

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 2nd MAY 2012

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[9:30]

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

PUBLIC BUSINESS - resumption

1. Tourism Development Fund: assistance to the private sector (P.26/2012) - reference to Scrutiny

The Deputy Bailiff:

We return now to the debate on P.26, the Tourism Development Fund: assistance to private sector and I call on Senator Ferguson.

1.1 Senator S.C. Ferguson:

I have been consulting with my Scrutiny Panel overnight and I think it is only polite to first of all to apologise to the House for not thinking of this yesterday but to say that we shall be calling this in. Sorry, I will backtrack a minute. We are already looking at the medium-term financial plan. We are looking at the amendments to the Public Finance Law and therefore it would appear that this should be looked at at the same time, and I would therefore ask leave of the House to call this in for Scrutiny. We will do it as quickly as possible but I think it fits in very well with our programme at the moment and I think it ought to be done. My panel think it ought to be done.

Senator P.F.C. Ozouf:

May I just offer the following observation? This is a report and proposition that, as the Greffe will confirm, was originally conceived by the Minister for Economic Development and his department. Procedurally only the Minister for Treasury and Resources can propose variations on funds and so therefore I was happy to put it, but it is really an Economic Affairs matter and so while understanding the Senator's right and Corporate Services to call it into Scrutiny I think if it is going to be scrutinised then it needs to be within the remit of perhaps a joint working party with the Economic Affairs Scrutiny Panel whose remit, of course, is somewhat different from simply Public Finances Law. I completely understand what the Senator is saying about the Public Finance Law, *et cetera*, but there is an economic dimension of this which surely should call for a joint Corporate Services and Economic Affairs review, if that is the wish of the Assembly.

The Deputy Bailiff:

There is a proposal by the Chairman of the Scrutiny Panel that the debate be suspended. This is a proposal brought pursuant to Standing Order 79. Is that seconded? **[Seconded]** Do you wish to say anything further?

Senator S.C. Ferguson:

Yes, we would obviously prefer to set up a subcommittee including the Economic Affairs Panel so that we get the economic dimension as well.

The Deputy Bailiff:

That is a matter for the panel if the States so agree.

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

Just as a point of clarification for myself to make sure I have understood the circumstances correctly. There is an automatic referral to Scrutiny anyway at the end of this initial debate, is there not?

The Deputy Bailiff:

No, it is not a law or regulation. It is a different Standing Order, and in relation to any debate it may be proposed without notice that the debate be suspended for a reference to Scrutiny. Does any Member wish to speak on this?

1.1.1 Deputy S. Power of St. Brelade:

This is a report and proposition by the Minister for Treasury and Resources, as such the Corporate Services Scrutiny Panel have suggested that we call this in. We are happy to consider any other sub-panel input but it has to be done by the Corporate Services Scrutiny Panel to lead because it is a report and proposition by the Minister for Treasury and Resources.

1.1.2 Senator L.J. Farnham:

Following advice I took from you yesterday afternoon, I just want to make my position clear to States Members. I do have an interest in a tourism related business. I am also president of the body that represents the tourism industry and to avoid any wrong perception I have slept on the matter and decided that it would be appropriate for me to withdraw from the debate or any debate surrounding it and I intend to do that right now.

The Deputy Bailiff:

Perhaps it would be wise not to go too far. [Laughter]

1.1.3 Deputy C.F. Labey of Grouville:

I would just like to make an observation. I think this is incredibly late to call this in. This has been lodged on 13th March and if Corporate Services were looking at the Public Finance Law then surely they must have considered this particular Fund as well. This obviously has a huge impact on the tourism industry to call in something like this now and I think it has further implications. Perhaps they could be looking at it. We could perhaps debate this but they could be looking at it at the same time and make their recommendations when they are done. But to call this in I think it is rather an abuse of the Scrutiny system when it has been lodged on 13th March, we are now May.

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

Just briefly, it quite saddens me that we are here with Scrutiny and it seems like a game again. We had a Strategic debate yesterday where we were going to “can do”. Can do, can do. I do not know what personally ... I think we had a scrutiny of this document yesterday by a fantastic speech, while I did not agree with a word of it, but it was well-researched and he had done his homework. Just because Scrutiny have been sitting around and have not researched this I do not think it is on, that today the tourism industry we let them down in 2003. This is not a few months late coming. This is 5, 10 years late coming. Again, you want to play games, well you call it in. Okay, I do not know what you are coming back with. The information is in here. I will not support the reference back. I would if I thought it would add anything to the debate. If you do not want to vote for it, do not vote for it. There is enough information in here but playing games with the industry again, people can walk away. It is the beginning of the tourism ... well, Deputy Vallois wants to look at the implications of the money. It has been there, it is there. As the Minister for Treasury and Resources said, it is not just about money. We have our third stall, our industry, we have worked with Social Security, given jobs to our kids and you do not want to debate it today. Let us put off a difficult decision again. Let us put it off. I am really sorry, this is what I said not to do yesterday. We all agreed we are going to march forward and here we are today. I urge it around. I told the Minister for Treasury of Resources, I said there is either going to be a reference back, there will be something. They are all buzzing around: “Ooh, I do not know about this now.” Make your minds up, act like politicians, do not let Scrutiny call it in and have the debate today. If you do not want to support it, do not support it.

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

I was going to speak yesterday and I was going to speak in support of the proposition because ... can I just say first of all, I have no interest to declare. Although I am the organiser of the air display we receive no money whatsoever from the Tourism Development Fund. However, I have always been a great supporter of the tourism industry and from even my questions of the Minister for Treasury and Resources yesterday, one of my concerns has always been that our economy relies on one industry and we become so vulnerable and there are so many pressures on that industry that we do need to build up other sectors of the economy. Now tourism will never get back to its heyday but it can provide employment for our children and it can provide a necessary boost to the economy. However, and I have got to compliment the Constable of St. Martin yesterday, he raised issues which, to be quite honest, I had not thought of in my initial thoughts of wanting to support the industry, and I do believe the private sector should receive some assistance because despite all the denials that we have had in the past, the banks are not supporting them and we need to find some way of supporting them with States funds. However, this proposition does not tell us how much money is in the Fund, and we know that the Fund in the past was supposed to have £10 million, never did get it. I do not think it ever had more than £2 million over all the years it has been in existence. And there is no detail in here of the checks and balances that will be used to assess the companies.

[9:45]

Again, the Constable of St. Martin mentioned that, for example, we do not know if they are going to get our money back, what safeguards there are going to be. Another concern I have, before I forget, which I probably would, is there is a danger once the private sector does get access to the Fund it will crowd out all charities and others who want it because they will not have the ability to do it?

The Deputy Bailiff:

Deputy, all we are considering is whether there should be a reference to Scrutiny. Please will you confine your remarks to why there should or should not be a reference to Scrutiny and not to the substance of the proposition.

Deputy M.R. Higgins:

Fine, I will do that. What I would say to Members is, we had a salutary warning from the Constable of St. Martin. He explained what happened in the past and I do believe that we need to look at this in far more measured terms. I believe Scrutiny is the way to do it and I do believe that all the questions that I have concerning safeguards of public money, *et cetera*, need to be examined and if they are not there then we should not agree to this proposition. I fully support the reference to Scrutiny. Scrutiny have said they will not take that long. I do not believe they will have to take that long on this and we can get back to debating this in short order.

1.1.6 Deputy J.H. Young of St. Brelade:

I am sorry I jumped the gun; my hearing is sometimes not the best these days. I support the views of Deputy Martin and Deputy Higgins. I have got concerns over process if we just abandon the debate now and leave it into Scrutiny, and that sounds to me a device. If I have understood our procedures correctly we can still have the debate and at the end of the debate if the proposition is then passed the Scrutiny Panel can consider it. If I am wrong, Sir, I am sure you will put me right. But if it is rejected of course then there is no need for a Scrutiny review. But it also seems to me there are some very valid issues that came out yesterday which do need debate, which are important to the industry. I think Deputy Higgins is right, we have got a poor report to do it and I can

understand perhaps why there is urgency to get it off the table, but I still think the debate should go ahead.

1.1.7 Deputy G.C.L. Baudains of St. Clement:

I do not think there is anyone who wants economic diversification more than I do and I believe tourism needs much more investment than we have given it in the past. However, this proposition that we were debating yesterday I do not believe delivers the sort of investment that will benefit the economy. My concern is that some Members are wanting to press ahead with the debate and not refer this to Scrutiny. To them I would warn those Members that the likelihood is that the proposition will not be carried in which case we will be worse off than if it was looked at by Scrutiny and it came back in short order. **[Approbation]**

1.1.8 Deputy R.G. Le Hérisier of St. Saviour:

I drew precisely the opposite conclusion to Deputy Martin. I feel the House would be better informed, not punching in the dark, as Deputy Baudains intimated. It was an excellent speech by the Constable. I was a bit surprised by his comments about Durrell. I hope he has a better visit next time round; of course the café is now open to members of the public without visiting the zoo. Maybe he will be entertained there. I thought it was an excellent speech. He has left enormous areas of doubts in people's minds and the best way to deal with it is not to punch in the dark in a debate where we will all be, quite frankly, speaking from positions of relative ignorance in many respects. I think it is to be informed by a Scrutiny Report. The only caveat I would have, as I understand it, the Chairman of the Corporate Services, she herself is a director of a tourism related industry. Will she withdraw from this particular study? Could she indicate whether she will be withdrawing it?

1.1.9 Deputy M. Tadier of St. Brelade:

It is a new day and the cynics in the Assembly seem to have changed overnight because I had a lecture yesterday - I call it a lecture - from the Deputy of whom I am very fond in front of me saying that I had become cynical very young and then we have quite valid, I think, call from the Chair of the Scrutiny Panel to call this in for further scrutiny because she and the panel are not happy with the report. Now it is true that this has come at the last moment but it seems to me that it would be very cynical to accuse the whole panel of simply engaging in political games. I am not sure where the consensus spirit of yesterday went to. Clearly it is quite late but the conclusion that we can draw from this intervention from Senator Ferguson ... there are 2 conclusions. What we know for sure is that the panel are not happy with the proposition going ahead. It is obviously something that has come to light to warrant them pulling this in and I do not think this is the case, but you could argue that it borders on breaching the Standing Order, which talks about imputing false motives, when you talk about a Scrutiny Panel collectively playing games because it does tend to impute false motives although of course one would just say that is robust debate, and that is fair enough. So I think in this case it would be foolish to carry on with the debate in which the body, which are probably more likely than any of us, apart from those who researched it specifically, and it was a good speech yesterday from the Constable of St. Martin. I did not agree with all of it, and there is a further debate that needs to be had, but this is what Scrutiny is for. If it is to have any kind of chance at life and success these things do need to be looked at. Of course then scrutinised by the rest of the Assembly, the public and the media, so I think this is the way forward and today I will be playing consensus politics with this particular proposition.

1.1.10 Deputy S.G. Luce of St. Martin:

This type of initiative being proposed is not new and it is also a type that is going to be used in other areas of the economy in the next coming months. I very much want to support the proposition and I want to show my support for tourism. However, my Constable has put us all on

our metal, but I feel that this instance we can move forward together and I do not think we need a reference back.

1.1.11 Senator A.J.H. Maclean:

I just wanted to say that clearly from my perspective, as the Minister for Treasury and Resources has pointed out, this proposition has emanated from Economic Development. It has my full support. I was both impressed and disappointed by the comments from the Constable of St. Martin yesterday. He made a very impassioned and detailed speech opposing the proposition, which in itself was impressive. I am disappointed because as far as I am aware he did not contact the department or indeed the panel itself to verify many of the comments that he made. I think if we had proceeded with the debate we could have answered a number of the issues that were raised by the Constable. Having said that, I would not ever wish to stand in the way of Scrutiny, if they do wish to scrutinise this issue and if it would give additional confidence to Members. I am absolutely confident myself that Scrutiny will come back with a clean bill of health for this proposal. They will appreciate the absolute need to continue and to raise investment in the tourism sector. It is an important sector to our economy and this particular proposition was seeking to leverage the existing funds we have to the benefit of that industry and, more importantly, to support local businesses and critically, at this time, to support local jobs. Having said that, there is disappointment and all I would say to the Scrutiny Panel if they are indeed going to have a look at this that it is done in a swift way. We need to get this back. We need to show confidence to our industries and our businesses, and particularly the tourism sector, and I do not think the message of coming this late when the proposition has been out on the table for a long time is a particularly good message to be giving to our industries in this very difficult economic climate. So if we are going to do it can we please look at it swiftly and get back to debate it in early course.

1.1.12 Senator P.F.C. Ozouf:

It is a shame that this has come at the last minute but this is a new Assembly where people are going to work together. That is what we have said and that is what we should do. I think that a review will certainly be helpful. It is always much better when you do not force things through. Whether or not the vote will be won or lost, I do not know. But it is much better when you take people with you, and I am sure that we will be able to take people with us with an inquiry and public evidence. I look forward perhaps to organising a States meeting at Durrell where we can walk the Constable around and see the great investment that has been made as a result of the T.D.F. (Tourism Development Fund) and all people from the hospitality industry in public can give evidence about the plight of their industry. Just procedurally, I just had a quick word with the Chairman of Corporate Services. I do not believe she has a right to do it ... I think she may think she has an automatic right, there is a vote needed. But can I also check on procedurally what will be happening? I support an inquiry, I think that is the right thing to do, should I withdraw the proposition and re-lodge or should I leave it open and then what will happen? Will we start again when I have an opportunity to commence again the proposition from the start and we will re-run what we did yesterday?

The Deputy Bailiff:

If the States agree to the proposal the debate is suspended until the next meeting and at that meeting the Presiding Officer will ask the Chairman of the relevant Scrutiny Panel whether the proposition should be referred and the rest of Standing Order 79 then continues. In other words you do not withdraw the proposition.

Senator P.F.C. Ozouf:

And the timing, Sir, because that is my only concern. The Minister for Economic Development and I, all we wish to do is to get the mechanism for grants to be made available in time for when budgets are available in the medium-term financial plan.

The Deputy Bailiff:

The debate must be listed to resume at a meeting which is not later than the fourth meeting, disregarding any additional meeting day following the meeting at which the Chairman confirms the panel's decision. It sounds like July.

Senator P.F.C. Ozouf:

I am sure that the Chairman will do her best endeavours with the joint panel in order to come back before July when we will have the medium-term financial plan debate.

1.1.13 Deputy P.J.D. Ryan of St. John:

After the elections in 2005 I was honoured the States would give me the responsibility for chairing the first ever Chair for Corporate Services. I remember that in the first meeting of 2006 there was something brought to the States that was extremely controversial and, as I recall, it was the Homosexual Age of Consent being reduced to 16. In very similar circumstances, we had 2 or 3 speeches, very strong speeches going one way and the other at that debate, and I, to my trepidation - I think is the right word - was tasked by the Assembly, there was a general feeling that the Corporate Services Scrutiny Panel would carry out the first ever Scrutiny review in this particular area of great controversy. We did that and I think it established Scrutiny extremely well right from the start. This is similar. This is controversial. I can think of several other Scrutiny reviews that were controversial. The bull semen debate was another one where again the Assembly were pretty well divided down the middle. I think the Scrutiny process at that time was very good and it added a great deal of value, indeed my colleague, Deputy Martin, took part in that very debate on the bull semen and what a contribution she made. [Laughter] And she did indeed. I would be supporting this reference to Scrutiny. I think this is exactly what Scrutiny is for and so I will leave it there.

The Deputy Bailiff:

Deputy Power, you have spoken already.

Deputy S. Power:

My initial few words were to do with clarification on the role of the Scrutiny ... [Members: Oh!]

The Deputy Bailiff:

They were beautifully said as well. If no other Member wishes to speak, Senator Ferguson, do you wish to reply?

1.1.14 Senator S.C. Ferguson:

Basically, yes, Deputy Le Hérissier is absolutely right. I am a director of a hotel in the tourism industry but I will not be leading this particular review because of the conflict. We are meeting at lunchtime and we will look at this and try and get a timetable to get it through as quickly as possible, preferably before July, and obviously after the session today is finished, if the States agrees to this, I would want to speak to the Deputy of St. Martin to see about a joint panel in order to get the benefit of their experience as well as the Corporate Services one. As I say, I can only apologise again for leaving it so late but we have been a bit up to the eyeballs in the population review and starting the medium-term financial plan. I apologise to the Assembly and ask them to support this referral to Scrutiny.

The Deputy Bailiff:

The vote today is on whether to suspend the debate until the next meeting when your panel will have had an opportunity to consider the matter and you will report back. All those Members in favour of suspending the debate ... the appel is called for.

[10:00]

I invite Members to return to their seats. The vote is on whether to suspend the debate pursuant to Standing Order 79 for consideration by the relevant Scrutiny Panel and I ask the Greffier to open the voting. If all Members have had the opportunity of voting I ask the Greffier to close the voting. The proposition is adopted: 31 votes in favour, 12 votes against.

The Greffier of the States:

The following Members voted contre: the Connétables of St. Helier, St. Clement and St. Brelade; Deputies Martin, the Deputy of Grouville, Deputies Lewis, T. Pitman, Baker, Young, St. Mary, St. Martin and Bryans. [INSERT VOTE TABLE]

2. Criminal Injuries Compensation Scheme: revised Scheme (P.27/2012)

The Deputy Bailiff:

We now come on to P.27, the Criminal Injuries Compensation Scheme, a revised scheme, lodged by the Minister for Home Affairs. The document is in the public domain. The proposition is a very long one. I am wondering whether Members would agree to take it as read. Very well, that being so I call on the Minister.

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

The Criminal Injuries Compensation Scheme is a scheme set up by the States of Jersey, and it is not therefore statutory, in order to provide financial compensation to the victims of violent crime. It operates within a range of claims from £1,500 to £100,000. Because this was not a statutory scheme, amendments which are now required to it as a result of the introduction of the Civil Partnerships Law were not dealt with in the Civil Partnerships consequential amendments regulations and I am now bringing forward amendments, most of which are very simple. They are where there are references in the scheme to a spouse to include a civil partner, and where there are references effectively to people living together in a heterosexual relationship but not married to include those living together in a homosexual relationship but not in a civil partnership. That is the bulk of the amendments, which I say are purely consequential upon civil partnerships existing. There are 2 other small amendments. One is to bring up-to-date reference to the Merchant Shipping Act 1894 so that we are now referring to the equivalent modern legislation and the other one to bring up-to-date the definition of a Jersey ship so that that also is referring to the modern legislation. I could go through each paragraph in great detail at great length but I sense the mood of the Assembly is that I leave it with what I have said so far.

The Deputy Bailiff:

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

2.1.1 Deputy M. Tadier:

I note that the Minister for Home Affairs was the only person in the Assembly not to support the Civil Partnerships when it came through. I wonder if the Minister can tell us how he feels about homosexuals who are in a relationship but not married being given the same status as those heterosexuals who are not married and whether he supports that part of the amendment. Would he also explain ... I am not sure if this is directly related, but there was a question which was pulled to do with where the money for the Committee of Inquiry and the compensation for the historic child

abuse comes from and will it be coming from the Criminal Confiscations Fund and, if not, can he expand as far as he feels is possible within the parameters of the debate.

The Deputy Bailiff:

Does any other Member wish to speak? Minister.

2.1.2 Senator B.I. Le Marquand:

The answer is it will not be coming from Criminal Injuries Compensation Fund, it is coming from general States funds. In relation to whatever I may particularly feel about this, the advice that I received was that it would be improperly discriminatory not to include provisions in relation to homosexual relationships outside of civil partnership. That was advice I received, I accept that advice. However I may personally feel about that is irrelevant because it is the correct thing to do politically.

Deputy M. Tadier:

Can I ask for clarification from whom did the Minister receive that advice?

Senator B.I. Le Marquand:

We did not seek advice specifically from the law officers, we received advice from the law draftsman in relation to that area and I accept that advice to be correct.

The Deputy Bailiff:

All Members in favour of adopting the proposition kindly show. Those against. The proposition is adopted.

3. Health and Safety Appeal Tribunal: appointment of members (P.32/2012)

The Deputy Bailiff:

We now come to P.32, Health and Safety Appeal Tribunal: appointment of members, lodged by the Minister for Social Security and ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether of opinion – to appoint Advocate Caroline Dorey as Deputy Chairman, and Mr. Nigel Collier-Webb and Mr. John McCourt as members of the Health and Safety Appeal Tribunal, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law 1989, and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, with immediate effect for a period of 3 years.

3.1 Deputy F. du H. Le Gresley (The Minister for Social Security):

The Health and Safety at Work (Jersey) Law provides for the establishment of an Appeal Tribunal to hear appeals against the serving of administrative sanctions, prohibition and improvement notices served by the Health and Safety Inspectors and decisions by the Minister for Social Security in relation to licensing provisions. At present the only licensing provisions that are in place relate to work with asbestos. The Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations set out the arrangements for the Tribunal including the appointment of members for a 3-year period. Regulation 2 provides for the Tribunal to consist of 4 members: a Chairman, Deputy Chairman who both must be advocates or solicitors of the Royal Court of at least 7 years standing and 2 other members. Mr. Philip Syvret, the current Chairman, and one of the current members, Dr. Gwyn Llewellyn, were elected by the States in 2011 to serve 3-year terms of office. The term of office of the other member, Mr. Timothy Darwin, expired on 31st March of this year, and the post of Deputy Chairman has been vacant since last year. The appointment of members of the Health and Safety

Appeal Tribunal is subject to the code of practice for appointments to autonomous and quasi-autonomous public bodies and tribunals issued by the Jersey Appointments Commission. The Health and Safety Appeal Tribunal has the status of a lower tier body requiring the principles and practices set out in the code to be applied to the appointment process. Mr. Darwin has served on the Tribunal for 9 years and therefore under the terms of the code was ineligible to serve a further 3-year term of office. In meeting the requirements of the code to provide an opportunity for individuals who may have an interest in serving the Tribunal in both capacity of Deputy Chairman or member, applications were sought from persons wishing to put their names forward by placing a notice in the Gazette section of the *Evening Post*. Applications in response to the notice were received from the following persons who wished to be appointed members of the Tribunal. Mr. Nigel Collier-Webb is the programme co-ordinator Jersey Domestic Violence Forum reporting to the Assistant Chief Probation Officer. He is also a member of the Health Services Disciplinary Tribunal; Mr. John McCourt was employed as projects and facilities manager for 14 years by the States of Jersey Police before retiring in June 2011. He is a member of the International Institute of Risk and Safety Management. Unfortunately there were no applications for persons wishing to serve as Deputy Chairman so Advocate Caroline Dorey was approached and agreed for her name to be put forward for the position. Advocate Dorey is a partner with Backhurst Dorey and Crane, specialising in personal injury and insurance litigation. Advocate Dorey was called to the Jersey Bar in 1984. She is also chairman of the Criminal Injuries Compensation Board. During the last round of appointments to the Tribunal in 2011 Dr. Llewellyn, who had completed his term of office, indicated that he would be willing to stand down if another person wished to put their name forward. At that time no other applications were received and Dr. Llewellyn was reappointed to serve a third term of office. As applications to become a member has been made by 2 individuals who it is considered would be suitable, Dr. Llewellyn was contacted and asked whether he wished to resign and he has confirmed his resignation from the Tribunal. This resulted in 2 vacancies for the position of member of the Tribunal becoming available. It is therefore recommended that Mr. Nigel Collier-Webb and Mr. John McCourt be appointed to serve as members of the Tribunal for a 3-year term of office. Advocate Dorey is an experienced advocate who has dealt with a number of health and safety at work cases and is therefore very familiar with health and safety legislation. It is therefore recommended that Advocate Dorey be appointed as Deputy Chairman of the Tribunal to serve a 3-year term of office. Members of the Tribunal serve on a voluntary basis and I would like to express my thanks to Mr. Darwin, who served on the Tribunal for a period of 9 years and Dr. Llewellyn for having served on the Tribunal for a period of 7 years. I therefore propose the appointments of Advocate Dorey to serve as Deputy Chairman, and Mr. Nigel Collier-Webb and Mr. John McCourt to serve as members of the Health and Safety Appeal Tribunal for 3-year terms of office with immediate effect.

The Deputy Bailiff:

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

3.1.1 Deputy R.G. Le Hérissier:

Just a couple of questions. Notwithstanding the excellence of the background, am I right in thinking one proposed member is a public servant? Does that present a conflict? Secondly, how many times a year does the Tribunal or has the Tribunal met in the last calendar year?

The Deputy Bailiff:

Does any other Member wish to speak? Minister.

3.1.2 Senator F. du H. Le Gresley:

I am sure that the issue of any conflict of interest would be dealt with at any hearing. If the member of the panel felt that there was any possible conflict of interest they would withdraw

themselves from any hearing. The good news is that the panel has not sat for 3 years and in the case about a licence, that appeal has not been heard also for over 3 years. I think we can say that the panel, while we do need this Tribunal, they will probably not be particularly busy. I maintain the proposition.

The Deputy Bailiff:

All Members in favour of adopting the proposition kindly show. Those against. The proposition is adopted.

The Deputy Bailiff:

We now come to Arrangement of Public Business, I call on the Chairman of the P.P.C. (Privileges and Procedures Committee).

Deputy M.R. Higgins:

Can I just interrupt before we go through public business? I would like to raise a matter of privilege.

The Deputy Bailiff:

What is the matter of privilege that you wish to raise?

Deputy M.R. Higgins:

It is the fact that I have put a proposition to you seeking to have the release of the transcripts of the 2nd December 2008 in camera debate, or part of it, to be released to the public. I have asked for this proposition to be put forward to the States because I believe the States were misled by the former Minister for Home Affairs at the time. My matter of privilege is that you have denied me the opportunity to bring this proposition, which I think needs to be heard by the House and the decisions need to be made by the House, and I believe the public must be assured that information that was put out at the time is correct.

The Deputy Bailiff:

The matter of privilege must relate to something which you, as a Member, have a right to do. Under Standing Orders ...

Deputy M.R. Higgins:

I think it is a matter of privilege.

The Deputy Bailiff:

Can I please finish? Under Standing Orders the arrangements are that when a Member wishes to lodge a proposition he or she needs to have the consent of the Bailiff before it is an option. It seems to me that it is impossible to say that an issue of privilege arises. Unless there is any other point you wish to raise I would make a ruling here and now that no issue of privilege arises.

Deputy M.R. Higgins:

I would make a point on that. I believe that, as I have stated to you in our correspondence, the proposition itself meets the 3 tests laid down by the Bailiff, as I have indicated in the letter. It is lawful, it corresponds with Standing Orders and it is not anything detrimental to States business.

The Deputy Bailiff:

Deputy, I am sorry, this is not an issue of privilege. I might also add that you have asked me to reconsider the decision, which I am in the course of doing, and in those circumstances it seems that this is a premature matter in any event. It certainly is not an issue of privilege.

Deputy M.R. Higgins:

If I can respectfully disagree and I will state why I believe it is a question of privilege.

[10:15]

This House is a sovereign parliament and it should be for Members of this House to decide if a proposition is in accordance with Standing Orders and the Bailiff's 3 tests it should be decided upon by Members of this House who have the ultimate authority in these matters.

The Deputy Bailiff:

Very well, I rule against you. It is not a matter of privilege because the Standing Orders make it plain that a Member has no right to lodge a proposition without the leave of the Bailiff. That leave has not yet been given and therefore no issue of privilege currently arises.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

4. Connétable A.S. Crowcroft of St. Helier (Chairman, Privileges and Procedures Committee):

Business is as set out on M in the Order Paper but there is an error. P.45, Jersey Employment Tribunal members should be listed for 29th May, not 15th May because it has to be lodged for 4 weeks and not 2. I believe also Senator Ozouf may wish to defer an item.

Senator P.F.C. Ozouf:

I would like to defer for 2 weeks P.38, the Income Tax Amendment proposition.

Deputy J.M. Maçon of St. Saviour:

Just briefly, just out of courtesy to the Members, and they will note that P.182, the Draft Police Law is lodged for debate and the Scrutiny Panel has considered this and will be lodging comments to help and assist Members with that debate.

The Connétable of St. Helier:

Apart from that, I think the matters are as set out on the Order Paper for forthcoming business. Before resuming my seat, could I just remind Members that the Jersey Rugby Club will be coming to the Royal Square today and I notice that several Members are sporting some red items of clothing and despite the early finish today, if Members want to come back to the Royal Square at 1.00 p.m. I am sure the rugby club would be pleased to receive their congratulations.

[Approbation]

Connétable P.J. Rondel of St. John:

On that issue, a number of us, because of the short notice, have other meetings we have over the lunch hour and therefore I would like to extend my apologies for not being able to attend.

The Deputy Bailiff:

I am sure members of the rugby club will understand that. The States now stand adjourned until 9th May.

ADJOURNMENT

[10:17]