started the negotiations and Senator Len Norman, also, has been very much involved in it. It does make sense from a negotiating point of view as we attempt - and I do say we are going to try very hard - to find a solution to the Guernsey issue and as soon as these transfers have been made there are a number of Ministerial positions that have been prepared for me in order to send out the very clear message that we are trying and determined to solve the issue of the Guernsey issue. Deputy Duhamel is absolutely right when he reminds the Assembly of the importance of environmental considerations. I would liken this transfer of these particular responsibilities to those that we share with agriculture. As Members know, I am conflicted in some areas. There is the agriculture area and it is my Assistant Minister, with the Chief Minister, that deals with dairy matters. We do, in fact, share responsibilities for agriculture in the new joined-up world of Ministerial government. While there may be a primary duty of a Minister to be responsible for the law, effectively the officers are working as a joint team and, therefore, there will be no changes in terms of the structure of the departments. Rather there will be a reporting line for the respective pieces of legislation required and it will be very much the shared responsibility that we are looking at opening fisheries in the same way that we are working with agriculture, which I think is working extremely well. Deputy Duhamel is absolutely right that environmental considerations must be at the top of the agenda in terms of conserving our fish stocks and, indeed, looking after it but also recognising that there is an important economic driver there and there is some interesting economic exploitation of our precious sea resources around us. The only area that, perhaps, there is some opportunity for some efficiency savings - and we are not moving any money

between our departments in terms of cost savings and efficiencies - but one area where I do think that there can be some better co-operative working is in the area of the vessels that we have in the States of Jersey. The Harbours Department is blessed with a good and up-to-date couple of vessels in terms of sea patrol vessels which look after our outlying waters and reefs. I think there is... and I have asked the Harbours Department to work more closely in future with the Fisheries Department that where we have people out on the high seas in our surrounding waters that are doing patrolling work - perhaps some joint training and some joint skilling that can be done. In the same way that the Minister for Home Affairs has joined her Immigration and Customs officials that they are now jointly trained, I think there is some scope in order at looking at our fisheries patrol people and looking at the way that we have harbours people out at sea in terms of patrolling our waters, *et cetera*. So, in that area, I think we can do better and I think, certainly, we can look better at the vessels and at the capital assets that we have in terms of making matters work better. I do not take responsibility lightly but it does seem that over the next few months that this area is better in Economic Development as a primary mover but it is a joint responsibility with my colleague in Planning and Environment and we will be, of course, listening and we have Dr. Simon Bossey who everybody knows is well regarded as being the top-notch environmental expert in this area.

2.1.4 Deputy S. Power of St. Brelade:

I would like some clarification from the Chief Minister, I presume, on the role of the Economic Development Department and its inter-reaction with the Environment Department. It is clear that political responsibility is being transferred from the Environment Department to Economic Development. Senator Ozouf has just indicated that he will be looking at physical resources within the Environment Department. Can I seek clarification as to what exactly "political responsibility" means and if the Environment Department has responsibility for the team at the Environment Division, I would have thought that that also includes the physical assets of the Environment Department. So, could I have clarification on that, please?

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

I think the Chief Minister and perhaps the Minister for Economic Development would agree that it has been somewhat of a bumpy ride with Guernsey over fisheries for many, many years. Can the Ministers - perhaps both of them - assure the House that now it is transferred to ED (Economic Development) that diplomacy skills of Economic Development will be that much greater and will achieve a little bit more. Bearing in mind that the Minister will be responsible for a number of issues that are in direct competition with Guernsey does this make his job a little bit more difficult when sorting out matters of fisheries because it has been, indeed, a bumpy ride up till now?

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

After many years of seeing continual overlap between Fisheries and Harbours down on the piers I fully support this move. There are 2 very good teams involved with, not only the Jersey Harbours side of things but also the Fisheries side of things, and we heard some months ago that the reason that the Norman Le Brocq did not go out as much as it was because of resource restrictions. I would like to think by this move that the Fisheries team would have access to the Jersey Harbours' resource to a certain extent so that we can satisfy Deputy Duhamel's comments earlier on and provide the adequate environment protection that we all seek. So I hope Members support this, as I will.

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

I just seek the assurance from the Chief Minister that the overlapping responsibilities that will now dovetail in between the environment and the economic side will also tie-in for the frontline operators of the department to have the overlapping in the appropriate training and co-ordination that they will have with other environment agencies and economic, if that is appropriate. It is just that when you split things up sometimes you miss out on appropriate courses or conferences that

one needs to attend to and I would suggest to you that, in this particular area, it is very important for this Island and for the food chain around our Island.

The Bailiff:

I will call upon the Chief Minister to reply.

2.1.8 Senator F.H. Walker:

I think Deputy Ryan got the debate off to a fantastic start when he referred to the net result from the transfer. I thought that was an unusually witty speech from the Deputy. I can tell him, Sir, that there is a whole shoal of reasons why the Economic Development Department is the right place for Fisheries and, Sir, we will not be put off by red herrings. With apologies and my acknowledgement to the Social Security Minister for his... I believe it was him who passed me those notes. Sorry, Sir. I sort of recognised the hand. It was more culture than social security, apparently. I think the question of savings has already been dealt with by Senator Ozouf as has the environmental dimension and, of course, I reiterate the environmental dimension will continue to get the most serious attention because Deputy Duhamel is quite right. There is a very big environmental dimension to the protection of our fisheries and that will certainly not be forgotten. Of course, the point from Deputy Power; yes, of course, the Economic Development Department and the Environment Department will be working very closely together and we will be making the most of our assets, and the team of that, in a more co-ordinated way than has been the case hitherto. The Deputy of St. John referred to the fishery issue with Guernsey and all I can tell him and, indeed, tell the House is I know that the Economic Development Minister has been pursuing the issue with great vigour with his counterpart in Guernsey but it does take 2 to tango and at the moment the signs of willing co-operation from Guernsey are not very strong and it seems that the prevailing view is that, basically, the matter will be seen out in court, which is not something that pleases the Economic Development Minister, me or, indeed, anyone. But unless there is an agreement to agree with our Guernsey counterparts then there is little, frankly - despite his best efforts - that the Economic Development Minister can achieve. I was pleased with the comments of the Constable of St. Brelade and I absolutely confirm that overlaps can be removed and that the new way forward will be more efficient and, similarly, Deputy Fox's point about training and co-ordination. Point well made and point taken. So, Sir, I maintain the proposition.

The Bailiff:

I put the principles. Those Members in favour of adopting them kindly show. Those against? The principles are adopted. Now there are I think 2 Scrutiny Panels with an interest in the matter. Deputy Duhamel, does the Environmental Panel wish to scrutinise these Regulations?

Deputy R.C. Duhamel (Chairman, Environment Scrutiny Panel):

Probably not, Sir, but we will keep a watching brief.

The Bailiff:

Very well, and Deputy Southern is absent, but the Economic Affairs Scrutiny Panel, I think, also has an interest. Is there an Acting Chairman of the Economic Affairs Scrutiny Panel who would like to indicate an interest or disinterest? Thank you, Deputy. We proceed to the debate on the Articles and I invite the Chief Minister to move the Articles *en bloc*, perhaps?

2.2 Senator F.H. Walker:

Yes, please, Sir. I think after the debate on the principle the Articles are completely self-explanatory and I move them *en bloc*.

The Bailiff:

They are seconded. **[Seconded]** Does any Member wish to speak on any of the Articles of the Regulations? I put the Regulations. Those Members in favour of adopting them kindly show.

Against? The Regulations are adopted in Second Reading and you move the Regulations in Third Reading?

Senator F.H. Walker:

Yes, please, Sir.

The Bailiff:

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

3. Draft Health Insurance (Medical Benefit) (Amendment) (Jersey) Regulations 200-(P.129/2006)

The Bailiff:

We come next to Draft Health Insurance (Medical Benefit) (Amendment) (Jersey) Regulations in the name of the Minister for Social Security. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Health Insurance (Medical Benefit) (Amendment) (Jersey) Regulations 200-. The States, in pursuance of Articles 9 and 36 of the Health Insurance (Jersey) Law 1967, have made the following Regulations.

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

These Regulations simply increase the income criteria for H.I.E. (Health Insurance Exception). We have recently increased the benefit rate so it is important that these Regulations are supported so that existing H.I.E. beneficiaries will not be excluded just because the benefit rates have been increased. So, I make the proposition, Sir.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles of the Regulations? I put the principles. Those Members in favour of adopting them kindly show. Those against? The principles are adopted and Deputy Breckon, is there an intention to scrutinise?

Deputy A. Breckon of St. Saviour (Chairman, Health, Social Security and Housing Scrutiny Panel):

No, Sir. In the report it does say that next June the H.I.E. scheme will be subsumed in the Income Support System and it says that beneficiaries are being contacted and there is already a sub-panel been set up to look at this under the chairmanship of Deputy Martin, Sir, and that instant service issue is already covered.

The Bailiff:

Thank you very much. The Assembly can now proceed to debate the articles and schedules and you move them *en bloc*, Minister?

3.2 Senator P.F. Routier:

Yes, Sir.

The Bailiff:

And they are seconded? **[Seconded]** Does any Member wish to speak on any of the Regulations or the schedules? I put the Regulations and Schedules. Those Members in favour of adopting them kindly show. Those against? They are adopted and you move the Regulations in Third Reading?

Senator P.F. Routier:

Yes, Sir.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? I put the Regulations. Those Members in favour of adopting them kindly show. Those against? They are adopted in Third Reading.

4. Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 11) (Jersey) Regulations 200- (P.136/2006)

The Bailiff:

Next, to the Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 11) (Jersey) Regulations 200-. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 11) (Jersey) Regulations 200-. The States, in pursuance of Article 2 of the Public Employees Retirement (Jersey) Law 1967, have made the following Regulations.

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

Currently an employee who is a member of the P.E.C.R.S. (Public Employees Contributory Retirement Scheme) scheme receives a lump sum death benefit - or, rather, of course his or her family do - if he or she died in service. That does not apply if they happen to be on unpaid leave, which could be maternity leave, a career break or any other period of unpaid leave granted by the employer. What this proposition does is seek to correct that anomaly. It is clearly unjust if an employee is on fully authorised unpaid leave and has the misfortune to die at that time, clearly unjust that his or her relatives **[Interruption]** Sir, it may be unjust to the one who has died but it is unjust to his or her family or beneficiaries and all this does, for the New Members Scheme of P.E.C.R.S. - those members who qualify under the New Members Regulations - all this does is correct that unfair anomaly. I make the principle.

The Bailiff:

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

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

Yes, I am glad to see that we are addressing an injustice. What brought this matter to the attention of the P.E.C.R.S. scheme? Had there been incidents of this and how have we dealt with them?

4.1.2 Senator J.L. Perchard:

Just a question; a slight deviation, Sir. If a public employee was suspended at the unfortunate time that they should pass away, does that affect this or is their estate protected before the introduction of this proposed legislation?

The Bailiff:

I will call upon The Chief Minister to reply.

4.1.3 Senator F.H. Walker:

I am not aware of an incident that has led to this proposition. That is not to say there has not been one but I am not aware of it. This was discussed by the Committee of Management and put forward as a recommendation which I was only too happy to pick up. I do not believe, but I would need to check, that this applies to employees who are suspended. I understand that it applies only to employees who are on employer-approved unpaid leave and I read out earlier a number of

instances where that can happen. That is something that I might well want to check on but I do not think it should, in any way, alter the validity of this proposition. I maintain the principles.

The Bailiff:

I will put the principles. Those Members in favour of adopting them kindly show. Against? The principles are adopted. The Corporate Services Scrutiny Panel?

Deputy P.J.D. Ryan (Chairman, Corporate Services Scrutiny Panel):

No, Sir. We are fully supportive of the changes as they are currently drafted.

The Bailiff:

Thank you very much. Chief Minister, you move the Regulations *en bloc*?

4.2 Senator F.H. Walker:

Yes, please, Sir.

The Bailiff:

They are seconded? [**Seconded**] Thank you. Does any Member wish to speak on the Regulations? I put the Regulations. Those Members in favour of adopting them kindly show. Those against? They are adopted in Second Reading. Do you move the Regulations in Third Reading?

Senator F.H. Walker:

Yes, please, Sir.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak? I put the Regulations in Third Reading. Those Members in favour of adopting them, kindly show. Those against? They are adopted in Third Reading.

5. Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 8) (Jersey) Regulations 200- (P.137/2006)

The Bailiff:

We come to the Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 8) (Jersey) Regulations 200-. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 8) (Jersey) Regulations 200-. The States, in pursuance of Article 2 of the Public Employees Retirement (Jersey) Law 1967, have made the following Regulations.

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

This is exactly the same proposition except that it applies to a different class of member of the P.E.C.R.S. scheme known as Existing Members. No need for any further comment, I do not think and I make the principle.

The Bailiff:

The principles are proposed and seconded? [**Seconded**] Does any Member wish to speak? I put the principles. Those Members in favour of adopting them kindly show. Those against? They are adopted. Corporate Services Scrutiny Panel?

Deputy P.J.D. Ryan (Chairman, Corporate Services Scrutiny Panel):

No, Sir.

The Bailiff:

Do you move the Regulations *en bloc*?

5.2 Senator F.H. Walker:

Yes, please, Sir.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak? I put the Regulations. Those Members in favour of adopting them kindly show. Those against? They are adopted in Second Reading. Do you move the Regulations in Third Reading?

Senator F.H. Walker:

Yes, please, Sir.

The Bailiff:

[**Seconded**] Does any Member wish to speak? I put the Regulations. Those Members in favour of adopting them kindly show. Those against? The Regulations are adopted in Third Reading. We come to the Draft Amendment No. 31...

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

6. Corporate Services Scrutiny Panel: election of member - notice

Deputy P.J.D. Ryan (Chairman, Corporate Services Scrutiny Panel):

May I just catch your attention for a swift moment, Sir? It is with your agreement and also the agreement of the States Assembly; the Corporate Services Scrutiny Panel has much ongoing work at the moment with G.S.T. reviews, with 'Zero/Ten' reviews still to complete and other work very soon to be on our agenda. For this reason, Sir, and without wishing to be in any particular haste or show any kind of disrespect to any immediately past members, the Panel would like to make a nomination before the adjournment today for a new member to replace the Deputy of St. Mary and I would ask you if that would be possible, Sir, and with the leave of yourself and the Assembly?

The Bailiff:

This is entirely a matter for the Assembly. If the Assembly feels that that gives Members sufficient time to contemplate whether other Members ought to be proposed for membership of the Scrutiny Panel it is entirely a matter for the Assembly to decide. The Chairman has given notice that he would like to do that later on and, no doubt, if Members have other thoughts they will let the Chairman know.

7. Draft Amendment (No. 31) to the Tariff of Harbour and Light Dues (P.138/2006)

The Bailiff:

We carry on with the Draft Amendment (No. 31) to the Tariff of Harbour and Light Dues. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether there are of opinion, in accordance with Article 6 the Harbour and Light Dues (Jersey) Law 1947, to approve the Draft Amendment (No. 31) to the Tariff

of Harbour and Light Dues as set out in the appendix to the report of the Minister for Economic Development dated 24th October 2006.

Senator P.F.C. Ozouf (The Minister for Economic Development):

Deputy Maclean, Assistant Minister in Economic Development is effectively the Minister for Harbours so could I ask him to be the rapporteur for these 2 following items?

7.1 Deputy A.J.H. Maclean of St. Helier (Assistant Minister for Economic Development):

Members will note the intention to increase dues for arriving and departing passengers as well as vehicles by 2.5 per cent. This proposed increase is supported by Treasury and Resources as it follows their guidelines on States' charges and is consistent with the anti-inflation strategy. In applying any increase to harbour charges we also needed to consider the likely commercial and economic impact. However, it is recommended that due to the inflexible nature of the current charging mechanism that, regardless of economic or market conditions, we should apply the increase and then respond to market conditions as appropriate. This effectively means that we clearly recognise the challenges that are facing our sea routes. As such the Harbours Department will continue to work closely with the high-speed ferry operators - Jersey Tourism, the Economic Development Department - in order to develop and target incentives for application to key areas that will help to stabilise and grow the market. It is therefore intended that the 2.5 per cent proposed increase in harbour dues will be paid back to operators as part of a performance-related incentive package which is designed to encourage passenger growth. Members will see that under Part (b) we are seeking approval to also increase leisure moorings, visiting yachts and leisure spaces in line with the retail price index at 3.6 per cent. These leisure dues are recognised as not being directly related to the Island's inflation rate and with Treasury and Resources agreement it is felt prudent to continue the policy of maintaining these dues at current value by increasing them in line with the retail price index. In asking Members to support the increase in leisure dues we have also carefully considered the stated aim to grow the marine leisure industry. As such, we have noted the charges applied by our nearest competitors as well as the current level of local demand. The conclusions are clear in that the demand is comfortably outstripping supply and that our pricing is highly competitive. I would also bring Members' attention to the fact that freight charges have not been included here as previous legal advice indicates that charging freight under the Harbours and Light Dues Law, in its present structure, may not be compliant with European Law. However, in order to maintain the level of income necessary to operate the harbours the States have previously agreed that freight charges can be dealt with under Article 29 of the Harbours (Jersey) Regulations 1962, as amended. Freight charges have, therefore, been dealt with separately under this particular article. I would also like to mention that it is intended that a new Harbour Charges Law will finally be brought to this Assembly in 2007 once the current J.C.R.A. (Jersey Competition Regulatory Authority) review of the harbour is concluded. This proposed new Law will repeal and replace the 1947 Harbour and Light Dues Law under which the tariff of harbour charges is currently made. I would now ask Members to support this Draft Amendment (No. 31) to the Tariff and Harbour Light Dues. I make the proposition, Sir.

The Bailiff:

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

7.2 Deputy R.G. Le Hérissier:

There are some issues that appear to be slightly confusing and may be of interest to the group in the gallery who are the first year of the policy-making course on the Highlands Degree Course and who are about to leave us. [**Laughter**] The first thing, Sir, I wonder if the Assistant Minister could explain [**Laughter**] - that is the impact that I usually have. I wonder if the Assistant Minister could explain why leisure fees are not recognised as being directly related to the Island's inflation rate; and how he has managed to separate the 2 out? Secondly, Sir, I am having enormous difficulty with the last sentence of the first paragraph about the growth in ferry passenger numbers. Is it

going up or is it going down? Is it 3 per cent? What happened to the 13 per cent by which Emeraude forced it down, *et cetera*? That seems a very confusing sentence.

7.3 Senator J.L. Perchard:

Just a question of the Assistant Minister, just to keep him on his toes. Is the proposal to increase by 3.6 per cent the dues payable for marina visiting craft and other mooring spaces higher than the increase proposed for harbour dues for arriving passengers as a result of the Treasury's dropped proposals to increase - or to tax - marine fuel? Is there a relation? You did mention, or the Assistant Minister did mention, that the fees have been agreed by the Treasury. Are the 2 related?

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

I think Members, and I am sure the public in the Islands, have been impressed by the dynamic approach that the Assistant Minister has taken to matters up at the airport where new ideas are being put into place and there is, indeed, an approach up there to try and reduce landing charges. I am interested to see the Assistant Minister is taking a slightly different approach at the harbour in respect of duties and tariffs down there. I would be interested to hear from the Assistant Minister to see how long he would continue with that particular approach and also to hear whether he has similar ideas in mind for driving efficiencies within the Harbour Department itself.

7.5 Deputy S. Power:

Just a short question and clarification also on a question later to what Deputy Le Hérisier said. Could the Assistant Minister clarify the intent of the scheme that he is proposing? My understanding is that he is proposing to waive the 2.5 per cent increase for those ferry operators that increase traffic in and out of the harbour. My understanding is also related to what Deputy Le Hérisier said in that there has been no increase at all on any of the U.K. routes this year or on the St. Malo routes and the only increase has been on the Normandy routes. So, given if that is accurate for 2006, does that mean that if this were to carry through in 2007 that the incentive would only apply to the Normandy routes if there was increase on that route?

The Bailiff:

I call upon the Assistant Minister to reply.

7.6 Deputy A.J.H. Maclean:

In answer to Deputy Le Hérisier's questions the opinion of the inflation effect, the 3.6 per cent, was an economist's view - I believe it was generated from the Treasury and Resources Departments - and I am sure they would be better placed to give a further opinion on that. As far as the travel figures are concerned and the numbers of passengers; I too agree with the Deputy in terms of the terminology in the report, it is somewhat confusing. What it means is that it is predicted that the increase is 3 per cent for 2007 compared to 2006 but it is also indicating that compared to 2005 - prior, of course, to the demise of Emeraude - the figures will be 13 per cent down. I hope that clarifies the position. It takes a bit of looking at to get your head around the way it has been written. It has not been very clearly written and for that I apologise. With regard to Senator Perchard's question, there is no relation whatsoever, just to be absolutely clear on that. I thank Deputy de Faye for his kind words, certainly in relation to the airport. We do not have a different view with regard to the harbour, however, it is an entirely different market as I am sure the Deputy will appreciate. It has its own challenges that we need to consider very carefully. We are looking at ways in which we can provide effective incentives to drive additional growth and I think I have alluded to that in my brief comments today. Clearly this is about increasing the harbour charges. The overriding principle is that we want to drive increased traffic and we will use different types of incentives in order to do that. As far as efficiencies are concerned, to answer his question on that, yes, we have our eyes very clearly fixed on efficiencies of the harbour and we will be aiming to work extremely hard in order to ensure that the Harbours Department in operation is efficiently run. That leads on to Deputy Power's comments. I think I have partly touched on the

incentive aspects. He is absolutely right. If we benchmarked against a falling passenger numbers then, of course, we would be giving nothing away at all. There are areas, of course, that we can incentivise. One in particular, the ferry operators, high speed ferry operators themselves, are very keen on, is the DX or the day trip markets it is described. It is a market that has dropped-off, and certainly since the demise of Emeraude we believe, and the ferry operators themselves believe there is a lot of potential there. We will be putting together a package as indeed we did this year. We believe it will be an even better package for 2007 to incentivise growth in that particular market. We will not be benchmarking on figures that are falling. We intend to make sure that the incentives are achievable otherwise there is, frankly, no point in applying them at all. I think, Sir, that is all I have to answer in terms of questions so I would leave to move the proposition.

The Bailiff:

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

8. Draft Harbours (Amendment No. 40) (Jersey) Regulations 200- (P.139/2006)

The Bailiff:

We come next to the Draft Harbours (Amendment No. 40) (Jersey) Regulations in the name of the Minister for Economic Development and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Harbours (Amendment No. 40) (Jersey) Regulations 200-. The States, in pursuance of Article 4 of the Harbours Administration (Jersey) Law 1961, has made the following Regulations.

8.1 Deputy A.J.H. Maclean (Assistant Minister for Economic Development):

This Regulation allows effective policing of the busy and congested port area. It is vital to ensure that the harbour does not become clogged-up so that it can operate efficiently. The ability to use a fine as a deterrent to those who seek to leave goods on the harbour beyond the prescribed period works effectively. This amendment simply seeks to increase the fine available by the Jersey retail price index of 3.6 per cent. I should add the port users fully support this amendment and I would hope that Members could also support it. I make the proposition, Sir.

The Bailiff:

The proposition is seconded. **[Seconded]** Does any Member wish to speak on the principles of the Regulations?

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

Can the Deputy advise us what the prescribed period is? It does not say on the document.

The Bailiff:

I call upon the Assistant Minister to reply.

8.1.2 Deputy A.J.H. Maclean:

I do not know the answer to the question, Sir. I do not know the prescribed period but I will establish that and ensure that the Deputy is advised of what the prescribed period is.

The Bailiff:

I put the principles of the draft. Those Members in favour of adopting them, kindly show. Those against? The principles are adopted. The Economic Affairs Scrutiny Panel? Is there an Acting Chairman available to say whether this is ...? No scrutiny? Assistant Minister, you move the article and schedule as one?

8.2 Deputy A.J.H. Maclean:

Yes, Sir.

The Bailiff:

They are seconded? **[Seconded]** Does any member wish to speak on the articles or schedule? I put the articles. Those Members in favour of adopting them kindly show. Those against? They are adopted in Second Reading. Do you move the Regulations in Third Reading? Seconded? **[Seconded]** Does any Member wish to speak? I put the Regulations. Those Members in favour of adopting them kindly show. Those against? The Regulations are adopted in Third Reading.

9. Data Protection Commissioner: appointment (P.142/2006)

The Bailiff:

We come next to Projet 142, Appointment of Data Protection Commissioner and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to appoint Mrs. Emma Martins as Data Protection Commissioner for Jersey in accordance with the provisions of Article 6(1) of and Part 1 of Schedule 5 to the Data Protection (Jersey) Law 2005 on the terms set out in the Appendix to the report of the Minister for Treasury and Resources dated 1st November 2006.

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

Could I ask my Assistant Minister to be rapporteur for this and the following matter?

The Bailiff:

Yes, thank you, Assistant Minister.

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

The purpose of this proposition is to regularise the position of the Data Protection Commissioner. This post was created when the States approved the Data Protection (Jersey) Law 2005, I think it is, at the very end of last year. Article 6(1) of that Law states, broadly speaking, that the previous position of Data Protection Registrar shall become and be regarded as one with the position known as the Data Protection Commissioner. I do not think there is too much more to add on this point, Sir. I believe that Mrs. Martins has established her reputation as an able and competent authority in the area of Data Protection. I have no hesitation in commending this proposition to the House.

The Bailiff:

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

9.2 Deputy A. Breckon:

Just to add to the comments of the Assistant Minister, to say on a number of times I have an occasion to have to consult with - who will hopefully be - the Commissioner, and must say there is a blame culture and when something happens it is Data Protection. In many instances this is not true. Under those circumstances, Sir, I think the current post holder does an excellent job in the department. They are very professional. They handle the blame culture very well. I think this is a step in the right direction with the proposition that is to follow.

The Bailiff:

I call upon the Assistant Minister to reply.

9.3 Deputy J.A.N Le Fondré:

I think all I have to do, Sir, is thank Deputy Breckon for his comments.

The Bailiff:

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

10. Data Protection Tribunal: appointment (P.143/2006)

The Bailiff:

We come next to P.143/2006 Data Protection Tribunal: appointment. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to appoint, in accordance with the provisions of Article 6(1) of and Part 2 of schedule 5 to the Data Protection (Jersey) Law 2005 the following as members of the Data Protection Tribunal, for a period of 6 years: Advocate Peter Charles Harris, President; Mr. Francis Du Heaume Le Gresley; Mrs. Nora Alice Antonia Roberts; Mr. Maurice Adrian des Forges, Mrs. Marie-Louise Backhurst.

10.1 Deputy J.A.N Le Fondré:

In the event that someone wishes to appeal against the decision made by our newly appointed Data Protection Commissioner they can appeal to the Data Protection Tribunal. Again, Sir, this is something that was in place under the old Law, has continued under the new Law and it was constituted approximately 3 years ago. I would suggest as an indication of the quality of direction from the Data Protection Registrar, it is my understanding that the Tribunal has yet to sit. I do not intend to run through the eminent qualifications of the members of the Tribunal. They are namely as we have heard, Advocate Peter Harris, Mr. Francis Le Gresley, Mrs. Toni Roberts, Mr. Maurice des Forges and Mrs. Marie--Louise Backhurst. These are detailed in the report accompanying the proposition and I believe most, if not all, of the names will be known to Members. I would like to express the thanks of this house towards Dr. Challinor and Mr. Le Bail, who are standing down as members of the Tribunal, for their willingness to offer their services even though I do not believe they have ever been called upon. Without any further ado, Sir, I move the proposition.

The Bailiff:

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

11. Public Employees Contributor Retirement Scheme Committee of Management: membership (P.153/2006)

The Bailiff:

We come to Projet 153 - Public Employees Contributory Retirement Scheme Committee of Management: membership. I do not know whether Members would invite the Greffier not to read out all the names, but just the introductory paragraph. I ask the Greffier to do that.

The Greffier of the States:

The States are asked to decide whether they are of opinion to approve, in accordance with Regulation 3(2) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey)

Regulations 1989, the appointment of the Committee of Management for a period of 3 years commencing 1st January 2007.

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

As I think Members know, the P.E.C.R.S. scheme is administered by a Committee of Management. The Committee of Management comprises 6 employer representatives and 6 Member representatives or such greater equal number as may be determined from time-to-time. Currently, there are 7 members on each side. The list of names proposed is in the proposition, starting with those proposed by myself who are Senator Ben Shenton, Deputy Ian Gorst, Mr. J.S. Clark, and Mr. Mick Pinel who is, of course, well known to everyone as the Deputy Chief Executive of the Chief Minister's Department. Sir, in proposing Senator Shenton and Deputy Gorst, I should pay tribute to 2 current Members of the States; that is Deputy Troy and Deputy Le Claire, who they are replacing. In so doing, I think I would like to make a bit of a personal apology to both Deputies for the way in which the notification that their membership would not be continued was conveyed to them. I think it could have been done in a more professional and a more empathetic way. I do apologise to them for the lack of courtesy, perhaps, that was extended to them in this respect. I am grateful to them for the time they have given to what is quite an onerous task. I am equally grateful to Senator Shenton and Deputy Gorst for agreeing to take up the membership. I should also pay tribute to former Senator Reg Jeune who has offered his resignation. He is effectively retired from this board. Sir, there are other employee representatives nominated by the Minister for Treasury and Resources and they are Mr. J. Rosser, Mr. S.M. Patidar and Mr. Ian Black, of course the Treasurer of the States. The names of the employee representatives are also shown in the proposition. Sir, if Members would like a little bit more background on those not known to them - Mr. Patidar, Mr. Rosser and Mr. Clark I think in particular - then I would be only too happy to provide it. I make the proposition.

The Bailiff:

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

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

I would just like to thank the Chief Minister for his kind words and also thank the Committee of Management and my fellow Deputy - Deputy Peter Troy - for what has been a very interesting if not laborious task at times with an enormous amount of paperwork. I have thoroughly enjoyed being involved with it and have found it extremely professional; one of the most professional Committees that I have been privileged to take part in. Quite interestingly from a social perspective, I was given the responsibility with other Members of signing-off people from the ill health side of the retirement process. Those issues sometimes were quite difficult and also quite sensitive, and also quite difficult in some circumstances, but always handled with empathy and professionalism to the best interests of the individuals as the Committee of Management has always operated in. I think that a word of thanks needs to go to the Committee of Management and the officers and the Chief Minister for his kind words this morning.

The Bailiff:

I call upon the Chief Minister to reply.

11.3 Senator F.H. Walker:

I am grateful to the Deputy for his comments, not only about what I said but in particular about the work of the Committee of Management. I reiterate my gratitude to him and to Deputy Troy and, indeed, former Senator Reg Jeune for the work they have put in which is, as the Deputy said, an interesting, laborious Committee to sit on but conducting its affairs in a very professional way. I am grateful to them all. I maintain the proposition.

The Bailiff:

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

12. Draft Regulation of Investigatory Powers (Jersey) Law 2005 (Appointed Day) Act 200-(P.155/2006)

The Bailiff:

We come to Projet 155 - Draft Regulation of Investigatory Powers (Jersey) Law 2005 (Appointed Day) Act and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Regulation of Investigatory Powers (Jersey) Law 2005 (Appointed Day) Act 200-. The States, in pursuance of Article 59 of the Regulation of Investigatory Powers (Jersey) Law 2005, have made the following Act.

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

The purpose of the Appointed Day Act is to bring into force the Regulation of Investigatory Powers (Jersey) Law 2005 which was, in fact, adopted by the States on 15th March 2005. This Law is one of those that is considered to be a pre-requisite to human rights legislation. Under the Convention of Human Rights, surveillance can only be permitted for the purposes which are specified by the Law and in accordance with Article 8, the right to respect the private and family life, home and correspondence. In addition, such surveillance must be necessary and proportionate otherwise it may be subject to challenge in the courts. It is therefore proposed, Sir, that the Regulation of Investigatory Powers (Jersey) Law also comes into force on 10th December, the same day at the Human Rights (Jersey) Law comes into force. Sir, I propose the act.

The Bailiff:

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

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

I have always supported the principle of the Law. In fact, I am also aware, Sir, it is the Appointed Day Act. However, it is a very complex piece of legislation and while we are going to give our support and it is going to go ahead, I have to remind the House again of the costs and I would draw Members' attention to page 7 of the report, particularly under the area of costs summary. It says: "There are clearly significant cost implications associated with the implementation of this particular Law which were highlighted but unquantifiable in 2005 when the initial funding was agreed." Could I ask the Minister; there is going to be a shortfall - where the shortfall will be met and from what funds that will be met? Also, in future how will the costs be monitored and who will be monitoring the costs? The third question is, will there be an annual report showing success or otherwise of this particular piece of legislation and, in particular, the costs of the implementation of that particular Law?

The Bailiff:

I call upon the Minister to reply.

12.3 Senator W. Kinnard:

At the time that I brought the very complex piece of legislation to the House, I did make it clear that we were giving, at that point, the best case in terms of estimate of costs. I did draw attention to Members of the fact that there were, at that stage, some unquantifiable costs due to the opening-up of the telecoms market and at that stage we had no idea, for instance, how many telecoms companies we would be dealing with. In fact, I have an extract from my speech here which says:

“Regarding the quantum of these costs, the report [that is the report to the original proposition] details the total manpower and quantifiable annual running costs amounting to £422,300 with start-up costs in the first year amounting to £195,000.” I also went on to say that I also would draw Members’ attention to the fact that there will be certain unquantifiable costs which cannot be estimated at this stage. Members will appreciate that this is due to the telecommunications market which is opening-up. What we have done, Sir, in the summary of costs is now to try and update Members with our best knowledge at this time as to what those, at that time, were unquantifiable costs and, indeed, these are detailed for Members in a summary chart. Members will see that in terms of the costs we have sufficient funding to a certain extent but there is a shortfall of £114,500. However, I am pleased to say, Sir, that the Drug Trafficking Confiscation Fund has recently had an injection of funds and it looks possible that an application could be made by Home Affairs to that Fund to cover that shortfall, so we are delighted that that now is a possibility. In terms of costs being monitored, of course as Minister I will be responsible for the costs that are under my department’s umbrella and indeed, of course, there is always the opportunity for those to be scrutinised at any point. There will be an annual report about the operation of the Law and the way in which the Attorney General has issued his go ahead for surveillance to take place in certain circumstances and that annual report will be placed, Sir, before the States. It will be a report by the Commissioner and that will be placed before the States as indeed the report is already placed before the States under the old Law. I maintain the Act, Sir.

The Bailiff:

I put the Act. Those Members in favour of adopting it, kindly show. Those against? The Act is adopted.

13. Draft Planning and Building (Jersey) Law 2002 (Appointed Day) (No. 2) Act 200-(P.156/2006)

The Bailiff:

We come to the Draft Planning and Building (Jersey) Law 2002 (Appointed Day) (No.2) Act and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Planning and Building (Jersey) Law 2002 (Appointed Day) (No.2) Act 200-. The States, in pursuance of Article 131(2) of the Planning and Building (Jersey) Law 2002, have made the following Act.

13.1 Senator F.E. Cohen:

It gives me great pleasure to be making this proposition today. Its effect will be to bring in the remaining provisions of the Planning and Building Law relating to third party appeals and dangerous structures and demolitions; an aim I am sure many States’ Members support. The reason for selecting 31st March is to enable new planning staff to be in position to deal efficiently and effectively with the significant increase in appeals that I anticipate will occur when the new provisions are in force. I can assure the House that had it been possible to introduce third party appeals any sooner, I would have done so. It is necessary to appoint officers before the appeals start. Significantly, the 2004 Royal Court Rules require that third party appeals be dealt with within a very tight timescale. This means that from the date of the effective implementation the department has to have sufficient officers in place to deal with appeals. In summary, to implement earlier than 31st March could have resulted in chaos. I sincerely hope that Members will understand that we have done everything possible to implement third party appeals at the very earliest possible date. I propose the Act.

The Bailiff:

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

13.2 Deputy J.A.N. Le Fondré:

I would like to make a couple of comments on the Act, Sir. First, I would like to state I am delighted to see finally an Appointed Day Act for third party appeals, and I do commend the Minister for bringing this within the promised timescale. It has been a long time coming. However, Sir, while I understand his comments I do wish to express my disappointment about it not coming in any earlier. The reason I express that, and I will go into it a little bit further on, is because during the debate on the Business Plan a commitment was given and I would like to quote it which was: "The Council of Ministers will undertake from 1st January 2007 to fund third party appeals thereafter." Indeed, Sir, the Minister himself quoted in *Hansard*: "That work can commence immediately on implementing third party appeals." On that basis, Sir, the original amendment by Deputy Power at the time was withdrawn. Certainly, in my mind, I was under the clear understanding that third party appeals were finally to be implemented from 1st January. Indeed, at the time I asked if a further Appointed Day Act would be necessary before Christmas and I think it was the Deputy Bailiff who at that time confirmed that one would be necessary, and this is where we are today. So there is no ambiguity in my mind and a commitment had been given. That is where I find it difficult, Sir, that with such a categorical commitment we are now down to 31st March. The excuse that has been given is that that is the earliest practical date due to the necessity of advertising for the post and appointing staff. I think the question in my mind is what has been going on in the 2 to 3 months since this commitment was given on 13th September of this year. While I do believe the Minister in saying he has been pushing for this to be brought forward as quickly as possible, I do think he is being let down by his officers in this regard. I do fully support the Minister and I hope he understands where I am coming from in this. I do have the fullest confidence in him, but I am afraid I am still somewhat less than impressed with the actions of his department. I think the reason I am saying this, Sir, is because it leads me on to my next point of public engagement and public trust again. I am still aware as a new Member that I feel there is still a gulf between the States of Jersey as a governmental machine and the public we represent. It comes down to this - if a commitment is given it needs to be implemented in line with that commitment and in the past that has not always been the case. A commitment may have been given and has been, sort of, wriggled away from and I think the point I want to make for the future is that that is not, in my view, acceptable. We still have a way to go to regain the public trust and one way of achieving that is to stick to commitments that have been given no matter how difficult that may be. Once something has been approved by the States it should be implemented, not in a grudgingly ungenerous way but in a can-do fashion. There are times when we do have to stand up and ask people to trust us in order for them to have confidence in us. In other words, to believe us when we ask them to; and we must stick to those obligations which we undertake to perform. Trust me or trust us is not going to be a winning argument that often if we do not do this. Sir, the key thing for me is the commitment that was given during the September debate, particularly as it resulted in the proposition of a fellow Member being withdrawn. But, Sir, I do understand the comments from the Minister in respect of all this and where he is coming from. Now, I know some people think that one of the reasons I am supporting this is because of a particular application coming back again in St. Lawrence, but I think I have stated that my most important concern to me is public trust. Yes, I am concerned about that application, but certainly myself and my Parish colleagues have a variety of contentious applications coming in, so it is not just that issue; it is not just a St. Lawrence issue, it is one of public trust. I do have to say is; how do I go to my parishioners, particularly those directly affected by those contentious developments and say: "Sorry, folks. If the States had stuck to its word you could have had a final appeal against the decision, but as it is you are out of luck because the application was approved on 25th February." I am not prepared to do that. I am not prepared to defend to them anyone who thinks this is a legitimate way for this House to conduct its business. We need to be straight with the public and

we really need to get back to re-engaging with them. So having said that, Sir, and basically got it off my chest, I am supporting this Appointed Day Act. I did consider abstaining to register my discomfort with the process by which we had got to this point, but on calmer reflection that is counter-productive. We have got where we. I have stated my dismay with the process by which we have got here today. I trust the Minister or any other Member of this House will not take it personally and my comments are certainly not directed at them. That is all I am going to say on that particular matter. Looking ahead, I do commend the Minister once again for bringing this Appointed Day Act. I do think, Sir, it is appropriate that we should not let this moment pass without noting the sheer determination of Deputy Scott Warren, who unfortunately is not here to witness this event because I believe she had to leave on States' business, and also Deputy Power and others, but particularly Deputy Scott Warren without whom, it is my understanding, we would not be having third party appeals at all.

13.3 Senator J.L Perchard:

May I just ask a question of the Minister? How did the Minister arrive at the figure of £250,000 as an annual cost to implement this Appointed Day Act? In the very likely event that that figure will become inadequate, what procedures will he put in place to fund it if that were the case? Secondly, while I am on my feet, how did the Minister manage to persuade the Council of Ministers that this strategic initiative should take priority over any others?

13.4 Senator P.F.C. Ozouf:

Deputy Le Fondré has been in this Assembly now for, I think, about 12 months. I think up until the first year we can call them new Members. Some Member spoke yesterday and said about a new Member. We are all now Members of this Assembly and Deputy Le Fondré cannot be described as a new Member. He is a Member who is an Assistant Minister in one of the departments that has more work going on and policy initiatives than virtually any other department. He will, therefore, be able to speak with some authority on the consequences of putting obligations on departments and officials in time scales which are unreasonable and unachievable. The Minister has made it quite clear - and some of us have had misgivings about third party appeals and continue to do so but respect the views of the Assembly on the matter - it is going to happen. The financial issues have been dealt with because it is such an important issue and he is standing in this Assembly and scolding officers for effectively being honest with their Ministers and honest with the Assembly in saying that we cannot do it on that date. It is a completely unacceptable state of affairs to ask a department to put in place a matter which they are saying they cannot deal with in terms of their responsibilities and personnel. There is no justification in talking, with respect to the Deputy, about public trust. Public trust means doing things right, getting them right and done first time. To ask the Planning Minister to put forward an important provision, a massive departure from where we were before in terms of third party appeals, to do so without the officers and the resources in place to do so is, frankly, asking our officials to do things that we should not do. That is the reason for it. So he can speak about trust but we have an obligation to make decisions and bring things into force when we know that they can be done, and that can be done on the date that the Minister is asking us to do so. He, if anybody in this Assembly, should know the pressure that is on officials. It is not a comfortable position that I find myself in here, in hearing an Assistant Minister praising a Minister but criticising a department for not delivering. Anyway, I think it is important because I worked with Planning for 2 and a half years and I know the strain and pressure that that department is under and it is quite wrong, if I may say, to criticise them in that way. They have brought this in place as soon as possible. So we should approve the proposition brought forward by the Minister and we should do so in good heart and knowing that when it will be brought into place there will be all of the resources and the personnel to deal with things properly. The worst situation would be to bring something in with no staff in order to do so. The final thing I would say is that just because there is not the legal right of a third party appeal to the court does not mean to say that the views of his constituents and those that are concerned in the application - which he really is talking about which

is Goose Green Marsh - will not be heard. I have faith in the Planning Minister and their Panel and the Department in listening to the objectives and making the decisions that they should do so, irrespective that there is not, until 31st March, a legal right of a third party appeal. There are third party hearings and their views are taken into account and have been done for a long time.

13.5 Deputy P.J.D. Ryan:

Without wishing to put the Minister under any embarrassment, stress or strain than is absolutely necessary, I would like to ask him if he were to pass the application for a mobile telephone mast within 50 metres of someone's house during February, what would be the position in March and after the third party appeals come in?

13.6 Deputy P.V.F. Le Claire:

It is interesting because after I listened to Deputy Le Fondré's speech and before I listened to Senator Ozouf's speech, I wrote down on my piece of paper and showed it to my colleagues who had a little laugh - I hope they do not mind - Ministers Christmas card list with Deputy Le Fondré's name crossed off. It was amazing then that Senator Ozouf stood up and spoke as he did, because what I think it does do is it demonstrates an unhealthy attitude towards open representation of one's electorate, and criticism from within the Council of Ministers and their Assistant Ministers is a healthy thing. It needs to be encouraged, not trampled on as Senator Ozouf just did. I think if we are going to have a healthy Council of Ministers it is right and appropriate to congratulate them when and where they do right but unfortunately, Senator Ozouf, they have to be told when and where they do wrong. That kind of pressure that was exhibited by Senator Ozouf virtues on kowtowing or intimidating people to be quiet and know their place which is unhealthy, I believe. I think the Deputy did not, in my opinion, come across disrespectful to officers. He did put his concerns of his electorate and the public in the foremost part of his speech and he pointed out the fact that he was going to support the proposition. So I would just like to say while I may not be everybody's cup of tea, at least they will know what I think about them when I speak to them. I think that is a healthy position to be in. It is far better to know what somebody says about you to their face than behind their back.

13.7 Senator M.E. Vibert:

In the spirit of Christmas, which I have just heard fly around the Chamber, just to show that Council of Ministers can have different opinions I will - and I know it is not popular - repeat again, I have never voted for this measure and I think it is ill-advised and it is not a priority. I do not think any third party appealing will be any happier when any appeals body has turned down their application than they will be when the Minister has turned down their application. I think there could have been other ways of achieving this within our existing system at far less cost and I accept the States have voted for it, but in this case I believe that is a mistake and we will come to regret it as the costs mount.

The Bailiff:

I hope we are not going to get into a debate on third party appeals. Does any other Member wish to speak? I call upon the Minister to reply.

13.8 Senator F.E. Cohen:

Deputy Le Fondré raised his disappointment and he suggested that the Council of Ministers, and particularly I, had not kept our promise made in September. That is not the case at all. This is a very complicated new system that needs to be properly implemented. Work immediately began on working out the mechanism to implement, but unfortunately we were not in a position to bring this forward until the Council of Ministers had formally committed itself to providing the funding and that did not happen until, as I best remember, 19th November. He suggested that the department has been let down by its officers. I would like to tell the House that the officers have worked extraordinarily hard to bring this forward. A senior officer particularly has spent a great deal of

time and significant overtime to ensure that we have got to this stage. I wish to compliment my officers for all their very hard work in bringing this forward so speedily. Deputy Le Fondré further went on to suggest that we had wriggled away from the commitment. The Council of Ministers has done quite the opposite. The Council of Ministers has accepted the will of the House, has found the funding and has got on with it as soon as is possible and a lot faster, I may say, than I imagined we would be able to. He also raised the issue of a variety of contentious applications. Well, there are always a variety of contentious applications from my limited experience of Planning. It is just that they change and what we cannot do is to tweak legislation to frustrate developments. It has to be a level playing field. We cannot simply rush through a piece of legislation in an impractical way simply because we have contentious applications or a particularly contentious application. Senator Perchard asked what the £250,000 was used for. It is used for the creation of up to 3 posts and in addition to this, of course, we must remember that there are significant Royal Court costs. “What if there are over-runs?” he asked. Well, this is based on a best guess, and it is a best guess. We do not really know how many third party appeals we are going to get, but it is an educated best guess and if we find we have more than expected we will have to deal with that at the time. He asked: “How did I convince the Council of Ministers?” Well, I did not convince the Council of Ministers. The fact is that the Council of Ministers gave a commitment and the Council of Ministers keeps its commitments. Senator Ozouf supported my officers and I thank him for his support. We should bear in mind that my department - and I am not unduly whinging - has suffered the largest cut and this is additional work on top of a department that is already under a great deal of stress. Deputy Ryan raised the issue of mobile phone mast applications passed between the beginning of January, which is the end of the 6 week period if there are any passed, and 31st March. Well, I have already made it very clear that the 6 week period is the absolute limit and I think that I am pushing it by taking it to 6 weeks. I will listen, of course, to third parties. Third parties come and see me about masts. I take into account their views and I do try and do whatever I can to mitigate the impact. Deputy Le Claire criticised Senator Ozouf. Well, I would like to thank Senator Ozouf again for his support of my officers and I am sure they too will be very pleased with his support. Senator Vibert raised the issue of the principle of third party appeals, but I am afraid there is nothing we can do about that. We are a long way down the road.

The Bailiff:

I put the proposition.

Senator M.E. Vibert:

Can I have the appel please?

The Bailiff:

I ask any Members in the precinct who wish to vote on this matter to return to his or her chair and I ask the Greffier to open the voting which is for or against the draft Act.

POUR: 45	CONTRE: 2	ABSTAIN: 0
Senator L. Norman	Senator M.E. Vibert	
Senator F.H. Walker	Senator J.L. Perchard	
Senator W. Kinnard		
Senator T.A. Le Sueur		
Senator P.F. Routier		

Senator P.F.C. Ozouf			
Senator T.J. Le Main			
Senator B.E. Shenton			
Senator F.E. Cohen			
Connétable of St. Ouen			
Connétable of St. Mary			
Connétable of St. Peter			
Connétable of St. Clement			
Connétable of St. Helier			
Connétable of St. Lawrence			
Connétable of Grouville			
Connétable of St. John			
Connétable of St. Brelade			
Connétable of St. Martin			
Deputy R.C. Duhamel (S)			
Deputy A. Breckon (S)			
Deputy J.J. Huet (H)			
Deputy of St. Martin			
Deputy P.N. Troy (B)			
Deputy R.G. Le Hérissier (S)			
Deputy J.B. Fox (H)			
Deputy J.A. Martin (H)			
Deputy S.C. Ferguson (B)			
Deputy of St. Ouen			
Deputy P.J.D. Ryan (H)			
Deputy of Grouville			
Deputy of St. Peter			

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

14. Draft European Communities (Accessions) (Jersey) Regulations 200- (P.158/2006)

The Bailiff:

We come to Projet 158 Draft European Communities (Accessions) (Jersey) Regulations and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft European Communities (Accessions) (Jersey) Regulations 200-. The States, in pursuance to Article 1(4) of the European Communities (Jersey) Law 1973, have made the following Regulations.

14.1 Senator F.H. Walker:

The Accession Treaty with Bulgaria and Romania was signed in Luxemburg on 25th April 2005. Subsequently, a monitoring report on the state of preparedness for E.U. (European Union) membership of Bulgaria and Romania was published by the E.C. (European Commission) on 26th September of this year. That report confirmed that Bulgaria and Romania will be in a position to take on the rights and obligations of E.U. membership on 1st January 2007. Jersey is obliged by the terms of the 1973 U.K. Treaty of Accession to give equal recognition to all member states of the E.U., for example in respect of trade and the movements of people. Following the E.C. report, it was possible to progress drafting instructions for the appropriate Regulations which would give legal recognition in Jersey to the enlarged union. Failure to introduce the new Regulations before 1st January would be a breach of the U.K.'s 1973 Treaty and leave Bulgaria and Romania outside the E.U. as far as Jersey was concerned. This would give rise to certain anomalies including, for example, restrictions on trade and the movement of people would remain which would put Jersey in breach of its international obligations, and it would bring into question the status of the European Communities Legislation (Implementation) (Jersey) Law 1996 which is the mechanism used to

implement E.U. legislation relating to trade matters applicable under Protocol 3 or, for example, E.U. sanctions measures which are important in ensuring Jersey's finance industry is able to act against regimes in breach of international standards. Such legal anomalies would potentially cause great embarrassment to the Island in its relations with the U.K. and the European Union and so, in turn, prejudice Jersey's reputation in the international community which we are working so hard to develop at this point. A possible consequence of not adopting the Regulations could be a need to renegotiate Jersey's relationship with the E.U. and that could lead us into the area of renegotiating Protocol 3 which is, as I said in answer to questions yesterday and previously, considered to be very much not in the best interests of Jersey. So, Sir, if we are going to comply it is necessary to bring the Regulations into force before 1st January 2007 and I strongly recommend to the House that we should do so.

The Bailiff:

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

14.1.1 Deputy R.G. Le Hérisier:

The Chief Minister has been asked this before but just for the sake of clarification; given the absolute need he has outlined for uniformity in the way we deal with these matters, or shall we say consistency with the U.K., could he comment on whether if the U.K., for example, goes ahead with work permits for the newly acceded countries, will that system be applied to Jersey?

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

Further to Deputy Le Hérisier's remarks which pipped me to the post - slightly off tack, Sir, so I wonder if you will give me a little leeway on this - will the Chief Minister undertake to consult with the U.K. Home Office and the Romanian Embassy to try and ensure that the aid to Romania Shoe Box Appeal and the good work done by Mustard Seed can continue? It is my understanding that as soon as Romania joins the European Union all aid must stop. I wonder if he would give that consideration.

The Bailiff:

I call upon the Chief Minister to reply.

14.1.3 Senator F.H. Walker:

Taking up Deputy Le Hérisier's point, I have repeatedly said in this House that we will be watching very carefully and in discussion with the U.K. Government on any sanctions they might apply or any change of rules they might apply to citizens of Romania and Bulgaria. But Jersey will have to be very mindful of its obligations under Protocol 3 and, indeed, its obligations to the U.K. It is a complex situation and all we can do at this stage is to maintain contact with the U.K. Government to see what measures they might apply. At the end of the day, as I have repeatedly said, the Regulation of Undertakings Law in Jersey enables us to maintain a limit on the number of non-residents who are allowed to come into Jersey to take up employment. I have made that point repeatedly. It remains a uniquely valuable means of ensuring that Jersey is not flooded with unsustainable numbers of migrants. Sir, I had not heard the point raised by Deputy Lewis before. I can certainly take it up but I suspect it is unlikely to enjoy much success. I will, on the back of his point, agree to take it up, but I have to say with no great optimism. Sir, I maintain the proposition.

The Bailiff:

I put the principles of the draft. Those Members in favour in adopting them, kindly show. Those against? The principles are adopted. Corporate Services Scrutiny Panel?

Deputy P.J.D. Ryan (Chairman, Corporate Services Scrutiny Panel):

There are 2 issues here; one is the question of our relationship with the United Kingdom and the European Union, and the side issue of immigration and population. With regards to the second,

Corporate Services will probably be looking or keeping a watching brief on the Population Office and its developments in the future, so we will cover that at a later time. With regards to a relationship with the United Kingdom and E.U., the Corporate Services Scrutiny Panel are fully supportive of this legislation change and, therefore, we will not be wanting to look at it.

The Bailiff:

You move the articles of the Regulations, Chief Minister?

14.2 Senator F.H. Walker:

Yes, Sir.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on either of the Articles? Well, I put the Articles. Those Members in favour of adopting...

Deputy J.A. Martin of St. Helier:

Can we have the appel, please?

The Bailiff:

Yes. I ask any Member in the precinct who wishes to vote on the Articles to return to his or her seat and I ask the Greffier to open the voting which is for or against Articles one and 2 of the Regulations.

POUR: 41		CONTRE: 1		ABSTAIN: 0
Senator L. Norman		Deputy J.A. Martin (H)		
Senator F.H. Walker				
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator M.E. Vibert				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Connétable of St. Mary				
Connétable of St. Peter				
Connétable of St. Clement				
Connétable of St. Helier				

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

The Bailiff:

Chief Minister, you move the Regulations in Third Reading? Seconded? [**Seconded**] Does any Member wish to speak on the Regulations in Third Reading?

14.3 Deputy J.A. Martin:

It was obviously me who voted against and I would tell the Chief Minister why I voted against; it is because I have been broaching this subject since the middle of this year. For him to have meaningful talks with the U.K. he assures this House that we will be in breach of Protocol 3. We are a small Island. We were told yesterday on Planning for Homes we need at least 2,000 more. The Minister for Economic Development said there are many more jobs in the market. Who are doing these jobs? If the Minister is naïve enough to think the Regulation of Undertakings can deal with the Romanians and the Bulgarian people who are going to come to Jersey, he is very naïve. I hope Deputy Ryan will keep a watch on the population register because I really do not think we should sign up to this until we have the population register; we know exactly who is already in Jersey. I would like a bet now, Sir, with the Minister, in the Christmas spirit, and £10 for charity, that our population register is already topping 100,000 people. They can shake their heads, Sir, but I felt I had to explain we could put this off for 6 months. The U.K. have not yet decided what they are going to do. We do not have to follow and under many other circumstances we always have the excuse we are a small Island and we do not have to do this. I am disappointed that everybody has just gone along and the Chief Minister knows, he has been given the job, where are we with the talks with the U.K? Nothing; we just follow the U.K. blindly. Well, I am sorry. It does not wash with me, Sir, and that is why I voted against and if I am the only one that is fine. As I say, we will know when the population register is up and running who is exactly here and where they are from.

14.3.1 Senator M.E. Vibert:

Again, in the spirit of Christmas can I for one, particularly to any Bulgarians or Romanians listening, dissociate myself from any hint of discrimination which I have just heard?

Deputy of J.A. Martin:

I really think that is out of order, Sir. There is no discrimination intent in that at all. That was very much below the belt and certainly not in Christmas spirit. Thank you, Scrooge.

Senator M.E. Vibert:

I allowed the interruption, Sir, because I am afraid the Deputy does not know what she is saying in my view, because I think it is totally wrong to say that it is all very well to allow in members from other European states, including the many very valuable Polish workers we have in the Island, but for some reason we should object to Romanians and Bulgarians. That is discrimination. I believe that what is important in this Island is that we limit immigration as we have to, fairly and without discrimination. I believe we have the tools to do it through the Regulation of Undertakings and Development Law and that we should not let it go out from this House that somehow we think that some residents of some countries are less desirable than residents of others. The E.U. has been extended. We are associate members of the E.U. It is up to us to act as a responsible State and to treat everyone in the E.U. who are members of the E.U. in the same way, whichever country they come from. I really think that should go out as a message from this House; that we do not approve of discrimination whether it is intended or not.

14.3.2 Senator P.F.C. Ozouf:

In the spirit of Christmas, I would like to invite Deputy Martin to come and have a glass of mulled wine and a mince pie with myself, the Housing Minister and Deputy Gorst. I would like to explain to her, and get some of our officers to come and explain to her, exactly what we do at the Regulation of Undertakings and how it works and how we apply it, because clearly from the remarks that she has made in the Assembly this morning she does not know. She also needs, if I

may say, to be educated in terms of the numbers issue. To stand in this Assembly and speculate with wild abandon that our population figures may be 100,000 is frankly, for those people listening to this Assembly, a concerning issue. We have better handles, better controls in place, on our working population than ever we had before. We have seen in the last few months reconciliation between the numbers of people on social security and Regulation of Undertakings licences. We are improving the co-operation; we are improving the enforcement between our 2 departments as never before. So I invite Deputy Martin to come in and understand what we do, because if she does so I think she will refrain, and she will be happy to refrain, from making the remarks she did so before. In terms of whether or not we should be discriminating against Bulgarians or any other member of the E.U., the Regulation of Undertakings is there. In fact, in the last few days, as Members will see, there have been representations that we should throw away the 5-year rule. The 5-year rule is the extent to which we are able to run our immigration control because we impose licence restrictions on the amount of people, on the amount of jobs that can be created with all sectors, but particularly those people in under 5 years. When I spoke yesterday about the job growth, that is locally qualified people as opposed to non-locally qualified. In fact, I think - and I am happy to confirm to the Deputy - the number of non-locally qualified jobs has been showing a decrease and we are seeing an increase in qualified. So I say to the Deputy, Sir, come in and talk to us. Come in and understand the factors and then she might not stand in this Assembly and say things which, if I may say, are grossly erroneous.

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

I hope, Sir, that nobody is going to tell me that I am discriminating or I do not know what I am talking about and it is a load of rubbish, because I am not going to change my mind. I have never ever thought everybody and anybody should be allowed into our Island and I am not changing that from... I have always thought we should have the right to say who comes here. It is our Island and I am told every time you cannot do this because we belong to the common market or human rights or whatever it is. Well, I still think this is wrong. I have never agreed with it and it is not because I am being discriminatory. It is because I believe that this Island can only take so many people. I would say to the Ministers if they can sit there and tell me that they do not believe there is a black economy on this Island, they are not living in the real world and yet they stand there and say they have never heard that we have a black economy in this Island. I can see one of the...

The Bailiff:

Deputy, I am sorry to interrupt you but...

Deputy J.J. Huet:

That is all right, Sir. I get carried away sometimes.

The Bailiff:

I think you are a little bit carried away. **[Laughter]**.

Deputy J.J. Huet:

Right, Sir, I will not get quite so carried away, but it just annoys me to try and decry people because of what they believe in. Everybody has a right to believe what they wish and we have no right to tell them they should not.

14.3.4 Senator T.J. Le Main:

I am going to have to very much concur with Senator Ozouf and Senator Vibert. I can give a categorical assurance to Members of this Assembly that since I have been working with Senator Ozouf and Deputy Gorst in the application of advising the Economic Minister's Adviser in regard to R.U.D. (Regulation of Undertakings and Development) and Licences, they have been very, very strict on applying applications that are now being applied to businesses that are going to be wealth creators. They are going to be good for the Island; and, in fact, local people that are applying for

businesses are not able to just have people that have no qualifications and are recently off the boat. Last evening, Sir, I was in my office until 10.00 p.m. with several applications - a result of phone calls during the day - to try and relax the rules that the R.U.D. and Housing have applied over the last few weeks on sales of businesses, on (j)'s who want to move and purchase a house who then want to move from their (j) to purchase a business. I can give a categorical assurance to this Assembly that this migration policy and R.U.D. is the absolute tool, and I am now convinced more than ever that to control the incoming people that are not required in the Island but to concentrate more on the local people. Sir, I also, like Senator Ozouf, would welcome any Member to sit with me and I can go through some of the issues that Housing are currently applying in regard to my role currently with administering the housing laws with the Population Department. I am most impressed, I have to say, with Wayne Gallichan, Peter Connew and other members of the department in the way they are applying the policies of this Assembly, and the issue is quite correctly stated by the Chief Minister: the R.U.D. application will control and can control the policies administered by this House. There is no reason absolutely at all for anyone to be able to come and just step off the boat into this Island because they will not get a job if their employers have not got the licences for unqualified people. A quick word, Sir, about the black economy; I believe the Employment Tribunal now is frightened...

The Bailiff:

Senator, please do not go back there. We have not got on to the black market yet.

Senator T.J. Le Main:

Well, I would just quickly say that now that the Employment Tribunal is in place employers are completely frightened about employing people on the black economy and I do not believe that is an issue at the moment. Sir, I give an assurance to this Assembly that I have got dozens and dozens of cases and applications that I daily and weekly turn down. I hope that gives some assurance to Members.

The Bailiff:

May I remind Members that they have approved the principle of these Regulations on a standing vote. They have approved the Articles of the Regulations by 40 votes to one and the purpose of the debate on Third Reading is to deal with matters of principle which arise generally out of amendments made to the Regulations of which there are none. I see lights flashing all the way around the Chamber. [Laughter].

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

While I appreciate that the debate is on the principles, Members do have genuine concerns and I wonder whether Senator Ozouf would extend the invitation that he gave to Deputy Martin to all Members because I believe that something along those lines should be done. We should have some discussion on this, Sir.

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

Just briefly, Sir, given your words; as the Minister for Economic Development is very well aware, Deputy Martin undertook an extensive investigation of migration policy within the last 2 years and knows fully well how R.U.D.L. works and how the migration policy is set out to regulate and monitor and not to control. There is evidence already that we are seeing, from an extra 13,000 workers now paying tax, from the increases of supplementation which appears to indicate that low paid jobs are on the increase, an increase in house prices brought about I believe by (j) Cats., that the system is not, in fact, working but to patronise Deputy Martin in the way the Minister did is out of place.

14.3.7 Deputy J.B. Fox:

Appreciating the words that you have just given, all I would ask is that when the report comes out from the most recent Commonwealth Parliamentary Conference in Nigeria that the Chief Minister, and the people that have spoken today, please read the reports that have been submitted by places like Malta, the Bahamas, *et cetera*, who will tell you tales that thousands of people - including in Malta's case 100,000 people - are now in Malta. They have no intention of working, but the State has to look after them, feed them, and look after them medically, *et cetera*, until they can achieve entering the country that they want to go. So, I am not saying it is going to happen here but I think it is a lesson that we need to bear in mind to ensure that we do not suffer the same fate.

14.3.8 Connétable D.J. Murphy of Grouville:

I am rising really in the spirit of reconciliation whether Senator Vibert's remarks addressed to Deputy Martin when he called her discriminatory perhaps were unwise and perhaps he would like to reconsider and withdraw them.

Senator M.E. Vibert:

It seems the Connétable was not listening properly. I talked about nothing that was personal to Deputy Martin. I said what she was saying and the sentiment she was expressing were discriminatory. I do not think Deputy Martin was discriminatory in any way. I do not think she understood what she was saying and the effect of it.

The Bailiff:

I must say, Constable, I did not get that impression. I thought the Senator was drawing attention to the fact that we cannot discriminate between different member states of the European Union. That was the point the Senator was making.

14.3.9 Deputy I.J. Gorst of St. Clement:

It seemed to me, even before Deputy Mezbourian's request, that other Members were angling for an invitation to Senator Ozouf's mulled wine and mince pie party. I would like to confirm on behalf of the Population Office that that Office is in the process and will, hopefully before Christmas, be sending out invitations to every Member to attend a briefing session in the New Year with a couple of possible dates so that the largest number of Members might be able to attend, and I shall certainly be endeavouring to provide mulled wine at that point even though we will be beyond the Christmas season by then.

14.3.10 Deputy P.V.F. Le Claire:

I will just make a brief observation. The accession to the European Union by these 2 new member countries is being done because of the fact that these 2 new member countries have passed a certain list of criteria and, having achieved this membership, it means a great deal to a number of families who Jersey families are helping at this time. Through the Mustard Seed programme many, many hours and many, many tonnes of food aid and clothing aid and goods aid is being delivered to these families, who are living in minus 30 degrees Celsius temperatures in open factories without windows - 12 families in a factory at a time. So we are, as a community, trying to endeavour to assist these people in these countries. To acknowledge that they are part of the European Union is only a responsible thing to do. Conversely, as well I take on board what Deputy Martin has been saying about immigration controls and the responsibilities of a government in respect of ensuring that the people we educate have got the access to employment and opportunities for housing that we should enable them to have. But in the spirit of Christmas - and really in the spirit of Christmas - seeing as I am not going to be able to say anything else today, I would just like to take this opportunity, Sir, or wishing you and your family and everybody else Merry Christmas. Let us put this to one side. Let us go and meet with Senator Ozouf and his colleagues and let us get down to trying to establish whether or not we have the sufficient controls. Because, realistically speaking, the reality of this debate is because of the fact that many Members who want to know that

we are okay are not aware of what is happening. The information has been kept too close to the chests of the Ministers.

The Bailiff:

I call upon the Chief Minister to reply.

14.3.11 Senator F.H. Walker:

Sir, I think I share your surprise at the way this debate has gone. It seems to me almost unbelievable that we approved the Regulations, effectively without debate with only one vote against, and yet at the Third Reading we end up with a number of Members questioning whether we should have done it at all, which strikes me as being a little bizarre. I am not going to reply to every speaker because I really do not think it is necessary. I will, however, respond to Deputy Martin. In the spirit of Christmas I would suggest that the Deputy is off somewhere with the reindeer. Her understanding of this issue - or rather her lack of understanding of this issue - and her total lack of understanding of the importance of signing-up, effectively, with Romania and Bulgaria is scary. It is nothing less than scary and to suggest that we can put it off for 6 months displays a total lack of knowledge of the facts. The U.K. have not put this off for 6 months. The U.K. may be considering different rules regarding the immigration of citizens from Romania and Bulgaria but the U.K. have signed-up to exactly the equivalent agreement that we are being asked to sign-up to today. The consequences to Jersey of not doing so are immense and to suggest that we should not and to vote against, I am sorry, genuinely displays a total lack of knowledge of what is important to Jersey in this context and what is not. Now, Sir, that was not very Christmassy but what I will do is gladly join the Deputy and now, it seems, many others, in a glass of mulled wine and I think Deputy Gorst is showing the generosity of his nature by extending the invitation to all Members and I will gladly join in that discussion because I think it is a discussion we need to have. The understanding level of Members generally is not all it might be and I would take some responsibility for that and, clearly, we do need to sit down with Members and talk through all these issues, listen to Members' concerns, address those concerns and certainly better inform Members of the consequences of what is being proposed here; of Jersey's obligations internationally and the consequences of not meeting those obligations. These are vitally important matters for every single citizen of Jersey, and I do agree that we all need to ensure that all of us understand them fully. So I look forward to the party and I look forward to sitting alongside Deputy Martin and, if I have offended her this morning, making it up to her in an appropriate way. **[Laughter]** I will go no further than that, Sir. I maintain the proposal in Third Reading.

The Bailiff:

I put the Regulations in Third Reading. Those Members in favour of ...

Deputy G.P. Southern:

Can we have an appel, please?

The Bailiff:

I ask the Greffier to open the voting, which is for or against the adoption of the Regulations in Third Reading.

POUR: 46		CONTRE: 2		ABSTAIN: 0
Senator L. Norman		Deputy J.J. Huet (H)		
Senator F.H. Walker		Deputy J.A. Martin (H)		
Senator W. Kinnard				

Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator M.E. Vibert				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Saviour				
Connétable of St. Mary				
Connétable of St. Peter				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Brelade				
Connétable of St. Martin				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy of St. Martin				
Deputy P.N. Troy (B)				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy S.C. Ferguson (B)				

Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondre (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy A.J.H. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

REQUEST UNDER STANDING ORDER 26(7) - REDUCTION IN MINIMUM LODGING PERIOD

15. Draft Banking Business (Amendment No. 5) (Jersey) Law 200- (P.159/2006) and Draft Insurance Business (Amendment) (Jersey) Regulations 200- (P.160/2006)

Senator P.F.C. Ozouf (The Minister for Economic Development):

Sir, with the leave of the Assembly - and I do not do this lightly - there are 2 matters which I gave advance notice to the Greffe on the Order Paper that I would wish to ask Members to lift, Standing Order 26(7), in order to ask the Assembly's permission to reduce the minimum lodging period in respect of 2 matters: P.159 and 160. This provision is available to the Assembly, with the consent of the Assembly, only in matters which are of such urgency and importance that it would be prejudicial to Jersey to delay their debate. Two matters have arisen within Economic Development's purview, which I believe fall within that, in 2 typographical errors which could potentially place us in a difficult position if matters of the responsibilities of the Minister for Economic Development, the Jersey Financial Services Commission; and so I would ask Members for their leave to lift Standing Orders to consider the 2 matters on the Order Paper.

Deputy of St. John:

I just wondered if I could bring Members' attention to an RC that has been put in front of them today about firearms. I would like to thank the community Connétables in particular for their input and a number of other groups and I urge you to read it over Christmas. I am sorry it is not that

interesting Christmas reading perhaps but I would urge you to do so and thank you for the input that many Members have had to the report.

The Bailiff:

Are Members content to take Projets 159 and 160 at the request of the Minister for Economic Development? Very well. May I ask the Greffier to read the citation of the draft of Projet 159?

15.1 Draft Banking Business (Amendment No. 5) (Jersey) Law 200- (P.159/2006)

The Greffier of the States:

Draft Banking Business (Amendment No. 5) (Jersey) Law 200-. In order to amend further the Banking Business (Jersey) Law 1991, the States, subject to the sanction of Her Most Excellent Majesty and Council, have adopted the following Law.

15.1.1 Senator P.F.C. Ozouf:

I am grateful for Members' leave, Sir. A number of years ago Members will know that the functions of the regulator - formerly in I think the Commercial Relations Department of the then Finance and Economics Committee - were transferred to our independent Jersey Financial Services Commission. Somewhere in the mists of time over the last few years in the transfer of responsibilities - it was probably at the time when the respective banking business and other laws were transferred from F and E (Finance and Economics) to the J.F.S.C. (Jersey Financial Services Commission) or certain aspects of the responsibility for them - a drafting error occurred and did not reflect that change in regulatory responsibility. The result is that the Commission is only, in theory, permitted to provide regulatory assistance to a body carrying out functions similar to that of the Economic Development Minister. Now the Economic Development Minister is not a regulator in the sense of being a regulatory authority. This amendment and the subsequent one correct that as soon as it has been brought to our attention. We are not exactly sure how it has been left this long but it has been picked up by the Law Draftsman. It appears to have gone through a number of hoops and not been picked up, including in the whole transfer of responsibilities from Committees to Ministerial government. The typographical error is now put to Members and I would ask Members to support it. It should, I think, be quite straightforward and does not require any further clarification from me. Sir, I move the principles of the Bill.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles of the Bill? Well, I put the principles. Those Members in favour of adopting them, kindly show. Those against? The principles are adopted. I would have asked the Chairman of the Economic Affairs Scrutiny Panel, if he were here, whether he would wish it to be scrutinised but perhaps his delegate. No? Thank you very much. You move Articles 1 and 2, Minister?

15.1.2 Senator P.F.C. Ozouf:

Yes, Sir, the Regulations simply replace the word "Minister" for the word "Commission". So, I move the Articles 1 and 2.

The Bailiff:

[Seconded] Does any Member wish to speak on either of the articles of the Bill? I put the articles. Those Members in favour of adopting them, kindly show. Those against? The Bill is adopted in the Second Reading and you move the Bill in Third Reading?

Senator P.F.C. Ozouf:

Yes, Sir.

The Bailiff:

[Seconded]. Does any Member wish to speak on the Bill in Third Reading? This is when the debate usually starts. **[Laughter]** I put the Bill in Third Reading. Those Members in favour of adopting it, kindly show. Those against? The Bill is adopted in Third Reading.

15.2 Draft Insurance Business (Amendment) (Jersey) Regulations 200- (P.160/2006)

The Bailiff:

We come to the Draft Insurance Business (Amendment) (Jersey) Regulations and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Insurance Business (Amendment) (Jersey) Regulations 200-. The States, pursuant to Article 2 of the Insurance Business (Jersey) Law 1996, have made the following Regulations.

15.2.1 Senator P.F.C. Ozouf:

Sir, I am slightly concerned that you said that the debate normally usually starts in the Third Reading. I hope that is not something that we are going to continue with. Sir, this is an identical provision to that which, as I have just explained, is in relation - not this time to the Banking Law but - the Insurance (Jersey) Regulations. Sir, I move the principles of the Bill.

The Bailiff:

The principles are proposed and seconded. **[Seconded]** Does any Member wish to speak on the principles of the Regulations? I put the principles. Those Members in favour of adopting them, kindly show. Those against? They are adopted and you move Regulations 1 and 2. Scrutiny? No scrutiny. You move Regulations 1 and 2?

Senator P.F.C. Ozouf:

Identical provisions, Sir, moving the name from the Minister to the Commission.

The Bailiff:

[Seconded] Does any Member wish to speak on either of the Regulations? I put the Regulations. Those Members in favour of adopting them, kindly show. Those against? They are adopted in Second Reading. Do you move the Regulations in Third Reading?

Senator P.F.C. Ozouf:

In Third Reading, Sir.

The Bailiff:

[Seconded] I put the Regulations. Those Members in favour of adopting them, kindly show. Those against? The Regulations are adopted in Third Reading.

Senator F.H. Walker:

Sorry, Sir, before we go on to other things, I did say that I would find out in response to the question of Senator Perchard whether the lump sum payable in the event of death in service applied to those who are suspended while on paid suspension. The answer, Sir, is yes, it does.

The Bailiff:

Thank you, Chief Minister.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

Well, we come to the arrangement of public business for future meetings and I hope that Members will have on their desks... no, they have not. Mr. President.

16. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

Thank you, Sir. Before I propose the arrangements for public business for future meetings, I would like to remind Members of an arrangement for today in the old library at 12.45 p.m. and I hope to see all Members at the Christmas lunch. Thank you, Sir. I would like to now propose the arrangement of public business for future meetings which are listed in the pink supplementary sheet, with the addition of the 2 items that were lodged yesterday, and they are included: the first one on 16th January 2007 and that is P.167 - the Draft Income Tax (Amendment) (No. 27) (Jersey) Law: and on 13th February 2007, Public Elections: reduction in voting age to 16 - P.166. With those amendments I would like to propose the arrangements.

16.1 Deputy A. Breckon:

Can I ask a question through the Chairman of the PPC? The Minister for Treasury and Resources did say that the Goods and Services Tax Law would be before us in November and would be debated early in the New Year and it does not appear anywhere there, Sir. I wonder if he could give an indication of when that may be, as it is a substantial piece of legislation.

The Bailiff:

Yes. Minister?

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

Yes, it is a substantial piece of legislation. I would hope that it would be debated either on 30th January or 13th February. That will depend on it being lodged at the appropriate time. Until the Law is lodged I cannot ask for a date, but I would indicate that when I said yesterday about early in the New Year that was meaning late January or February and that will depend on when the Law is lodged.

16.3 Deputy R.C. Duhamel:

Now that this House has decided to transfer the functions from Planning and Environment to Economic Development for fishery issues, do I take it, Sir, that the items that are tabled for 16th January in the name of the Minister for Planning will have to be represented in the name of the Minister for Economic Development and that might necessarily mean that they come off 16th on to a different day?

16.4 Senator P.F.C. Ozouf:

I was going to ask - I have just exchanged a few words with the Greffier. I think they do fall now, subject to the 7-day period for them. I am not sure whether or not they need to be lodged but in any event I was going to ask for them to be taken 2 weeks later on 30th of January. If there is a problem then they will be re-lodged.

The Bailiff:

I may need to have notice of this, Deputy, but it seems to me that the Transfer of Functions Act, which the Assembly has passed, has the effect of transferring this particular proposition to the new Minister. So there will be no need, I do not think, to withdraw or re-lodge.

Deputy R.C. Duhamel:

I did think, Sir, that under the rules under which the House operates that a proposition could only be taken in a particular named person, and that person has changed by the decision we have taken today.

The Bailiff:

Well, I perhaps need notice of that, Deputy, and we will...

Senator P.F.C. Ozouf:

In any event, unless we get a ruling to the contrary, I would ask for them to be taken on 30th January. In the event that they need to be re-lodged, then I will re-lodge them in my own name in 7 days time when I am able to do so within the 6 weeks lodging period.

The Bailiff:

Which projects are these?

Senator P.F.C. Ozouf:

These are Projet 147, 148 and 149.

The Bailiff:

Right. So they move to 30th January?

Senator P.F.C. Ozouf:

And if there is any problem, Sir, we will re-lodge them.

The Bailiff:

Are any other Members content to adopt those arrangements subject to those amendments? Very well. They will be inscribed by the Greffier.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

17. Corporate Services Scrutiny Panel - election of member

The Bailiff:

Deputy Ryan, you have a proposition to make?

17.1 Deputy P.J.D. Ryan:

I do, Sir, thank you. Yes, I do have a nomination for the Corporate Services Scrutiny Panel membership and I am delighted to be able to propose to the Assembly the Deputy of St. Peter. Thank you, Sir.

The Bailiff:

The Deputy of St. Peter is proposed. **[Seconded]** Are there any other nominations for the Corporate Affairs Scrutiny Panel? I declare the Deputy of St. Peter to have been duly elected to the Corporate Affairs Scrutiny Panel.

Deputy C.H. Egré of St. Peter:

Sir, after listening to the exchanges on the last 2 programmed propositions of the day and your concern about flashing red lights, I think I thank Deputy Ryan for asking me to join his Corporate Services Panel. In so doing, I thank the Assembly for accepting my nomination. In so doing - taking on the Scrutiny role - I hope that I can fill the gap left by the Deputy of St. Mary with the same integrity and professionalism as she has done.

CHRISTMAS GREETINGS

The Bailiff:

Senator Norman, the floor is yours.

18.1 Senator L. Norman:

Thank you Sir. This is a great honour for me but a very unexpected honour due to the unfortunate indisposition of Senator Syvret, on behalf of myself and my Senatorial colleagues to offer season's greetings to the other Members of the States, officers and others who support our work, although I have to say 6th December does seem a little early to be doing that. But nonetheless, it is our last sitting before Christmas. **[Interruption]** I shall not start again. We are where we are so I shall carry on from where we left off. It is natural as we approach the end of the year that we reflect on the 12 months that have just passed and if there was a theme - and each of us will have experienced different highlights and lowlights - the whole year, I think, has been based on the word "new". We have a new Lieutenant Governor, who with Mrs. Ridgway has already established himself as a true friend of Jersey and taken an inordinate interest, not just in the affairs of the States, but in the Island as a whole. I cannot help but reflect that some Lieutenant Governors - even after 5 years - still seem to be the "new" Lieutenant Governor. General Ridgway is very much already the Lieutenant Governor and has been taken to Jersey's collective heart. I will stretch newness a little, but we have also a nearly-new Dean, who was sworn-in towards the end of last year. But he has just completed his first full year with us and I would like to reinforce the welcome that we gave him at that time, although at that time I was disappointed to discover that Robert Key was not an England batsman that I was hoping to meet. But having said that, I am sure the Dean would have been more welcome in Adelaide a couple of days ago than many of the current England batsmen. But undoubtedly the sentiments I expressed about the Lieutenant Governor can equally be expressed of the Reverend Robert Key and, without wishing to sound patronising, I congratulate him on his debating skills and look forward to hearing more from him in the New Year. Now that is something Senator Syvret would not have said. **[Laughter]** But with a caveat, of course, provided that he agrees with my point of view - that is the Dean, not Senator Syvret. - **[Laughter]** Also new, Sir, we have the usual sprinkling of new Constables, whose contribution to debate and the work of this Assembly is of vital and increasing importance. We have set a new precedent which I hope will be maintained; that is completing the budget debate in one day - something perhaps we could try on other equally weighty issues. Our system of government is probably the most significant new thing and that completes its first year. Last year during these greetings speeches Senator Syvret said: "We will see how the new system of government works and whether, in fact, we have changed the culture of government in the Island and moved to something better." There were risks and potential pitfalls with such a major change and I think all Members and officers, from humble Back-Benchers like myself right down to the Chief Minister **[Laughter]** deserve a little pat on the back for ensuring that the transfer to the new system has gone so smoothly. I think we can say, in relation to Senator Syvret's comments last year, the new system does work. I am sure it will improve further and, indeed, we have moved to something better. Sir, on behalf of the Senators, I offer season's greetings to His Excellency and Mrs. Ridgway; to you, Sir, your family; the Deputy Bailiff and his; the Dean and his family; to the Law Officers, the Greffier and all who support them; to Norma, our tea lady - who, after much machination by the Minister for States Members' Refreshments, will be joining us for lunch later on today. To all who, directly or indirectly, work for the States; to the media; to the electorate and the public we represent; and, of course, on behalf of the Senators, to our colleagues, the Constables and the Deputies - a happy and peaceful Christmas to all.

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

Sir, on behalf of the Comité des Connétables, I would like to take this opportunity to express our most heartfelt greetings to you and our fellow Members in this House. I do not claim that I will be quite as hilarious as the Senator but I will do my best, Sir. This has been a much quieter year than 2005 when the House sat for a record number of times to enable it to pass all the necessary Laws and Regulations needed to establish Ministerial government. The new government set-up has worked, as Senator Norman said, exceptionally well considering the dramatic change which it was. But that the Council of Ministers saw fit to invite the Chairman of the Comité des Connétables to sit as a non-voting Member of the Council was very much appreciated and has helped greatly in

maintaining the traditional links which have always existed between the States and the Parishes. This has further strengthened the role of Connétables as the Représentant du Peuple, the role which they have held since the inception of this House and one which I would like to take this opportunity of saying: "Long may it continue." The Connétables, despite the added demands on their time parochially, have played an active part in the new Ministerial government. The Connétable of St. Clement presides over the Privileges and Procedures Committee. Three Connétables hold Assistant Minister posts and 3 serve on Scrutiny Committees, with 3 others sitting on the Planning Applications Committee. The Connétables, Sir, continue to demonstrate their eagerness to play a full and active role in the workings of this House, the role which the electorate expect of them. 2006, Sir, saw the retirement of John Germain, my predecessor, as Chairman of the Connétables and has seen the new Connétable of St. Martin join our ranks. He has already proved his worth, not only for his deep knowledge of rating matters, but for his breadth of general knowledge in winning the Island's first "Weakest Link". **[Laughter]** I would like to take this opportunity, Sir, of wishing the Connétable of St. John our very best wishes in his retirement. This is his last sitting in the House, with his successor being sworn in on Friday of this week. I would like to take this opportunity of wishing him and his wife a happy and fulfilling retirement. The highlight of 2006 for the Connétables was the bringing into force of the Law which introduced the Island-wide rate - a Law which at long last saw the end of the inequity of the funding of welfare, where 3 Parishes were carrying the bulk of the financial burden. That the introduction of the new Law went so smoothly clearly demonstrates that the Connétables had carried out a meaningful consultation process and that the majority of ratepayers had clearly understood what was being introduced. Maybe there are some lessons to be learnt by our fellow States' Members. Sitting, Sir, as I do on the Council of Ministers, gives me the unique opportunity of seeing the Council in action and I would like to congratulate them on the way that they have tackled the first year in office. Yes, they may have made some mistakes, but when one considers the complexity of the new system I believe that they have done an excellent job. The States made the correct choice of Chief Minister and on behalf of the Committee of the Connétables I congratulate Senator Walker for the way he has led the Council and on becoming the Island's first Chief Minister. I would also like to congratulate him on, possibly what may become - when history is written - a unique first Minister to be married during his term of office and I would like to wish him and Fiona our very best wishes. May I, Sir, take this opportunity to pay tribute to all those Islanders who give of their time voluntarily to the service of the parochial system? In the honorary police and any other roles, their service is the backbone of Island life. Sir, it gives me great pleasure to wish you and Lady Bailhache, the Governor and Mrs. Ridgway, the Dean and Mrs. Key, the Attorney General and Mrs. Bailhache, the Law Officers' Department, the Greffier, the Deputy Greffier and all their staff, the ushers and Norma in the Members' room a very happy Christmas and prosperous and healthy New Year. Finally, I wish our fellow Members, the Senators and Deputies a restful and relaxing Christmas and every success in 2007.

18.3 Deputy R.C. Duhamel:

Last year I urged all Members - the old ones as well as the new - to make extensive efforts to get to know one another and to resolve to work together irrespective of their political ideologies and background. I have to admit I have been pleasantly surprised. I think that message was taken on board and a lot of Members have made strenuous efforts to get to know each other and to work together. Now the new Members are not so new, as yet, and they appear to have managed to get their feet under the table. Indeed, certainly from the foot-stamping they appear to have found their feet as well on many occasions. I think we have had a productive first year and I look forward to continuing that work into the next year and the third. In making a Christmas address, Sir, I am reminded of the opportunities that I have got to say things that perhaps are not, perhaps, mainstream and I was giving some thought to Christmas in general. Our Christmas messages have come somewhat early this year - it is 6th December - and I hope it is not a forerunner or warning of global warming that everything is speeding-up that fast and Christmas will end up, as in our

Antipodean parts, somewhere in the middle of summer. But in thinking about Christmas I was struck by some radio programmes just recently. We human beings, we share surprisingly quite a lot of underlying - what is the word, baggage perhaps? I cannot think of any better word at the moment - which binds us in ways that perhaps we would not realise. So I did a little bit of internet surfing and I just looked-up a couple of the major festivals that go on at this time of year. We do have the Hindu Festival of Diwali and that is a festival of lights. It also includes gift-giving and fireworks, so it is 5th November brought forward or whatever, and essentially lights. We do have the Muslim Festival of Eid and that is a celebratory meal, presents for the children, there are some similarities there and card exchanges and that is after a period of fasting - the Ramadan. The Jewish religion, we have Hanukkah, Festival of Light, and again there is the feasting, if you like, and the exchange of presents. Now, what surprised me, Sir, was that on this radio programme people were talking to children as to the differences within their religions at round about the Christmas period time and what was coming over very, very strongly was how commercial things were getting. The emphasis seemed to be moving quite strongly away from some of the softer things - the softer, more emotional things at Christmas - and there seemed to be a hard-edge being put on to the festivals and I think that is a real shame, Sir. I was a little bit surprised as well. We had those Members who wished to take the opportunity to read it, we had a small report from the Economic Development Ministry and they were talking about - here is a surprising recommendation - how about a 'quick win' that could be developed rapidly which will be a truly special winter offer to use a canopy of light as a focal attractor. Well, that is fine and we do have Christmas lights. But a thing I was not particularly happy with is - if we go down - Jersey has developed a Christmas festival and could probably develop a strong Christmas shopping offer. Now there is a lot more to life and living than buying presents or giving presents to people that they do not particularly want. The children, obviously, respond in this world to greater needs and requirements, and if we are outsourcing work to places like India, it does come across to me that perhaps we should be a little bit more careful in passing over some of our bad habits and encouraging the children to be as, maybe, greedy or non-sentimental about the better things for Christmas. So, with that in mind, Sir, I was also surprised last year - my children were probably more than me - was that there are 2 chinks of light that suggest perhaps that there is a new way forward and a new thinking that is beginning to take over for our festivities that we have at the end of the year. I would just like to say a few words to share with Members. My children were extremely upset and surprised - surprised first of all and upset later - when they received a gift from their auntie of 60 trees. Right. Now, they did not come in the back of a lorry but they came in an envelope and the 60 trees had been planted for them by their aunt in Africa; and, of course, children being children said: "Well, what is this? Thanks for the card." They did not get a card and they said: "Right, when is the present coming?" because the days turned into weeks and when the present did not arrive there were a few embarrassed faces all around. I have noticed - there is a well-known charity I have shown people but I will not advertise - you can give an Alpaca package: you can give emergency shelters. Now, you could... if you are looking for a potty pressie idea installed by experts: "Our toilets prevent disease from spreading, go on buy a bog it is definitely not money down the pan." Now this is one way forward of passing on our generosity to other countries that are in a more deprived state than ourselves and I think it has got a lot to commend it but it is really at the other end of: "What am I going to get for Christmas?" and instead: "What could I give for Christmas?" The second point I would like to make, Sir, is that I think Christmas presence - with a C-E -, rather than Christmas presents - with a T-S - is something that we should all think about. It is becoming fashionable, slowly but surely, to instead of exchanging unwanted gifts or giving money or whatever, to spend time with family and relations and people that you respect or would like to get on with. I think that at Christmastime has got a lot to commend it. With those thoughts in mind, Sir, I would like to... not to put too much of a damper on Christmas, but it may well rain. I would like to wish from the Deputies' benches the best seasonal compliments to yourself and Lady Bailhache and to the Deputy Bailiff and Mrs. Birt; to His Excellency, the Governor and Lady Ridgway; to all the Law Officers and their families; and to the Dean and his

wife; to the members of the Greffe, to the court ushers and the tea lady -or ladies on occasion; and also to the Constables' benches and the Senators' benches. I wish everybody on our side a Merry Christmas and I look forward - as indeed do all the Deputies - to working with everybody in the New Year.

The Bailiff:

May I thank the Acting Senior Senator, Senior Connétable, Senior Deputy most warmly on behalf of His Excellency, the Crown Officers, the Greffier and his staff, the Viscount, the Chief Usher and his staff - and Norma, of course - for their good wishes, which are most warmly reciprocated. If the Senior Connétable and the Senior Deputy will forgive me perhaps I might particularly thank Senator Norman, who stepped into the breach and whose extemporaneous contribution was so good that my advice to him is that he ought not to prepare his speeches any more. **[Laughter]** Senator Norman spoke of newness and a new Lieutenant Governor and a new Dean and I hope he is not looking forward to a new Bailiff too shortly. **[Laughter]** May I also extend the best wishes of the Assembly to the Connétable of St. John on this, his last occasion in this Assembly, and again wish him a most happy retirement. Members sometimes ask me whether it is difficult sitting here and saying nothing and whether I occasionally feel the urge to get stuck into a debate and speak my mind. Well, the truth is: not often. Occasionally, I feel that a debate might, perhaps, have come to a conclusion a little sooner than, in fact, it did. But then, this is a parliament - a legislative assembly - and Members have the right and the duty to express their views. One thing which I will say, and I think I echo the comments of those who have spoken before me from the perspective of a detached observer, and that is that most of the concern about Ministerial government voiced before its introduction have not materialised. There may, of course, be wrinkles yet to be ironed out, but from the perspective of the President of the States, on the whole, the transition from Committee government to Ministerial government and the introduction of a system of Scrutiny have gone remarkably well. Certainly, this Assembly is as vibrant as ever and its determination to protect the rights of individual Members remains as strong as it ever was. While dispute and disagreement are of the essence of politics and, indeed, of democracy too, it has been heartening for me, as President, and I suspect for Members too, to see that the personal attacks and gratuitous unpleasantness about which His Excellency's predecessor spoke at his valedictory speech to the Assembly, have largely, if not entirely, been absent since the last elections. It has made this Assembly more effective and, certainly, a much more pleasant place to be and all Members must take credit for that. Another noticeable change - and I am sorry that he is not here at this moment - has been the willingness of the Dean to take risks and to give us a moral and spiritual perspective on some of our debates. All non-elected Members tread with great care - rightly - in exercising their prerogative to speak in this Assembly. But I hope that Members will have welcomed the Dean's thoughtful observations and contributions. So, finally, may I thank all Members for their support which has made the task of presiding virtually an unalloyed pleasure? **[Laughter]** I wish all Members a very happy Christmas and a restful and peaceful interlude with their families until we reconvene next year. So, in default of any other business, the meeting is now closed and we reconvene on 16th January 2007.

ADJOURNMENT