

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 9th OCTOBER 2012

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[9:30]

The Roll was called and the Greffier of the States led the Assembly in Prayer.

QUESTIONS

1. Written Questions

1.1. DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR HOME AFFAIRS REGARDING THE RETURN OF PROPERTY CONFISCATED BY THE STATES OF JERSEY POLICE DURING INVESTIGATIONS:

Question

In order to ensure that the States of Jersey Police return property taken during investigations in good condition and in a timely manner, will the Minister undertake to review procedures in order to ensure such property is:

- (a) adequately logged (and photographed where appropriate) and a copy of the itemisation supplied to the owner;
- (b) stored in labelled containers for easy location, thereby avoiding either the owner being advised the items do not exist or hours of police time wasted searching for them?

Will the Minister further undertake to review the police armoury facility to ensure property does not go missing and that public as well as police firearms are in a suitable environment as regards humidity etc?

Answer

Since late 2006, the States of Jersey Police has operated an electronic property management system which employs a digital auditing process for all items of both seized property and lost and found property. Each item, or series of connected items, is stored against unique alphanumeric codes which identify in which specific store on the Police estate the item is lodged.

Each item of property is categorised when being added to the electronic system by the officer recording the entry. The item is then passed to the property officer, in the majority of cases, for storage allocation. The property officer, a civilian member of police staff, will then lodge the item dependent on the item's type, value, status (lost and found or seized), legal status (i.e. controlled drugs), size and potential danger to others (knives etc). For example, cash, drugs and medication are kept in individual safes, with limited audited access, whereas bicycles and larger items are kept in a more suitable outdoor, but covered, area given the volume of space they require to store.

The States of Jersey Police is satisfied that the storage provided for all items is suitable, and fit for purpose, given the site they currently possess. An efficient logging system is in place which allows the property officer to know exactly where an item is, similar to a library indexing system. Labelled containers are already in use, where suitable, by the States of Jersey Police to aid in the safe storage process.

Items are not routinely photographed unless there is a specific evidential need to capture something on record which may later fade, perish or change. All of the property stores within the States of Jersey Police are secure with limited access controls in place, and those indoors (for normal property

storage) are a dry and suitable working environment. None of the States of Jersey Police's stores are air conditioned or humidity controlled.

The property office operates during normal office working hours. When operating out of working hours due to need, or at times of annual leave, on occasion another member of police staff will be asked to work in this area. It is therefore not inconceivable that during these odd periods, some short delays could be experienced in that the member of staff locating the item/s may be relatively unfamiliar with the process when compared to the regular full time member of staff.

The Police Procedures and Criminal Evidence (Jersey) Law 2003 sets out, under article 23 (1) that:

A police officer who seizes anything in the exercise of a power conferred by any enactment, including an enactment passed after this Law, shall, if so requested by a person showing himself or herself to be the occupier of premises on which it was seized, or to have had custody or control of it immediately before the seizure, provide that person with a record of what he or she seized.

Article 23 (2) then states that:

The police officer shall provide the record within a reasonable time from the making of the request for it.

The States of Jersey Police use printed Premises Search Booklets to record all searches of properties, be they residential or commercial. One double sided page of that booklet is to be given to, or left for, the premises' occupier or owner upon completion of the search process. This 'Information to the Occupier' page gives a relevant précis of sections of the Police Procedures and Criminal Evidence (Jersey) Law 2003 on police powers of entry; powers of search; and powers of seizure. The pages also set out the rights of the occupier or property owner in respect of a list of items seized being provided, upon request, within a reasonable time, and supervised access, if suitable, to any seized items at any time during an investigation.

With regard to the Police Armoury Facility identified in the question, and given that the question relates to property management, it is important to identify that the Police Armoury is solely used for the storage of operational weapons and munitions belonging to the States of Jersey Police. The Police Armoury can also be used for the safe 'clearing' and checking of seized, found or surrendered firearms before they are lodged in a secure area, or Public Armoury as it is known, on the police estate. Neither the Police nor Public Armoury is heat or humidity controlled as neither areas were purpose built for weapon storage.

The Police firearms' storage process is controlled by the same electronic system which manages all other property, the only difference being that firearms tend to be handled and managed by members of the firearms training team due to their weapon handling knowledge and proficiency, rather than other members of police staff. Prior to 2008, the Public Armoury did not have a dedicated manager as it does now, and, as with any computer system, the information is only as reliable as the initial input. Since 2008 a standard operating procedure has been created for the entry of seized items into the Public Armoury and is currently managed by at least two officers, in addition to their core duties.

In 2008, the States of Jersey Police carried out an internal inspection of the way it stores and records firearms in the Public Armoury. Several recommendations were made as the storage manner was found to be confusing and the audit trail was inadequate. Those recommendations, and others, have been addressed and the States of Jersey Police leadership is content in the way in which the Public Armoury now operates.

Firearms seized by police are not serviced or cleaned whilst in their possession. Weapon maintenance is a specialist skill and one which the States of Jersey Police has invested in simply to maintain the limited range of weaponry in the Police Armoury. To be qualified to cater for the care and maintenance of each and every weapon is an impossible task.

The concern of Deputy Baudains arose from a specific case in 2007 in which a large volume of firearms was seized. This was a complex case and there were a number of issues around the legality of some of the weaponry held. Some items seized, which were not on the owner's licence, were later added to that licence, which allowed for partial return of items. This then led to a confusing property management process of partial return and partial retention and it is acknowledged that difficulties arose. The States of Jersey Police leadership is certain now, that given the designated management approach of the Public Armoury, such a complex situation could be more easily managed should it happen again.

I am satisfied from the information provided to me in this answer, that proper systems are in place for the management of property in Police possession and that no further review of procedures is required. However, the issue of the lack of purpose built stores will inevitably continue to exist until such time as a new Police Headquarters building is constructed.

1.2 DEPUTY G.C.L. BAUDAINS OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FIBRE OPTIC ROLL-OUT BY JERSEY TELECOM:

Question

With regard to the fibre optic roll-out by Jersey Telecom (JT), would the Minister, as the representative of the shareholder advise whether –

- (a) home installations, due to the relative inflexibility of the fibre cable compared with copper and the need for a power source near cable entry, have resulted in inconvenience to householders;
- (b) the installation time and associated costs have been higher than anticipated;
- (c) customers who have broadband have expressed an unwillingness to pay for a faster service;
- (d) large consumers such as banks already have fibre connections from the town ring-main and, if so, is a significant growth in this market unlikely?

Would the Minister advise what action, if any, has been taken to resolve the aforementioned issues?

Would the Minister make available the evidence which persuaded him to support JT's project?

What measures are in place to mitigate the risk of either existing customers migrating to other providers or returns on the fibre investment failing to materialise?

Does the Minister consider that JT's charges and available speeds compare well with other jurisdictions, even before fibre brings increased speeds and associated increased costs to customers?

Answer

The four matters raised in the question are being dealt with as part of JT's Gigabit Jersey rollout as follows:

- a) The fibre being installed in homes is exceptionally resilient and modern day fibre is as physically flexible as the copper that preceded it, the crucial difference being that fibre can carry unlimited amounts of data whereas copper has a limited capability. Regarding power supply, the terminating unit in the house does require access to a household electricity socket, as it the case with almost all modern telecommunications equipment. In the unlikely event that there is a difficulty in the provision of the electricity, JT engineers work with the householder to put in place a sensible solution.
- b) JT are in year 1 of a 5 year programme and it would therefore be premature (and impossible) to make a final assessment on the overall installation time and costs. However, a recent review by JT of the financial position confirmed the programme to be running to cost and time budgets (which is pleasing in light of effort applied to providing training and development to 100 previously unemployed local residents taken-on to roll out the fibre).
- c) Some of JT's customers have moved to higher speeds and some have chosen to remain on their existing package. The roll out of this network will allow people make a choice that suits them and the products and services offered will change over time, as would be expected.
- d) Large corporate customers with existing fibre connections were not included as part of the Gigabit Jersey business case; although it is worth noting that the data being carried across these links is increasing at significant rates too.

On the basis of the answers set out, the Minister does not see any need to take action and intends to leave it to JT to roll out the network and deal with the operational aspects arising.

The reasons for supporting the decision were contained in the Ministerial Decision which was made public and published on 7 December 2011 (MD-TR-2011-0139).

A number of the questions raised are operational matters for JT. These are not new, and they have been highlighted and explained to States Members previously. The Minister continues to have full confidence in JT and is very supportive of the fibre optic business case and the roll-out programme.

Prices are discussed on a regular basis between the regulator and JT. There have been discussions in a number of countries over the relative merits of super-fast copper and fibre optic. Super-fast copper can provide speeds for today's technology. However, the pace of technical innovation and future proofing leads to fibre optic being the better option.

1.3 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DECISION TO REFUND GST ON VISITORS' PURCHASES WORTH OVER £300:

Question

Following the decision to refund GST on luxury goods worth £300+ for visitors to the Island, would the Minister advise -

- (a) what goods will be classified as 'luxury';
- (b) how much will be lost in tax revenue;
- (c) where/how this loss will be made up; and,
- (d) how much will this cost to administer?

Would the Minister outline the decision process and publish whatever evidence was presented to support this sudden change in policy?

Answer

The GST Visitor Refund Scheme is being operated on a trial basis for a year. If successful its introduction on a permanent basis will be brought to the States for approval in the 2014 Budget.

In reply to the question raised concerning the Visitor Refund Scheme, the Minister can advise as follows:

- a) There is no reference to "luxury" goods anywhere in the scheme so it is not necessary to define the term.
- b) The potential tax cost of the scheme is extremely difficult to estimate as it is not known what the take up by visitors will be. An increase in visitors would mitigate the potential cost and bring other benefits to retailers and revenues alike. The scheme will be monitored throughout the 12 month trial to identify the value of additional goods being sold to visitors by Jersey businesses.
- c) Please see the reply at (b) above.
- d) The Taxes Office costs of administration for the Visitor Retail Scheme has to date been 15 staff days with 20 days per annum estimate for the post-claim verification, business education and liaison with Customs, G4S and the Chamber of Commerce. The latter figure is dependent on take-up. In both cases the staff time has/will come from existing resources.

The only additional "hard" cost has been for third-party printing of leaflets - £139.

A key feature of the scheme is that the printing, distribution and verification of forms is being borne by the participants (retailers, customers and G4S) and is not an expense on public funds. Similarly, the involvement of Customs and Immigration staff has been minimised by the involvement of G4S and the Customs resource required is likely to be minimal.

The decision to introduce the Visitor Refund Scheme trial from 1st September 2012 was subject to the documented Ministerial decision process and has been introduced following representations to encourage visitors to increase incremental spending when visiting Jersey.

This is a targeted way for the States to support the retail and travel industries at a time of economic difficulty. If successful the trial could lead to a successful tax-free retail export scheme, The

Minister trusts it will be welcomed by the local business community and supported by States Members. It is a measure which will contribute to stimulating the economy.

1.4 SENATOR S.C. FERGUSON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE REDEMPTION OF THE 9% PREFERENCE SHARES OF JERSEY TELECOM:

Question

Would the Minister clarify and expand the business case for redeeming the 9% preference shares of Jersey Telecoms for the sum of £20 million when the holding was value for 2011 at £29.5 million in Table 9.11 on page 101 of the Financial Report and Accounts 2011?

Answer

The Treasury and Resources Minister acts on behalf of the States as shareholder for JT Group and other strategic investments.

The States owns 100% of the shares in JT. This repayment will make no difference to the value of the public ownership of JT. The States will continue to receive full dividends from JT as they are the only owner. The States can allocate the cash received in return for the shares to high priority areas, such as capital projects and the Innovation Fund. This Fund will provide seed finance for new, small and growing businesses at a time when the economic climate is difficult.

The £29.5m preference share value in 2011 is a technical accounting valuation using the Dividend valuation model. This takes into account all future dividend payments. As stated in the 2011 Accounts this is not the same as the amount which the States could realise if it chose to sell its holdings. As a result of the redemption (i.e. JT repaying a loan from the States) the value of the States' strategic investment in JT does not fall – rather it means it will increase as a result of allowing JT to obtain finance and grow.

Early in 2012 JT's Board shared their new 5 year Strategic Business Plan with Treasury and Resources. The Minister's approach is to balance short term dividend returns with long term sustainable growth of our strategic investments. The Council of Ministers was consulted in advance of this proposal being included in the MTFP.

JT is a company which aspires to grow sustainably over the next couple of years. Recently they have invested in Gigabit Isles and new acquisitions, like Worldstone. JT is operating in a highly competitive market place and needs to grow to maintain its market positioning and to continue to provide stable dividend returns and shareholder growth. In order to support JT's growth Strategy, a new dividend policy has been agreed from 2013 and it is also proposed that they redeem the preference shares. This will assist JT to revise their capital structure and obtaining financing from external sources to support their growth plans at competitive rates.

This is an example of the Minister's determination to manage the States' balance sheet more actively to support the more traditional emphasis on raising revenues and controlling expenditure. As the States owns 100% of JT this repurchase of shares simply exchanges shares for cash and means that expenditure proposals are able to be brought for approval in the MTFP that would not otherwise have been affordable.

1.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE TEACHING OF MODERN FOREIGN LANGUAGES FROM 2002 TO 2012:

Question

Following the broad support in his response to questions on 11th and 25th September 2012 for the improvement of access to modern foreign languages (MFL) in Jersey schools, will the Minister provide the following data for the period 2002-2012 –

- (a) the range of languages available in Jersey schools to GCSE and A/A2 levels;
- (b) the numbers of classes and of students taking GCSE and A/A2 level in MFL;
- (c) the number of students going on to study MFL at degree level;
- (d) a breakdown of results at GCSE and A/A2 level; and,
- (e) the number of MFL assistants and their timetabled use?

Answer

The information dating back to 2002 is not readily available and, given the short timescale for answering this question, it has not been possible to compile a full report, which is a significant project. The latest information is, however, provided below:

- (a) the range of languages available in Jersey schools to GCSE and A/A2 levels;
- (b) the numbers of classes and of students taking GCSE and A/A2 level in MFL;

All students take French in Key Stage 3 to the end of Year 9

GCSEs 2011-2012

	French	Spanish	Italian	Portuguese	Polish	German
Schools	Beaulieu, De La Salle, Grainville, Haute Vallee, Hautlieu J C G , Les Quennevais, Le Rocquier, Victoria College	Beaulieu, Grainville, Haute Vallee, Hautlieu JCG, Les Quennevais, Le Rocquier, Victoria College	Grainville, JCG	Grainville, Haute Vallee, Les Quennevais, Le Rocquier,	Grainville, Haute Vallee, Les Quennevais,	Beaulieu
Year 10	30 classes 550 students	12 classes 176 students	3 classes 40 students	Includes after school provision	Includes after school provision	1 class 9 students
Year 11	32 classes 592 students	11 classes 164 students	2 classes 30 students			1 class 11 students
Totals	62 classes 1142 students	23 classes 340 students	5 classes 70 students	Numbers vary	Numbers vary	2 classes 20 students

A-level classes 2011-2012

School	A-level	Provision
Beaulieu	French	1 class 1 student (1 hour a week)
De La Salle	French	Accessed via JCG – no students currently

	Spanish	One student as a private candidate
Hautlieu	French	Year 12 = 3 classes 30 students Year 13 = 2 classes 18 students
	Spanish	Year 12 = 2 classes 18 students Year 13 = 2 classes 10 students
	Italian	Year 12 = 1 class 16 students Year 13 = 1 class 14 students
Jersey College for Girls	French	Year 12 = 2 classes 23 students Year 13 = 2 classes 15 students
	Spanish	Year 12 = 1 class 16 students (combined VCJ/JCG) Year 13 = taught at VCJ (alternates A level teaching with JCG)
	Italian	Year 12 = 1 class 15 students Year 13 = 1 class 5 students
Victoria College	French	Year 12 = 2 classes 18 boys + 2 JCG/Beaulieu girls Year 13 = 1 class 6 boys + 3 JCG/Beaulieu girls
	Spanish	Year 12 = none (taught at JCG) Year 13 = 1 class 5 boys + 6 JCG/Beaulieu girls

(c) the number of students going on to study MFL at degree level;

In the academic year 2011-2012, a total of 37 Jersey students were studying a modern foreign language at degree level out of a total of 1349 undergraduates. Courses were as follows:

Language Course Details 2011-12 (across years 1-4)	No. Students
Chinese	1
Combined Honours Flexible	1
Combined Modern Languages	1
English & French	1
European Studies (French)	1
French	1
French & History	1
French & Italian	2
French & Spanish	1
French Studies	1
Hispanic Studies	1
Hispanic Studies & Politics	1
International Management & Modern Languages French	1
Italian	1
Italian & Spanish	1
Italian and Spanish	1
Italian/Spanish	1
Japanese	1
Japanese Studies	1
Modern European Languages	1
Modern European Languages & History	1
Modern Languages	7
Modern Languages & European Studies French & Italian	1
Modern Languages French & Italian	1

Modern Languages French & Spanish	1
Modern Languages, French & Spanish	1
Romance Languages	1
Spanish & Latin American Studies	1
Spanish & English Literature	1
Spanish & Linguistics	1
TOTAL	37

There are currently 37 students enrolled for the 2012-13 academic year on a similar range of courses.

(d) a breakdown of results at GCSE and A/A2 level;

A-levels 2011

Subject	Number of entries					% A* - C 2011	% A* - C UK 2011
	2007	2008	2009	2010	2011		
French	31	35	35	47	33	87.9	87.4
German	1	0	0	1	0	n/a	n/a
Italian	0	4	7	4	0	n/a	n/a
Portuguese	3	5	4	0	1	100	n/a
Russian	0	0	0	1	1	100	n/a
Spanish	13	21	14	28	7	85.7	85.5

GCSEs 2011 (996 pupils on roll)

Subject	No of entries	% A* - C 2011	% A* - G 2011	% A* - C UK 2011
French	604	69.2	100	72.1
German	17	76.5	100	75.7
Italian	32	84.4	100	n/a
Latin	1	100	100	n/a
Polish	3	100	100	n/a
Portuguese	47	89.4	100	n/a
Spanish	125	81.6	100	74.2

(A breakdown of 2012 results by subject is not yet available.)

(e) the number of MFL assistants and their timetabled use?

French - 3 language assistants

10 hours Haute Vallee (hours per week)

4 hours Grainville

4 hours Les Quennevais

8 hours Le Rocquier

16 hours Hautlieu

16 hours JCG

13 hours Victoria College

Spanish - 3 language assistants

4 hours Haute Vallee
 3 hours Grainville
 2 hours Les Quennevais
 2 hours Le Rocquier
 11 hours Hautlieu
 6 hours JCG
 7 hours Victoria College

Italian - 1 language assistant

2 hours Grainville
 3 hours Hautlieu
 5 hours JCG

1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE POSSIBILITY OF FURTHER DISCRETIONARY FISCAL STIMULUS PROJECTS WITHIN THE MEDIUM TERM FINANCIAL PLAN:

Question

Now that the Minister has received the 2012 report of the Fiscal Policy Panel, and in the light of its negative forecast for growth of between -3% to +1% for 2012 and 2013, what consideration, if any, has the Minister given to the possibility of further discretionary fiscal stimulus projects in the Medium Term Financial Plan?

Answer

It is a shame that Deputy Southern did not attend the FPP briefing for States Members on the 1st October. The Panel usefully highlighted the extent to which fiscal stimulus is already taking place. The following table, taken from the Panel's report, shows expenditure adjusted for the timing of capital expenditure, rather than its year of allocation.

Figure 2.22

	2011	2012	2013	2014	2015
	£m	£m	£m	£m	£m
Projected fiscal balance, adjusted for the timing of expenditure and capital expenditure rather than capital allocation					
MTFP surplus/deficit	-25	-7	1	0	0
Add: net capital allocation	13	14	13	5	20
Less: capital expenditure	-73	-72	-95	-95	-82
Carry forward adjustment	0	-25	7	-3	0
Adjusted surplus/deficit	-85	-90	-74	-93	-62
Source: States of Jersey Treasury; Panel calculations					
% of GVA	-2.3%	-2.5%	-2.1%	-2.6%	-1.7%

The revisions to the FPP forecasts were largely expected in the light of the continuing economic difficulties in the UK and Eurozone. The MTFP already includes significant discretionary fiscal support to the economy in the steps we have taken to identify and fund an ambitious capital programme over the next 3 years. This is combined with the measures we have taken to provide additional funding for housing schemes in 2012 and 2013 and the Parish of Trinity, which are vital infrastructure projects that also provide a timely and much needed injection into the local economy.

States departments have already been asked to make rapid progress on tendering the capital schemes that have been funded in 2012 and 2013 so as to inject this spending into the local economy in a timely manner. This will help the local economy and deliver better value for money as prices are keen. We will also be reviewing other aspects of expenditure, such as repairs and maintenance for social housing to ensure that these projects are being completed in as timely a manner as possible. The jobs market has also been helped by the additional funding provided in 2012 for Back to Work schemes in a joint initiative between Economic Development and Social Security. However, in response to the FPP advice we will review our current position with colleagues and consider the options for us to go further in the way that the Panel suggests.

Bringing forward capital allocations from 2014 and 2015 may not be possible unless the States were willing to borrow or use reserves in order to finance projects early. The Treasury review of funding, as previously announced, should be designed to assist this.

The overall capital programme allocations were derived from departmental returns that focussed on critical projects for service delivery and careful consideration was given to the prioritisation of projects during the MTFP period. As recommended by the FPP, all of the projects during the MTFP period will be reviewed against the fiscal stimulus 'timely, temporary and targeted' principles.

The FPP report has helpfully illustrated the difficult balancing act between allocating resources to meet clearly identified spending needs in essential areas such as health, social care and job creation, supporting the economy in the short-term, and protecting the competitive system of taxation upon which our Island depends.

1.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE CAPPING OF THE POPULATION AT AROUND 100,000:

Question

Given the relatively small changes in dependency ratios produced by large increases in population revealed in the States of Jersey Statistics Unit's long-term population projections, what commitment, if any, will the Chief Minister give to maintaining the Island's population at or around 100,000?

Answer

The Statistics Unit released their long-term population projections on the 21st September, and the analysis of this model is now underway, including in relation to dependency ratios and social, economic and environmental considerations, with a view to undertaking a public consultation in the New Year, and a States Debate in July, 2013, on the Population Policy.

It is clearly premature in advance of this analysis, engagement and debate, to make a commitment as Chief Minister as to what the population should be. In the meantime, we have set a very clear direction within the Strategic Plan of limiting immigration pending the debate in July, 2013.

1.8 TO THE MINISTER FOR SOCIAL SECURITY BY DEPUTY G.P. SOUTHERN OF ST. HELIER

Question

Will the Minister give members a detailed breakdown of the reductions in expenditure outlined in the table on page 94 of the Annex to the draft Medium Term Financial Plan 2013 – 2015?

Answer

As can be seen from page 94 of the Annex to the draft Medium Term Financial Plan 2013 – 2015 and set out in more detail in the preceding pages 91 to 93, expenditure overall is due to increase significantly driven by the impacts of the global economic situation as well as more local matters, such as the withdrawal of LVCR, upon benefit expenditure and the cost of providing services and schemes to assist those who are unemployed arising from the changed economic situation.

There are however some reductions shown on page 94 as follows:-

Final Profile Adjustment for Transitional Relief Protection for Claimants £900,000

Final part of the phased reduction in transitional protection to claimants under the Income Support Scheme which commenced in January 2008.

Final Profile Adjustment for Automatic Stabiliser Fund for Income Support £3,500,000

This refers to 2010 Business Plan estimates of profiles of spend for Income Support and resultant changes in spend which were predicted in 2009. Since then, estimates of spend have changed and been superseded, consistent with changes in the economic situation and forecasts. Increases to Income Support taking into account the latest economic and financial forecasts are provided for elsewhere within the MTFP.

Department Savings

£2,500,000

Over Achievement of CSR Savings Targets

£300,000

1. The Minister will be proposing changes to Survivor's Pension, with "grandfathering provisions" and retaining provision of Survivor's Pension for survivors with dependent children. There are no proposals to change Survivor's Allowance, which is payable for the first year following the death of a spouse or civil partner. After allowing for the effects upon the Income Support budget, the total net saving is estimated at, £3.6 million per annum. This saving will build up over the next 10 to 15 years as the cost of protecting existing claimants diminishes and the savings will accrue to the Social Security Fund

2. At the same time as proposing changes to Survivor's Pension, the Minister will be proposing transferring the funding of Invalid Care Allowance from the cash limit to the Social Security Fund, representing a "budget" saving of £2.2 million in cash limit terms.

3. Proposition P.56 has been agreed which requires all adults in Income Support families to have 5 years plus residency in order to receive an adult component as part of the family's Income Support award: It is anticipated that the resulting annual savings will be £600,000.

The combination of 2 & 3 above items lead to a combined saving of £2.8m to the cash limit for Social Security for 2013, though States approval is still required for items 1 & 2

Proposed Procurement Savings

£43,800

The Draft Annual Business Plan 2012 introduced savings of £3 million in 2012 and £3.5 million in 2013 from the Corporate Procurement Project as part of the CSR process. A great deal of work is being done to change procurement practices to deliver savings across the States and the figure above represents the savings to be gained by the Social Security department on insurance, energy, printing, etc.

Savings to be delivered by New Measures in Addition to CSR targets £3,000,000

Please refer to S7 on page 102 of the Medium Term Financial Plan 2013 – 2015. The Social Security Minister is considering a number of potential changes to benefits which could deliver budget reductions in addition to the Department's current CSR targets. The Department has estimated that these changes could generate a saving of £3 million from 2014.

Extend Supplementation Certainty Calculation for Period of MTFP (2013) £1,800,000

Please refer to S8 on page 102 of the Medium Term Financial Plan 2013 – 2015. Social Security ensures that eligible Jersey residents have contributions that are supplemented to a minimum published threshold. In order to manage this there is an agreed tax funded Grant that the States provides to the Social Security Fund towards this cost. The current proposal seeks to agree the formula to calculate the Grant for the 3 years of the MTFP. This formula would result in a saving against previously anticipated levels. P.89/2012 was lodged on 25 September 2012.

Remove Supplementation Contingency £600,000

Please refer to S9 on page 102 of the Medium Term Financial Plan 2013 – 2015. As a result of the proposals to amend the existing formula for the calculation of the States' contribution to the Social Security Fund to have certainty for the 3 year period of the MTFP 2013 – 2015, the existing Social Security Department's contingency for Supplementation can be removed.

**1.9 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE CHIEF MINISTER
REGARDING THE PARTICIPANTS IN THE RECENT RECRUITMENT PROCESS
FOR THE POST OF CHIEF EXECUTIVE:**

Question

Further to the answer provided to question 7050 on 11th September 2012, could the Chief Minister provide the details as to which three Ministers took part the recruitment process for the post of Chief Executive in June 2012, and also the position/titles of any other individual participating in the interview panel and (if different) in the interview process?

Was the job advertised and, if not, why not, given the revised role?

Answer

The Ministers agreed by the Council of Ministers (CoM) to lead on the recruitment process were; Senator Ian Gorst, Senator Ian Le Marquand and Deputy Andrew Green. The Panel was chaired by a member of the Jersey Appointments Commission and was supported by the Director of Human Resources.

The process which had been agreed by the CoM, Jersey Appointments Commission and the States Employment Board did not require the role to be advertised. In addition to the process adopted, the Panel added a second stage which completed an assessment of the competencies of the then Acting

Chief Executive against those of the job description and the States competency framework, and included an interview with the Panel.

1.10 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE NUMBER OF GAMBLING LICENCES GRANTED SINCE THE ENACTMENT OF THE GAMBLING (JERSEY) LAW 2012:

Question

Will the Minister advise Members the number of gambling licences that have been granted since the enactment of the Gambling (Jersey) Law 2012 and whether he considers Jersey has performed well in this sector and, if not, explain why not?

Answer

The Gambling (Jersey) Law 2012 has not yet been brought into force and no licences can therefore be issued pursuant to that Law.

If the Deputy is referring to the amendment of the Gambling (Remote Gambling) Regulations 2008, and if his reference is to the remote gambling sector, the Deputy will be aware that the inability as yet to gain UK recognition via a Statutory Instrument to demonstrate equivalence with UK regulatory requirements (Whitelisting) has been the main reason why the remote gambling sector has not developed. The Department is working alongside the Chief Minister's Department and the Jersey Gambling Commission to demonstrate to the UK authorities that their position is discriminatory and we are hopeful that this will be remedied when the UK's Gambling Act 2005 is amended.

Consequential to this, the Jersey Gambling Commission is working to gain mutual recognition of Jersey's licensing and technical standards with other jurisdictions. To date Memoranda of Understanding have been exchanged with Denmark and Malta, with other cross-jurisdictional agreements in progress.

1.11 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING PROBLEMS AT THE ENERGY FROM WASTE PLANT:

Question

Will the Minister outline what problems, if any, are being experienced at the Energy from Waste Plant and explain to Members who has responsibility for rectifying those problems and the associated costs?

Answer

The contractor, CSBC (Jersey) Limited are responsible for addressing and financing all defects and snags that are a result of design, installation or component failure. The Transport and Technical Services Department is responsible for failures of equipment if such failure is due to misuse or incorrect maintenance.

At this time over 2500 snags have been resolved. There are a further 154 outstanding snags and defects that have been identified and passed on to the contractor. This number may decrease as the snags and defects are rectified or increase as new defects manifest themselves.

These snags and defects range from items that are relatively simple to rectify such as the re-testing of the disabled refuge alarm system to items that are more complex, for example the failure of the bucket elevator.

The Energy from Waste plant is a large complicated mechanical system and the number of snags and defects is not unusual for this type of project. CSBC (Jersey) Limited has, since the beginning of the commissioning period, resolved the snags and defects at their own cost and in accordance with the contract.

There is a financial retention of 2.5% of the overall process plant cost which is held by the Transport and Technical Services department for the period of one year from the penultimate milestone payment date. The contract between CSBC (Jersey) Limited and the Minister for Transport and Technical Services is based on the "IChemE Red Book" form of contract and there are clauses in this contract that specify how snags and defects that are not addressed by the contractor may be resolved.

1.12 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING RESPONSES TO QUESTIONS OUTSTANDING SINCE JANUARY 2012 RELATING TO ENFORCEMENT MATTERS:

Question

Further to my written question of 17th April 2012, when does the Minister anticipate answering all my outstanding questions since January 2012 and expect to supply me with the Enforcement guidance papers he stated he would forward 'as soon as possible'?

Answer

Deputy Higgins tabled two written questions for the States meeting of 17th April 2012 which I answered as follows:

First Question of 17th April 2012

Question 6804:

Question

Further to the response given to my written question 6639 on 17th January 2012 that clarification was required from the Law Officers Department, is the Minister now able to publish the Human Rights audit of his Department's Laws, Regulations, Orders, Guidance notes and procedures that all Departments of the States had to complete before the registration in the Royal Court of the Human Rights (Jersey) Law 2000, together with all subsequent revisions to these documents?

What advice was received in relation to this matter from the Law Officers?

What human rights policy, if any, was in place in January 2012 when I first asked this question?

Answer

We are still clarifying with the Law Offices our response to this question and will provide an answer as soon as possible.

Deputy Higgins tabled a further question regarding Human Rights for the States meeting of 29th May 2012 which I answered as follows:

Question 6894:

Question

Further to previous responses given, will the Minister advise Members -

- (a) which specific laws, Regulations, orders, guidance notes and procedures his Department audited in advance of the coming into force of the Human Rights (Jersey) Law 2000, and which they did not?*
- (b) which laws, Regulations, orders, guidance notes and procedures his department has asked the Law Officers' Department to audit or comment upon since I first raised this issue?*

Answer

- (a) The table below lists the Laws and subordinate legislation that are administered by my Department, and includes details on which laws have been reviewed for Human Rights (Jersey) Law 2000 compliance.*
- (b) My department is working with the Law Officers' Department to identify if there are any higher risk areas within my department that need auditing for Human Rights (Jersey) Law 2000 compliance. As requested in my answer to question 6873 asked by Deputy M.R. Higgins of St. Helier on Tuesday 15th May, if there are any convention rights that the Deputy believes are challenged by my department, I would be grateful if he would draw them to my attention, or he can seek his own advice from the Law Officers.*

Following my answer on the 29th May 2012, my department has been in contact with the Law Officers' Department and they have not identified any convention rights that are challenged by my department. They have agreed that when resources allowed, the Law Officers would investigate further what audits have been carried out in relation to the Human Rights (Jersey) Law 2000 and they will meet again in December 2012 to review the situation.

I request again that Deputy Higgins draws to my attention, or to the attention of the Law Officers Department, any convention rights that the Deputy believes are challenged by my department.

Second Question of 17th April 2012

Question 6805:

Question

(a) Further to the response given to my written question 6637 on 17th January 2012, is the Minister now able to list in a tabular form for the years 2005 to date the following information –

- (i) the name and nature of any enforcement notices issued by the Department during that period;*
 - (ii) whether any of these notices have lead to a prosecution for breach of the notice;*
 - (iii) the result of the prosecutions and the penalties, if any, which were applied;*
- (b) Will the Minister explain what process, if any, was in place in the period immediately preceding December 2010 (before Supplementary Planning Guidance practice note no. 4 was adopted by the former Minister)?*

Answer

To answer this question in full will require many hours of detailed research. My department is compiling this information and I will provide an answer to Members as soon as possible.

On the 13th June, I sent an email to Deputy Higgins (copying all States members) as follows:

From: Robert Duhamel
Sent: 13 June 2012 17:25
To: Mike R. Higgins
Cc: All Deputies; All Constables; All Senators
Subject: Outstanding States Questions

Dear Deputy Higgins

I am contacting you to update you on the progress being made in answering the following three outstanding questions that you have asked me.:

1. **Question 6805:** *Asked on 17th April 2012 - regarding Enforcement Notices*

My officers have now collated the information you requested and I attach an answer to this question.

2. **Question 6640:** *Asked on 17th January 2012 - regarding Buildings of Local Interest*

This question was broken up into five parts and I answered parts (a), (d) and (e), and some of part (c) in January. I stated in January that to provide the information requested in part (b) of the question and the remainder of part (c) would require some time and my department would produce this information as soon as it was able to do so.

I am informed by my department, that to retrieve the information you have requested will require a manual search of some 3,010 physical files. At a conservative estimate of 10 minutes per file and at a cost to the department of £40 per hour, this work would amount to over 500 hours of officer time at an approx cost of £20,000.

Given other work and priorities within my Department, it is likely be some time before we are able to answer this question as it has been asked.

3. **Question 6641:** *Asked on 17th January 2012 - regarding Parking Spaces in the 4 districts of St Helier*

I am informed by my department, that to answer this question will require a manual search of some 3,110 records and at a conservative estimate of 10 minutes per file at a cost to the department of £40 per hour, this work would amount to over 500 hours of officer time at an approx cost of £20,000.

As per question 6640, it is likely to be some time before we are able to allocate sufficient officer time to answer this question as it has been asked.

Given the above, can I suggest that we meet to review question 6640 and 6641 and explore options with my officers to provide you with the information you require.

If you are in agreement, I will ask my department to set up a meeting for us to review the above.

Kind Regards

Deputy R Duhamel

Minister for Planning and Environment

I believe I have answered question 6805 and I have not received a reply from Deputy Higgins to my email and request that we set up a meeting to review question 6640 and 6641 and explore options with my officers to provide the information required.

In relation to the supply of enforcement guidance papers, I believe I provided this information in answer to question 6637 part (b) on 17th January 2012, as follows:

Question 6637

Question

- (b) *Will the Minister explain the process and procedures adopted in issuing enforcement notices identifying who is involved in each stage from instigation to prosecution?*

Answer.

(b) The process and procedures adopted by the enforcement team are set out in the Supplementary Planning Guidance practice note no. 4, adopted by the former Minister in December 2010. This is available on the States of Jersey website and in hard copy from the department. For convenience, it is copied below.

1.13 DEPUTY J.A.N. LE FONDRE OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE VARIOUS GROUPS WHICH INFORM/INFLUENCE THE WORKINGS OF A DEPARTMENT, AND/OR THE DEVELOPMENT OF MINISTERIAL PROPOSALS, DECISIONS OR POLICIES:

Question

Would the Chief Minister provide full details by Department, excluding Transport and Technical Services, of any groups (for example working parties, policy, advisory, oversight groups which are either cross-departmental, of which membership comprises only/mainly States officers, or groups of which membership comprises States officers and external third parties) which inform/influence the workings of a Department, and/or development of Ministerial proposals, decisions or policies, and which have met since 1st January 2011, including the name of the group, attendees, frequency of meetings and remit?

Answer

The Guidelines for States of Jersey Departments on the recording of Ministerial Decisions clearly outline what decisions must be made by Ministers, including a decision “on a matter of policy that does not need to be referred to the Council of Ministers or States” and a decision “to allocate significant resource”. It follows that all major decisions are made by Ministers and are published in accordance with the “Code of Practice on Access to Official Information” to establish a minimum standard of openness and accountability.

As to the groups that inform these decisions, those that deal with the major policy areas, for example, housing, unemployment, immigration, Children’s Policy, etc, are mainly comprised of Ministers reflecting their importance. Consequently, those groups that comprise mainly Officers are primarily operational in nature, or by way of groups which support the operation of the Ministerial Groups.

It should be noted that due to the ambiguity in defining what constitutes “of which membership comprises only/mainly States officers” the information supplied should not be regarded as definitive or exhaustive. Departments have, however, provided as much information as possible in order to assist with the Deputy’s request.

Due to the cross-cutting nature of group membership some groups appear on more than one departmental list.

The prominent Officer Groups of this type are as follows:

Chief Ministers Department

Dept.	Name of Group	Brief Description of remit	Frequency of meetings	Job title of officers/name of organisation
CMD	Corporate Management Board	Chief Officer meeting to discuss draft policy, finance and cross departmental issues	Fortnightly	All Chief Officers
CMD	Financial Services and External Relations Advisory Group	To consider matters relating to financial services and external relations, in order to ensure that the Chief Minister (who has statutory responsibility for external relations), the Assistant Chief Ministers and Ministers with significant financial services and external responsibilities receive appropriate and co-ordinated advice.	Monthly	Chief Minister, Deputy Chief Minister, Assistant Chief, Minister for Treasury and Resources, Minister for Economic Development, Chief Executive, Attorney General, Director International Affairs, International Affairs Advisor, Chief Officer Treasury and Resources, Chief Officer Economic Development, Director Tax Policy, Any other Minister as requested.
CMD	Regeneration Steering Group	Inform policy guidelines for public property and infrastructure regeneration projects	Quarterly	Chief Minister, Minister for Treasury and Resources, Minister for Economic Development, Minister for Transport and Technical Services, Assistant Minister Treasury and Resources, Chief Executive, Treasurer of the States, Economic Development Department Chief Officer, Jersey Property Holdings Acting Director, States of Jersey Development Company Managing Director, Transport & Technical Services Director - Engineering & Infrastructure, Department of the Environment Chief Officer.
CMD	Senior Management Team	Coordinate the operational development of departmental sections and policy implementation	Monthly	Chief Executive, Finance Director-Corporate Group, CSR Team Leader, Director International Affairs, Communications Manager, Director of Human Resources, Law Draftsmen, Director of Corporate Policy, Senior Human Resources Manager, Information Services Director.
CMD	Emergency Planning Board and related sub-groups	Ensure there is an appropriate level of planning, preparedness and resilience to enable an effective multi-agency response to major emergencies which would have a significant impact on Jersey.	Quarterly	Chief Executive, States of Jersey Police Chief Officer, Ports of Jersey Group Operations Director, Chief Fire Officer, Assistant Harbour Master, Director of Health & Safety Inspectorate, Director of Environment, Centenier & Representative of Chefs De Police, Transport & Technical Services Chief Officer, Medical Officer of Health, H&SS Director of Finance &

				Information, Ambulance Service Operations Manager, Emergency Planning Officer, Health & Social Services Chief Executive, Jersey Coastguard Coastguard & VTS Manager, Acting Chief Ambulance Officer
CMD	CSR Programme Board	Oversight of CSR Programme	Monthly	Chief executive, Treasurer of the States, Director of Human Resources, Chief Officer of Economic Development, CSR Programme Board Director, Communications Manager
CMD	Strategic Plan Implementation Group (SPIG)	Consider best practice for strategic & business planning and performance monitoring – make recommendations for corporate framework. Act as contact/ communication point in departments for corporate initiatives in strategic and business planning and performance monitoring.	Quarterly or as required	A representative from each Department responsible for Strategic Business Planning/performance monitoring.
HRD	Jersey Appointments Commission	Oversee senior officer recruitment within the public sector and Quangos	4 times per year and recruitment activities	Human Resources Director and HR Business Partner for CMD
HRD	The Terms and Conditions of Service (T&Cs) Project Board. In the process of being subsumed by the Workforce Modernisation Project Steering Group.	To oversee the running of the T&Cs Project.	Monthly	(The then Deputy CEO States; Director of Employment Relations; CEO , Soc Sec; CEO TTS.
HRD	Suspensions Review Panel	Review of employees suspended in accordance with States proposition	Monthly	Senior Employment Relations Manager HRD, Chair; plus 2 others drawn from States wide Panel of employees.
HRD	Manual Workers' Joint Council (MWJC)/	To determine pay, T&Cs of Manual Workers within its scope	2 to 4 times per year	Employer's Side: Director of Education; CEO H&SS; CEO TTS; Senator Routier; Constable Crowcroft; Deputy Martin. Employees' Side: 6 senior Manual Worker employee representatives.

HRD	Disputes Committee of MWJC	To resolve disputes affecting pay, T&Cs of Manual Workers within the scope of the MWJC	Varies with need. Approx 4 to 6 times per year	Any 2 members from the Employer's Side MWJC and any 2 members from the Employees' Side MWJC.
HRD	Joint Secretaries Meeting of the MWJC	To resolve problems affecting the pay, T&Cs of Manual Workers within the scope of the MWJC without recourse to formal procedures	Varies with need. Approximately 6 to 12 times per year.	Employer's Side: (MHL) Senior Employment Relations Manager HRD / Secretary; (SH) Senior Employment Relations Manager HRD/Assistant Secretary Employees' Side: Full time Official Unite/Secretary; Assistant Side Secretary.
HRD	Civil Service Forum	To enable the Employer and Civil Service Staff Side to address significant issues affecting the pay, T&Cs of Civil Servants.	Varies with need. Approx. 4 times per year.	Employer's Side: 4 members headed by Human Resources Director. Employees' Side: 4 members headed by full time Official Prospect Union
ISD	IS Strategy Group	The purpose of this group is take ownership of and be accountable for the development and fulfilment of the Corporate IS Strategy.	Fortnightly	IS Director, Head of IT Services, ESG Manager, Head of Organisational Development, IS Finance Manager, Programme Office Manager.

Economic Development

Dept	Name of Group	Brief Description of remit	Meeting Frequency	Job title of officers/name of organisation
EDD, ESC & SS	Skills Board (Employer-led Board. Officers from 3 Departments sit on Board in ex. officio capacity)	Re-align the skills needs of businesses with the aspiration of individuals	Monthly	Political and employer-led board collectively called Skills Jersey
EDD/Tourism	Jersey Conference Bureau	P.P.P. funded by EDD grant promoting Jersey as a conference destination	5-6 times p.a.	Tourism Director and members of industry
EDD/Tourism	Tourism marketing panel	Provides advice to Minister on marketing and promotional activity	6 times per year	EDD/CEO, Tourism Director, Marketing manager, Industry representatives.
EDD/TOURISM	Tourism Development fund	Evaluates funding requests	6-8 times per year	Performance and operations manager, Tourism Director, External Panel Members
EDD	Joint CI EDD/Commerce & Employment meeting	Update on issues relating to Jersey and Guernsey	Six-monthly	Chief Officer, Deputy Chief Officer, Policy/Strategy & Regulatory Director. Maritime Compliance Manager
EDD	Joint External Transport Group meeting	Update on issues relating to transport issues affecting Jersey and Guernsey	Six-monthly	Chief Officer, Deputy Chief Officer, Tourism & Marketing Director, Maritime Compliance Manager, Policy/Strategy & Regulatory Director
EDD	Jersey Business Venture Working Group (no longer exists following establishment of	Integration of Jersey Business Venture and Jersey Enterprise	Monthly	Chief Officer, Deputy Chief Officer, Project Officers

	Jersey Business)			
EDD	Digital Jersey Working Group	Setting up of Digital Jersey	Monthly	Chief Officer, Project Manager, Industry representatives
EDD	JFL co-ordinated steering groups	Advise on policy relating to reform of financial services legislation	Monthly	Officers from Finance Industry Development from EDD, JFSC, law firms, accountants, banks, trust companies and fund businesses as appropriate
EDD	Annual Technical Conference	To oversee survey standards of Jersey vessels.	Annual	Registrar of Shipping and associated officers from EDD and Jersey Harbours
EDD	Stakeholder engagement as required	Policy and Regulation section meets regularly with various stakeholders on an ad hoc basis. Examples include working with Guernsey and CICRA on broadcasting and communications matters, meeting stakeholders with an interest in the development of intellectual property laws, discussing competition policy, law and work programme with the JCRA, cross departmental discussions on licensing policy etc.	As necessary	Various
EDD	Public Lotteries Board	Advise Minister for ED on public lotteries	Several times per annum	Strategy Manager / PLB Members
EDD	Financial Ombudsman Service Industry Working Party	Discuss proposals for establishment of Financial Services Ombudsman for Jersey / Channel Islands	Ad hoc	Strategy Manager / Finance Industry Sector representatives
EDD	Beach User Group (now defunct)	Discuss the introduction of Beach Lifeguard service provided by RNLI	Ad hoc	Strategy Manager / Ad hoc

Education, Sport and Culture Department

Dept.	Name of Group	Brief Description of remit	Meeting Frequency	Job title of officers/name of organisation
ESC	Senior Management Team	To discuss draft policy, finance, and the performance of the service	Fortnightly	ESC Senior Management Team
ESC	Headteachers	To discuss the implementation of policy and operational matters relating to schools.	Termly	Director of ESC, Advisory staff, Primary and secondary headteachers (separate meetings)
ESC	Curriculum Council	This is a statutory group established to advise the Minister on curriculum matters in relation to schools and colleges	Termly	Minister for ESC, Director for ESC, A teacher representative from each phase of the service; early years, primary, secondary, further education, Advisory staff from the department
ESC	Governing Bodies	To support the school, provide advice, an independent view and a visible form of accountability for the headteacher and staff of the school	At least termly	Headteacher, Department Representative, Chair of Governors elected by the Governors, Governors selected in accordance with the procedures set out in the Governors handbook.
ESC	Fort Regent Steering Group	Ensure there is an appropriate level of planning, preparedness and resilience to enable an effective multi-agency response to major emergencies which would have a significant impact on Jersey.	As required	Assistant Treasury Minister, Assistant Ministers of ESC, Officer from Property Holdings, Chief Executive Jersey, Property Development Company, Senior Management, Fort Regent, Officer from Treasury, Assistant Director ESC
ESC	Skills Board	To advise the Skills Executive on matters relating to the Skills Strategy for Jersey	Monthly	Independent Chair and Board Members appointed from within the business community in accordance with Nolan Principles, Head of Lifelong Learning and Skills at ESC
ESC	Early Years Childcare Partnership	To promote best practice in Early Years education and care across private and public sectors and to advise the Minister on the progress of the early years strategy.	Quarterly	Independent Chair, Practitioners representing various sectors, Officers representing key States departments that contribute to the early years strategy
ESC	Skills Executive	To agree, take forward and monitor the Skills Strategy	Quarterly	Minister for ESC, Ministers for EDD, ESC, Soc Sec, Chief Officers of EDD, ESC, Soc Sec , Supporting officers from EDD, ESC, Soc Sec, Independent Chair of Skills Board
ESC	Children's Policy Group	To coordinate policy development in relation to children and young people	Quarterly	Ministers for H&SS, HA and ESC, Chief Officers H&SS, HA and ESC, Executive officer to Children's Policy Group, Chief Probation Officer, Officer representing States of Jersey Police, Other officers as required

ESC	Sports Advisory Council	To consider and distribute grants to the Sporting Community for travel	Monthly	Members elected from the Jersey Sports Council Assistant Director ESC
ESC	New Town Primary School Working Group	Review proposal from CoM Capital Sub-Group to invest in New Primary School in St Helier	Monthly	Project Director, T&R
ESC	Sports Council	To representative sport in Jersey to the Minister for ESC	Quarterly	Elected from the various sporting associations in Jersey

Health and Social Services

Dept	Name of Group	Brief Description of remit	Meeting Frequency	Job title of officers/name of organisation
HSSD	Corporate Management Executive and Corporate Management Team	To discuss departmental draft policy, finance, and the performance of the service	Fortnightly	HSSD Corporate Directors; (HSSD Medical Directors on monthly basis)
HSSD	CPG Chief Officers' Group	Provide oversight and support management of Children's Policy Group agenda and business.	Quarterly	Chief officers and Finance Directors (HSSD/HA/ESC); Chief Probation Officer; CPG Executive Officer
HSSD	Children and Young People's Strategic Framework – Planning group	To oversee development of delivery plans underpinning the Strategic Framework	c. Quarterly	ESC: Head of Early Years, Schools and Colleges, Business Manager, Head of Youth Service, Chief Probation Officer, HSSD: Director of Children's, Services; Head of Health Improvement, CPG Executive Officer
HSSD	Historic Abuse Redress Scheme Team	To develop the Historic Abuse Redress Scheme and consider applications for compensation under the Scheme	Monthly	Managing Director, Community and Social Services. Information Governance Manager HSSD. Legal Administration Officer HSSD. Partner, Senior Associate and Senior paralegal at Mourant Ozannes.

HSSD	Jersey Joint Secretariat for People with Special Needs	Multiagency forum for strategic development re Learning Disability and Autism	Quarterly	HSSD: Director of Adult Services & Head of Service for Adult Community Support Services
JCPC	Jersey Child Protection Committee and working groups	To co-ordinate local work to protect and safeguard children from abuse and to comment on the effectiveness of local procedures	5-6 per year	Representatives from H&SS; SoJP; ESC; FNHC; Probation; Prison; GPs; Third Sector reps; Professional Officer JCPC.
HSSD	Joint HSSD and Social Security meeting	To discuss and review areas of work which are relevant to both Departments.	Quarterly	HSSD and Soc Sec CEO and officers as relevant to agenda
HSSD	White Paper Steering Groups	To review development of White Paper proposals.	Monthly	HSSD CEO and Corporate Directors. HSSD Medical Directors. Treasurer and Treasury officials. CEO SSD. 2 x GP.s
HSSD	Estates Strategy Group	Review use of H&SS property	3 time a year	Director JPH AD Estates /T&R/HSS
HSSD	Hospital pre-feasibility spatial assessment process Project Board		Ad hoc Apr – Sept 2012	As above

Home Affairs

The Home Affairs department has not included a range of cross-departmental meetings whose primary purpose is front-line partnership activity. The work of these officer groups is focussed upon business-as-usual operational work which does not impinge upon departmental policy or strategy. The department has also listed some groups where Home Affairs is not necessarily the lead department, but these have been listed to ensure they are identified.

Dept	Name of Group	Brief Description of remit	Meeting Frequency	Job title of officers/name of organisation
Home Affairs	Firearms Law Liaison Group	Liaison in relation to matters arising out of the Firearms (Jersey) Law 2000	Ad hoc	Minister for Home Affairs; Chief Officer, Home Affairs; Executive Officer Home Affairs; Assistant Director, Education Sport and Culture; Representative from States of Jersey Police; Representative from the Comité des Connétables; Representatives from Jersey Firearms Council; 2 independent members.
Home Affairs	Prison Board of Visitors (PBOV)	‘Watchdog’ role in relation to the prison – reporting to the Minister for Home Affairs	Monthly	Members of the PBOV (7 Jurats of the Royal Court); Prison Governor
Home Affairs	Independent Custody Visitors (ICVs)	The ICVs carry out unannounced visits to Police HQ to check on the welfare of detainees. They meet occasionally with officers from Home Affairs to discuss any issues arising.	Ad hoc	Chief Officer, Home Affairs; Executive Officer, Home Affairs; Independent Custody Visitors.
Home Affairs (Prison)	Release on Temporary Licence (ROTL) Panel	To determine prisoner access to community placements and release on Home Detention Curfew	Twice per month	Prison Governor; Probation Officer; Prison Psychologist; Independent member.
Home Affairs (Prison)	Security Board	To preserve the security of the prison and prevent the commissioning of further crime.	Monthly	Prison Governor; Deputy Prison Governor; Head of Operations; Head of Custodial Care; Police Liaison Officer; Customs and Immigration Liaison Officer.
Home Affairs	Criminal Justice Information Technology Group	To work towards the achievement of an integrated and unified criminal justice information system.	Quarterly	Chief Officer, Home Affairs; ISD Representative; Chief Probation Officer; Magistrate’s Court Greffier; Director, Jersey Legal Information Board; Head of Custodial Care, Jersey Prison Service; Director of Court Services; Representative of the Chefs de Police; Director of Criminal Justice, States of Jersey Police; Assistant Director, Customs & Immigration; Head of ICT, States of

				Jersey Police.
Home Affairs	Court Security and Prisoner Transport Group	Review the roles and responsibilities of Police, Prison and Court Support staff in respect of security and prisoner transport and recommend improvements where appropriate	Quarterly	Deputy Chief Officer, States of Jersey Police; Superintendent, States of Jersey Police; Magistrate; Chief Officer, Bailiff's Chambers; Chief Usher, Royal Court; Building Maintenance Manager, Property Holdings; Judge, Family Division of Royal Court; Bailiff's Judicial Secretary; Magistrate's Court Greffier; Acting Assistant Judicial Greffier (Court of Appeal); Deputy Judicial Greffier; Prison Governor; Executive Officer, Planning & Project Management, Home Affairs.
Home Affairs (Jersey Customs and Immigration Service JCIS)	Parasol Group	To discuss drugs matters of mutual interest with Officers of French Customs and the Guernsey Border Agency	Annually	Director, Law Enforcement, JCIS; Assistant Directors, Intelligence and Investigation, JCIS; Officers from French Customs; Officers of the Guernsey Border Agency.
Home Affairs	Anti-social behaviour intervention and prevention group	To provide a collective response to emerging issues of anti-social behaviour and develop and implement ASB interventions	Ad hoc	Executive Officer, Community Safety and Criminal Justice; Chief Inspector, States of Jersey Police; Community Development Officer (Sport), ESC; Representative from Alcohol and Drugs Service; Representative from Health Promotion; Professional Adviser to Schools; Principal Youth Officer; Representative from the Honorary Police; Representative from Housing Representative from the Bridge
Home	Safer St Helier Community	Develop community solutions to keep St Helier safe	Monthly	6 Independent members from St Helier

Affairs	Partnership group			Chief Inspector, States of Jersey Police Executive Officer, Community Safety and Criminal Justice
Home Affairs	Strategic Priority 7 (SP7) Steering Group (now no longer in operation because relates to last Strategic Plan)	Developing strategies to protect the public and keep our community safe	Ad hoc	Chief Officer, Home Affairs; Chief Officer, States of Jersey Police; Director of Corporate Planning, Health and Social Services; Head of Customs and Immigration Service; Chief Fire Officer; Prison Governor; Chief Probation Officer; Medical Officer of Health; Chief Officer, Housing; Director, Education, Sport & Culture; Head of Planning and Research, States of Jersey Police; Executive Officer, Community Safety and Criminal Justice.
Home Affairs / Health	Building a Safer Society Strategy (BASS)	To create a safer environment by reducing crime, public disorder and anti-social behaviour; to provide people with opportunities to develop their potential as active and responsible members of society; and to reduce the harm caused by drugs, alcohol and solvents.	In 2011, this was aligned with SP7. From 2012, a new governance structure has been agreed. Meetings to take place every 6 months.	Chief Officer, Home Affairs; Chief Officer, Health and Social Services; Director, Alcohol and Drugs Service; Director of Adult Services, Health and Social Services; Head of Health Improvement, Health and Social Services; Executive Officer, Community Safety and Criminal Justice;
Home Affairs (States of Jersey Police)	Domestic Abuse Forum	Preventing domestic abuse and sharing best practice	Quarterly	Representative from the States of Jersey Police; Representative from Children's Service; Representative from Victim Support; Representative from Probation and After-Care Service;

				<p>Representative from Education, Sport and Culture; Representative from the Women's Refuge;</p> <p>General Practitioners.</p>
Home Affairs (States of Jersey Police)	JCPC	Child protection	Quarterly	<p>Representative from States of Jersey Police;</p> <p>Representative from Children's Service; Representative from Victim Support; Representative from Probation and After-Care Service; Representative from Education, Sport & Culture; Representative from Family Nursing;</p> <p>General Practitioners.</p>
Home Affairs (States of Jersey Police)	MASH Steering Group	Project group for safeguarding of children and vulnerable adults	Monthly	<p>Representative from States of Jersey Police;</p> <p>Representative from Education, Sport & Culture;</p> <p>Representative from Children's Service;</p> <p>Representative from Family Nursing.</p>
Home Affairs (States of Jersey Police)	Strategic Management Board relating to Jersey Multi-Agency Public Protection Arrangements (JMAPPA)	Management of sex offenders, violent and other dangerous persons	Quarterly	<p>Representative from States of Jersey Police;</p> <p>Representative from Probation and After-Care Service; Representative from Health and Social Services; Representative from Housing; Representative from Education, Sport & Culture;</p> <p>Representative from Social Security Department;</p> <p>Representative from Jersey Prison Service;</p> <p>Representative from the Honorary Police.</p>
Home Affairs (States of Jersey)	Prolific Offender Management Group	Identify and actively manage prolific offenders	Ad hoc	<p>Representatives from States of Jersey Police;</p> <p>Representatives from Probation and After-Care Service.</p>

Police)				
Home Affairs (States of Jersey Police)	Tripartite Financial Crime Forum	Financial crime investigation and regulatory matters	Quarterly	Representative from the Law Officers' Department; Representative from States of Jersey Police; Representative from Joint Financial Crimes Unit; Representative from Jersey Financial Services Commission
Home Affairs (States of Jersey Police) / Honorary Police	Honorary Tasking	Information sharing to inform operational deployment	Monthly	Representatives from States of Jersey Police; Representatives from Honorary Police
	Anti-Money Laundering / Combating the Financing of Terrorism Strategy Group	Considers matters of anti-money laundering and financing of terrorism	Ad hoc	Representative from Chief Minister's Department; Representative from Jersey Financial Services Commission; Representative from Joint Financial Crimes Unit; Representative from Law Officers' Department; Representative from Customs and Immigration Service; Representative from Economic Development Department.
	Sanctions Forum	Consideration of sanctions matters	Ad hoc	Representative from Chief Minister's Department; Representative from Jersey Financial Services Commission; Representative from Law Officers' Department; Representative from Joint Financial Crimes Unit
	Bailiff's Panel	Event planning	Monthly	Representative from States of Jersey Police; Representative from Environmental Health; Representative from Health and Safety; Representative from

				<p>Fire and Rescue Service;</p> <p>Representative from Ambulance; Representative from Bailiff's Office.</p>
	Road Safety Panel	Road safety	Quarterly	<p>Representative from States of Jersey Police;</p> <p>Representative from Driver and Vehicle Standards;</p> <p>Driving instructors; Representative from Transport & Technical Services; Representative from Compulsory Basic Training (CBT); Representative from 'Hands Off' Charity; Representative from Motor Trade Federation.</p>
	Licensing Assembly	Licensing	Quarterly	<p>Representative from States of Jersey Police;</p> <p>Representative from Bailiff's Office</p>
	Licensing Trade Meeting	Licensing	Quarterly	<p>Representative from States of Jersey Police;</p> <p>Representatives from licensed trade and night clubs.</p>
	La Collette Flame Group	Public Safety	Quarterly	<p>Representative from States of Jersey Police;</p> <p>Representative from Fire and Rescue Service;</p> <p>Representative from Ambulance; Representative from Health and Safety; Representative from Transport & Technical Services;</p> <p>Representative from Jersey Gas;</p> <p>Representative from Jersey Electricity.</p>
	Major Incident Gold Group	Manage response to major incidents	As required	Representatives of appropriate agencies at Chief Officer level.
	Criminal Justice	To have strategic oversight and keep under review and co-ordinate all legislative and other initiatives relevant	Every 6	Bailiff; Chief Minister; Attorney General; Minister for Home

	System Board	to criminal justice.	months	<p>Affairs; Chief Officer, Home Affairs;</p> <p>Judicial Greffier; Chief Officer, States of Jersey Police; Deputy Judicial Greffier; Chief Executive of the States; Magistrate; Jurat, Royal Court; Chief Officer, Bailiff's Chambers; Bâtonnier; Superintendent, States of Jersey Police; Representative from the Comité des Connétables;</p> <p>Director of Criminal Justice, States of Jersey Police.</p>
	Criminal Justice Working Group	Responsible for the delivery of the Justice System Board objectives (see above)	Every 6 weeks	<p>Attorney General; Chief Officer, Home Affairs; Magistrate; Magistrate's Court Greffier; Prison Governor; Director of Court Services, Judicial Greffe; Director of Criminal Division, Law Officers' Department; Head of Service, Customs and Immigration; Chief Clerk, Law Officers' Department; Chief Officer, Bailiff's Chambers;</p> <p>Representative from the Honorary Police; Senior Legal Adviser to States of Jersey Police; Victim Support Representative; Director of Criminal Justice, States of Jersey Police; Deputy Judicial Greffier; Chief Officer, States of Jersey Police;</p> <p>Chief Probation Officer; Jersey Advocate (Bar representative).</p>
	Integrated Offender Management Group	To ensure that best practice is achieved in the management of offenders through the commissioning of research and evaluation of outcomes.	Quarterly	Chief Probation Officer; Prison Governor; Director of Children's Services; Inspector, States of Jersey Police; Magistrate.
	Legislation / Procedure Review Group	To act as a conduit for the consideration of all changes to legislation and procedures which affect criminal justice in Jersey	Quarterly	<p>Advocate (Bar representative); Director of Criminal Division, Law Officers' Department; Magistrate;</p> <p>Director of Criminal Justice, States of Jersey Police.</p>
	Criminal Justice System Performance	To monitor the performance of the Criminal Justice system	Quarterly	Director of Court Services; Director of Corporate Development, States of Jersey Police; Magistrate's Court Greffier; Finance Manager, Viscount's Department; Director,

	Group			Jersey Legal Information Board.
	TETRA User Group	To oversee the use of the TETRA radio system	Ad hoc	Chief Officer, Home Affairs; Representative from the States of Jersey Police; General Manager, Communications Services; Representative from Jersey Ambulance Service; Representative from the Fire and Rescue Service; Representative from the Airport Fire and Rescue Service; Representative from the Honorary Police; Representative from TTS; Representative from Jersey Prison Service; Representative from TTS Parking Control

Housing

Dept.	Name of Group	Brief Description of remit	Meeting Frequency	Job title of officers/name of organisation
Housing	Tenants Forum	To provide a key communications link between States tenants and the Department and to consult on, inform and develop policy in respect of service delivery.	6 weekly	Tenant Forum Members (States Tenants), Housing Officers e.g. Community Liaison Officers and Head of Policy & Business Improvement
	Housing Trust Chairman's consultation group	To discuss matters of interest across the social housing sector and in particular matters relating to Social Housing Reform	Quarterly	Minister for Housing, Chairmen of Jersey Homes Trust, Les Vaux Housing Trust, FB Cottages Homes Trust, Christians Together in Jersey Housing Trust & Housing Directors
	JMAPPA Strategic Management Board	To monitor the JMAPPA process, propose and review practice and policy in relation to managing clients posing high or very high risk of harm to people in Jersey.	Quarterly	Officers from Home Affairs (Police, Probation & Prison), Social Security, Education, Housing (Head of Policy & Business Improvement) & HSSD
	Supported Housing	To assess applications for supported housing for a vulnerable client group, manage support plans and any	Monthly	Officers/Representatives from the Housing Department (lead – Assisted Living Manager), HSSD, Shelter Trust, Silkworth Lodge,

	Group	associated risks.		Probation
	Affordable Housing Gateway working party	Review and monitor the implementation of the Gateway.	8 weeks	Officers/Representatives from the Housing Department (Head of Policy & Business Improvement and Allocations Officers) Affordable Housing Gateway (Gateway Assessment Officers) and Housing Trusts
	16-25yr old Supported Housing Project Team	To develop an additional facility of supported accommodation for vulnerable 16-25 yr olds – linked to report endorsed by CPG and Children & Young People's Strategic Framework	2 monthly	Officers/Representatives from HSSD, Housing (Head of Policy & Business Improvement), Social Security, Shelter, Youth Service
	Multi-Agency Child Protection Group	To share information in relation to active child protection cases. To identify and address areas of concern in relation to child protection practice and where necessary inform the JCPC. To foster good inter-agency working relationships with a view to safeguarding children. Provide a forum for debate, discuss relevant topics & contribute to the development and building of safe working practices.	Monthly	Officers/Representatives from SoJ Police, Children's Service, Probation, Family Nursing & Home Care, Brook, Education, Youth Service, CAMHS, Housing Department (Assisted Living Manager), JCPC, NSPCC & Prison.
	Autism Strategy Group	Deliver the Strategy for the support if people on the Autistic Spectrum and people with associated development disorder/complex needs in Jersey 2012-2015	Quarterly	Offers/Representatives from HSSD, Housing Department (Assisted Living Manager), Autism Jersey, Social Security & Home Affairs
	Transfer of H&SS Residential properties to the Housing Department – working party	To improve the efficient use of certain residential accommodation currently operated within HSSD by transfer to Housing and combination with Housing's social housing portfolio.	Monthly	Officers from H&SS, Treasury, Property Holdings & Housing Department (Director of Strategic Development and Head of Policy & Business Improvement)
	Anti-Social Behaviour	To bring a coordinated response to hot spots of anti-social	Quarterly	Officers of the Housing Dept, Home Affairs, SoJ Police, Honorary

	Intervention Group	behaviour within the Island		Police, HSSD & ESC.
	Housing Transform Programme - Programme Board	Oversee the development of proposals for housing reform	Monthly	Chief Officers of Housing, Social Security, Economic Development, Treasurer of the States and advisor from CCHPR

Department of Environment

Department	Name of Group	Brief Description of remit	Frequency of meetings	Job title of officers/name of organisation
Environment	Island Plan Project Board	Island Plan Review Delivery of new 2011 Island Plan to adoption	As necessary, in accord with project milestones	CEO and officers of DoE Planning Policy, Housing, T&TS, EDD and SoJDC
Environment	Affordable housing working group	Development of guidance and application of planning policy (specifically Policy H1 and H3 of the 2011 Island Plan) for the delivery of affordable homes	As necessary, in accord with project milestones	Officers of DoE Planning Policy, Housing Dept and Stats Unit as necessary. Some work also supported by affordable housing consultants (Levvel)
Environment	British-Irish Council Collaborative Spatial Planning work stream	To strengthen and consolidate ongoing co-operation and the exchange of information, experience and best practice between Member Administrations on spatial and territorial matters	½ yearly	Director of Planning Policy and reps of other BIC administrations
Environment	Historic environment group	Management and future direction of service level agreement between Minister for P&E and Jersey Heritage	At least annually and more frequently in accord with specific project	Officers of DoE and Jersey Heritage

			milestones	
Environment	Map Management Board	Management and future direction of contract between Minister for P&E and mapping services business partner	Quarterly	Officers of DoE and current map services business partner (Digimap)
Environment	Jersey Architecture Commission (JAC)	To provide independent, expert advice and guidance to the Minister and DoE on major and sensitive developments in Jersey to promote and support the highest possible standards of design in the built environment.	Bi-monthly	Officers of DoE and three commissioners
Environment	Marine Resources Panel	For stakeholders in the marine resource to make recommendations to the Minister on the management of the marine resource (fish, habitats and living aquatic resources).	6 per year	Panel currently under review, but generally attended by: Director (varies), Marine Resources Section Leader. Other marine resource officers depending on agenda. Representative from Jersey Harbours
Environment	Joint Management Committee (JMC)	Established under international agreement between UK and France concerning Fishing in the Bay of Granville. To receive reports and make recommendations to the governments of Jersey and France relating to the management and regulation of commercial fishing in the Bay of Granville	2 per year	Marine Resources Section Leader. Other marine resources officers depending on agenda. Representative from Chief Ministers Dept.
Environment	Joint Advisory Committee	Established under international agreement between UK and France concerning Fishing in the Bay of Granville. To discuss all aspects of commercial fishing and fish stocks, including scientific. To recommend to the JMC measures needed to research and implement management regimes.	3 per year	Marine Resources Section Leader. Other marine resources officers depending on agenda.
Environment	Numerous working groups, scientific and administrative, at national and international level concerned with all aspects	Various. The international best practices and obligations from these meetings are subsequently passed into recommended policy.	N/A as meetings are irregular	4 members of marine resources team are involved in such meetings, often sitting as experts.

	of the marine environment, including climate change, marine spatial planning, stock management enforcement etc.			
Environment	Administrative licensing groups including FEPA Board and fisheries licensing panel	To make recommendations to the Minister relating to the issue of licences in respect of fishing in French waters, using specific fishing methods and managing dredging, marine dumping, etc.	Varied.	Environment Director and 4 members of marine resources team are involved in such meetings, often sitting as experts.
Environment	'Oil Care Group'	Facilitate discussion and joint working to reduce oil pollution in Jersey.	3 per year	Officers of DoE and members of the Island's fuel suppliers, heating engineers, plumbers.
Environment	Joint Jersey Water meeting	Enable discussion and joint working to ensure the Island's water supply is maintained (specifically ref pollution, over abstraction and drought situations)	½ yearly	Officers of DoE, Chief Engineer and Officers Jersey Water
Environment	Diffuse Pollution Project working groups	To minimise diffuse pollution (particularly nitrates and pesticides) arising from the rural sector	½ yearly	Officers of DoE and representatives from the farming and dairy industry
Environment	Environmental Protection working groups	Reduce point and diffuse pollution sources, water abstraction, regulation of waste activities and control of plant pests and diseases	Varied, monthly to annual	Officers of DoE and associated officers (includes Jersey Airport, Jersey Harbours, TTS, States of Jersey Official Analyst, JEC, Dairy industry and growers waste operators)
Environment	British Irish Council - Energy work stream - Grid Infrastructure	To strengthen and consolidate ongoing co-operation and the exchange of information, experience and best practice between Member Administrations on issues of grid connectivity	½ yearly	Director for Environmental Policy and reps of other BIC administrations
Environment	British Irish Council - Energy	To strengthen and consolidate ongoing co-operation and the exchange of information, experience and best	½ yearly	Director for Environmental Policy and reps of other BIC

	work stream - Renewable Energy	practice between Member Administrations on issues of marine renewable energy		administrations
Environment	British Irish Council – Environment work stream	To strengthen and consolidate ongoing co-operation and the exchange of information, experience and best practice between Member Administrations on issues pertaining to the Environment	½ yearly	Director for Environment and subject specialist, and reps of other BIC administrations
Environment	Channel Island Renewable Energy Forum	To share knowledge across the Bailiwicks of Jersey and Guernsey in respect of renewable energy development and deployment	Approx 4 pa and one political summit pa	Officer - Director for Environmental Policy from Jersey. Similar attendance from representative officers from Guernsey, Sark and Alderney. Political representatives are Minister for Planning and the Environment and the Chairman of the Renewable Energy Commission (see below) from Jersey. Sark are represented by a member of the Chief Pleas and Guernsey by the Minister for Commerce and Employment
Environment	Renewable Energy Commission	Established under MD-PE-2009-0093 to carry out investigations into the potential for Renewable Energy for Jersey and advise the Minister	Approx 4 pa. Group mandated to 2013	Officer support – Director of Environmental Policy, Constable Dan Murphy (Chair), Sir Nigel Broomfield, Alick McIntosh, Mike Liston.
Environment	Eco-Active States – project team	Officer working team to ensure co-ordination between the Eco-Active States Programme and other related areas of work within procurement, TTS and the JPH energy project.	c.6 per annum	Officers - Senior Policy Manager and Eco-Active Programme manager from DoE. Representatives from JPH energy project, TTS – transport and waste.
Environment	Jersey Energy Trust	Established under MD-PE-2009-0114 to provide oversight of the Energy Efficiency Service.	6 per annum	Officers – Chief Exec & Dep. Chief Exec of P&E, Director of Env. Policy, Energy Efficiency Service Programme Manager. External members –Sir Nigel Broomfield (Chair), Andrea Cook OBE, Chris Ambler and David Lord
Environment	States Emergency Planning Board	Strategic Chief Officer / Director group considering major island threats.	Quarterly	Environment Director or Delegate and representatives of emergency services and other states department
Environment	Health and Environment Strategy	Meetings to assess at strategic and operational level where synergies lie between Health Protection (HSSD)	Monthly	Environment Director and Director for Health protection Jersey / Guernsey

	meetings	and the Department of the Environment		
Environment	Dairy industry liaison group	Liaison between Government , (EDD and Environment) and senior representatives of the Island's dairy industry.	6 monthly	Environment Director, EMRE Director, Livestock Advisor and senior members of dairy industry
Environment	La Collette Hazards Review Group	Specific threats and solutions to La Collette	Quarterly	Environment Director or Delegate, members of emergency services, fuel supply companies, states departments, occupying land at La Collette

Social Security

Dept	Name of Group	Brief Description of remit	Frequency of meetings	Job title of officers/name of organisation
Soc Sec	Back to Work Taskforce - Officers	Develop, progress and monitor Back to Work programme	Monthly	Chief Officers, SSD, ESC, EDD Director of Corporate Policy, Chief Internal Auditor, Economic Advisor, Operations Director SSD
Soc Sec	Housing Adaptations Grants Assessment Panel	Assess applications for grants from people with disabilities for adaptations to homes that are privately rented or owned	When required to consider applications	SSD Finance Manager, H&SS Head of OT Services & external member
Soc Sec	Senior Management meeting	Delivery of strategic and business planning. Consideration of draft policy, finance and operational performance	Fortnightly	SSD Chief Officer, SSD Directors, Assistant Director States HR
Soc Sec	Pharmaceutical Benefit Advisory Committee	Statutory body responsible for making recommendations to the SS Minister for the inclusion or deletion of products from the Approved List of Pharmaceutical Preparations	Quarterly	Chair, MOH, Chief Pharmacist General Hospital, SSD officer, SSD Pharmaceutical Advisor, 3 medical practitioners and 2 approved suppliers, secretary
Soc Sec	Social Security Advisory	Independent body to provide advice on Social Security	Monthly	Chairman and between 4 and 8 external members, 1 Senior SSD

	Council	issues to the SS Minister		officer and secretary
Soc Sec & Health	HSS/SSD Interdepartmental meeting	Joint meeting to discuss interdepartmental issues	Every 6-8 weeks	Chief Officers and Senior Officers
ESC/SSD/EDD	Skills Board	To advise the Skills Executive on matters relating to the Skills Strategy for Jersey	Monthly	Independent Chair and Board Members appointed from within the business community in accordance with Nolan Principles, Head of Lifelong Learning and Skills at ESC
Soc Sec & Health	GP Central Server	The GP Central Services project will deliver a central repository to store Electronic Healthcare Primary Care Record for all Jersey residents.	Monthly	Senior officers from SSD, H&SS, Public Health, Data Protection and the Primary Care Body.

Treasury & Resources

Dept	Name of Group	Brief Description of remit	Meeting Frequency	Job title of officers/name of organisation
T&R	Tax Strategy Group	To discuss strategic tax issues on policy and administrative matters	Monthly	Internal only. Treasurer. Director, Tax Policy. Interim Comptroller of Taxes. Deputy Comptrollers. Director, GST. Deputy Director Tax Policy. Tax policy senior managers
T&R, EDD, Housing	High net worth steering group	To discuss tax and non-tax policy matters relating to Jersey's high net worth offering	Monthly during 2011	Internal only. Director, Tax Policy. Director, Population Office. Comptroller of Taxes. Director, High Value Residency
T&R	Double Tax Agreement Advisory Group	To discuss the double tax agreement policy.	Ad-hoc. Established 2012	Director, Tax Policy. Heads of tax of local external bodies

T&R	Income Tax Forecasting Group	Determine forecast of Income Tax revenues for planning/budgeting purposes.	Between two and five times a year	Treasurer of the States. Comptroller of Taxes. Head of Financial Planning. Economic Advisor. Economist. Finance Director of Taxes Office
T&R	Tax Strategy Group	Taxes Office and Tax Policy Unit to review tax strategy issues.	Monthly	Comptroller of Taxes. Deputy Comptrollers of Taxes. Director of GST. Director of Tax Transformation Program. Tax Policy Unit
T&R	Taxes Transformation Programme Steering Group	Oversee implementation of the Tax Transformation Programme	Monthly	Treasurer of the States. Comptroller of Taxes. Head of Service - Customs and Immigration. Chief Officer of Social Security. Director Tax Transformation Program. Director Tax Policy Unit Deputy Comptroller of Taxes. Head of Policy at Social Security
T&R	Technical Working Group	To develop options for further consideration on changes to the Public Employees Contributory Retirement Scheme (PECRS) to ensure it is affordable, sustainable, and fair for the long term.	Monthly	Treasurer, Director of Accounting Services, Project Director (Pensions), Head of Dedicated Pensions Unit, Chair of Committee of Management, 3 other members of Committee of Management
T&R	Insurance Risk Forum and Insurance Group	(i) To monitor the insurable risk management controls and performance of all participants within the States of Jersey insurance group boundary cover arrangements. (ii) To investigate and improve all areas of insurable risk management within the States of Jersey (e.g. Health and Safety, Business Continuity Management, etc.)	Bi-Monthly	All States Departments & States of Jersey External Risk Consultants
T&R	Treasury Advisory Panel	Provide advice to the Minister and Treasurer on the following matters. <ul style="list-style-type: none"> • Fund Investment Strategies • Investment performance • Appointment and dismissal of IM • Currency and Interest rate exposure • Other Advice 	Minimum quarterly	Minister / Deputy Minister for T&R, Independent Chairman & Treasurer of the States
T&R	Charitable Funds Oversight Board	Review the continuing operations of certain Charitable Funds. Recommend potential changes to Fund operations	Bi annual	Treasurer of the States, Head of Investment Management & Charitable Funds

		where appropriate		
T&R	Finance Advisory Board	Discuss high-level financial management matters which affect all Departments	Monthly	Treasurer of the States. All Departmental Finance Directors. Other senior T&R officers
T&R	Financial Management and Reporting Group	Discuss detailed financial management matters which affect all Departments	Quarterly	One finance officer from each States department
T&R	Senior Management Team	Discuss matters relating to T&R Department	Monthly	Treasurer of the States. Various senior T&R officers
T&R	Police Relocation Group	Provide Treasury input to the Police Relocation Group	Attendance when called by the Project Manager	Various senior T&R officers
T&R	States of Jersey Investments Limited statutory meetings	Meetings of the Directors of the company. This company holds the Jersey Post and Jersey Telecom Investments	Adhoc	Head of Shareholder Relations / Treasurer of the States / Deputy Treasurer and Chief Officer of Social Security
T&R - Procurement	Procurement Transformation Board	Promote Procurement throughout SOJ and make CSR savings	Bi-monthly	Treasurer of the States. CO DofE. CO of TTS. Director of Strategic Procurement. Director of Accounting Services. Project Support Officer
T&R - Procurement	H&SS Savings Group	Deliver and monitor CSR savings in H&SS	Monthly	Director of Strategic Procurement. Director of Finance and Information, H&SS. Director of Accounting Services. Category Manager for H&SS. Programme Manager CSR for H&SS. Project support Officer
T&R - Procurement	ESC Procurement Group	Co-ordinate Procurement throughout ESC.	Bi-monthly	Category Manager for Professional Services. Sports and Facilities Manager. Assistant Finance Director for ESC. Finance Manager for ESC. Project support Officer
T&R - Procurement	Travel working Group	Implement the new Travel Management co throughout SOJ	Monthly	Category Manager for Professional Services 2 representatives from HRG. Office Manager - Schools and

				Colleges. PA To Chief Officer Scrutiny Administrator
T&R - Procurement	Managed Print Board	Implement managed Print throughout SOJ.	Monthly	Director of Strategic Procurement. Category Manager for Professional Services. 3 representatives from Danwood. CO of DoE Senior Manager – BSG IS. Director of Accounting Services
T&R - Procurement	P2P project Board	Implement new P2P throughout SOJ	Monthly	Director of Strategic Procurement. Projects Director. Enterprise Systems Manager. Senior Manager –ESG IS. Director of Finance and Information for H&SS. Assistant Finance Director for ESC. Head of Financial Processing Shared Serv. Director of Accounting Services. P2P Functional Manager
T&R - Procurement	Health & Safety Group	Ensure T&R is compliant with policy	6 weekly	Director of Strategic Procurement. Programme and Business Manager Vault and Support Services Manager Processing and Controls Administrator HR Manager
T&R – JPH	JPH SMT	JPH Management Forum	Monthly	Director JPH Assistant Directors, Finance Director
T&R – JPH	Backlog Maintenance Working Group	Backlog Maintenance Prioritisation and Monitoring	Monthly	Director JPH AD FM, HSS
T&R – JPH	Office Rationalisation Project Board	Office Accommodation Strategy	As diarised	Director JPH AD Estates and AD Capital /CMD/T&R
T&R – JPH	Police Relocation	Police relocation	As diarised	AD Asset Management, Head of Capital/Home Affairs/CMD

	Steering Group			
T&R – JPH	F o r t Regent Steering Group	Future of Fort Regent	As diarised	Director JPH ESC/T&R/SoJDC
T&R – JPH	Bus Contract Project Board	New bus contract	Bi Monthly	AD Asset Management TTS/CMD
T&R – JPH	H&SS Staff Accommodation Working Group	Improve allocation of accommodation for H&SS key workers	As diarised	Director, Information & Business Services Manager/T&R/JPH/Housing/HSS
T&R – JPH	Transformation Programme - FM&I Project	Development of energy issues within JPH maintenance delivery model	Weekly	AD - FM, Principal Building Services Manager, Energy Manager/T&R/ Environment
T&R – JPH	Corporate Heath and Safety Steering and Implementation Groups	Policy setting and Implementation	As diarised	AD Business Planning /Various representatives from other depts.
T&R – JPH	Insurance Risk Forum	Mitigation of insurance risks	As diarised	AD Business Planning /Various representatives from other depts.
T&R – JPH	P2P Extended Project Group	Consultation around the P2P project	As diarised	AD Business Planning /Various representatives from other depts.

2. Oral Questions

2.1 Deputy T.M. Pitman of St. Helier of the Chief Minister regarding changes to the current justice system:

What consideration, if any, was given to mirroring the key priorities of the United Kingdom's Justice Ministry to uphold people's civil liberties and increase confidence in the justice system when the Ministerial system of government was adopted and what action, if any, is now being taken to protect local people against abuses of the law through the existing system?

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

As the Deputy knows, he and I were not in the States at the creation of the Ministerial system of government. However, it appears that at that time there was no intention to create Ministerial oversight of the court system but to retain the historical arrangements for the courts. I do not accept the suggestion that the justice system is abusive of local or, indeed, any other people.

2.1.1 Deputy T.M. Pitman:

If there is one good thing that has come out of the recent case where we had a Crown Officer Magistrate Designate convicted of defrauding an elderly person out of their life savings, it is surely that we can see this nonsense excuse that people are above doing wrong or can put aside conflicts of interest just because they have sworn an oath. So my question to the Chief Minister is, given that I have received complaints - and I have seen the complaints - regarding allegations of courts tampering with transcripts and yet our courts will refuse to look into it; being that the Sharp Report which I have here reveals that we have people who should never have become Jurats who were happy to conceal child abuse; and finally being that I have experienced myself personal friends of defendants being allowed to sit on cases, does the Chief Minister not agree that we really do need some urgent action and will he agree to meet with me to discuss some of this instead of burying his head in the sand?

Senator I.J. Gorst:

Of course I do not wish to have a debate across this Chamber about personal cases. I think when I answered a question of the Deputy's at the last sitting, I suggested that he might like to meet with me and we could consider his concerns further. That has not yet happened. I assume from his question this morning that he would like to do that, so I look forward to meeting with him to consider some of his concerns.

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

Does the Chief Minister not agree that it is much more than having a chat between 2 Members? It is a question of looking at the fundamentals and when we have a State of an islet such as Sark moving ahead with a separation of powers are we not looking terribly medieval and old-fashioned.

Senator I.J. Gorst:

I could not disagree more. I suggest that the thrust of the questions this morning, others that I have listed to take, want to move in the opposite direction and I find that to be an interesting concept. We do have appropriate separation between judiciary and Legislature and some Members are asking themselves: "Is that appropriate? Why have we not been able to act over concerns in a more timely manner?" and that I understand but let us be quite clear, that is going in the opposite direction to the appropriate separation that we now have.

2.1.3 Deputy R.G. Le Hérissier:

I wonder if the Chief Minister could elaborate. Why does he say it is going in the opposite direction?

[9:45]

Senator I.J. Gorst:

Because people are asking me questions about why it is that Ministers and politicians cannot intervene.

2.1.4 Deputy M. Tadier of St. Brelade:

I think the Chief Minister in the past has been quite correct and hopefully most Members would agree that the independence of the courts is fundamental. Could the Chief Minister explain how he might see the possibility for the creation of a Ministry of Justice in that, for example, the police force and the prison both have political oversight while being left to run themselves independently as far as possible? Could something similar be set up for the court system in Jersey to give some kind of... perhaps more accountability to those at the moment who perhaps some are suggesting do not have accountability?

Senator I.J. Gorst:

The previous questioner suggested that having a cosy chat was not the way forward. I absolutely agree with that and that was never my intention in inviting the Deputy to discuss his concerns and looking into how they could be addressed. That is absolutely the right and proper way and I think the Deputy himself suggested that he might be lodging a proposition. Deputy Tadier does raise a very good and interesting point about other areas where politicians most definitely should not be involved in operational matters and they could be looked at to see whether that is a model that could be amended so that we could consider whether we want political oversight of the court system. But we have got to be very careful in understanding exactly what it is that is available to us because it is a fundamental principle of democracy that there is separation between politicians, this Legislature, Ministers and the judiciary and that we cannot remove and I would not want to remove.

2.1.5 Deputy T.M. Pitman:

It is a shame I can only have one. Perhaps I am being a bit foolish here but we have got separation of powers? I really would ask the Chief Minister to explain that because I am afraid everyone knows that is utter nonsense. Does he not agree with me that we should have some oversight of Law Officers because presently they are completely unaccountable to the point where U.K. (United Kingdom) M.P.s (Members of Parliament) have to intervene? How sad and wrong and desperate is that?

Senator I.J. Gorst:

I do not wish to necessarily have to comment on everything that is said in another place and I do not accept the premise of the Deputy's question. I have said that I am quite prepared to meet with him to consider the concerns that he has in general regarding our systems. Yes, we see in the United Kingdom that they have a Ministry for Justice. That does not mean to say simply because they have we should do the same and I do refute the claim that there is not separation. There absolutely is.

2.2 Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding the reports of the Electoral Commission and Sub-Committee on the Machinery of Government:

Could the Chairman state when the Electoral Commission and the Privileges and Procedures Committee Sub Panel on the Machinery of Government are scheduled to present their reports and what steps, if any, have been taken by P.P.C. (Privileges and Procedures Committee) to ensure that the proposals relate to each other?

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

I should begin by clarifying that the Electoral Commission is not answerable to the Privileges and Procedures Committee. It was established by the States as an independent body. The Committee has every confidence that the Commission will fulfil its terms of reference and report by the December deadline set by the States. The Machinery of Government Review Sub-Committee was established by P.P.C. on 8th February of this year. Since that time, P.P.C. has received 5 formal updates from the Sub-Committee, each of which is recorded in the Committee's part a minutes. The Sub-Committee's recent public consultation has now concluded and I understand that the responses received will inform a draft Green Paper which the Sub-Committee expects to submit to P.P.C. during November. Regarding the degree of interaction between the 2 bodies, a delegation from the Machinery of Government Review Sub-Committee met with the Electoral Commission on 31st August to discuss common emerging themes and issues arising from each other's work. The Machinery of Government Review Sub-Committee has also been forwarding copies of its minutes to the Electoral Commission. In turn, the members of the Sub-Committee have been able to read the numerous submissions published on the Commission's website at www.electoralcommission.je.

2.2.1 Deputy R.G. Le Hérissier:

Despite that wonderful litany of co-operation and exchange of minutes, could the Chairman confirm that there have been talks on the substantive issues and was he not, like me, appalled by the unilateral action of the Electoral Commission going forth in a week or 2 with a whole series of meetings with no apparent relationship to what is being undertaken by the other body?

The Connétable of St. Helier:

To answer the Deputy's first question, I believe that the key areas they discussed when they met were the number of States Members needed for Ministerial government to function effectively and the effectiveness of legislative scrutiny under the existing system. As regards to the recent press release and the interim report that we have been promised by the Commission and, indeed, the long list of Parish meetings that have been planned for the autumn, I cannot say that I was appalled by that. I think it is going to be extremely interesting and useful for the public to have that chance to comment on the developing proposals and I have not been told that the Sub-Committee has its nose out of joint as a result.

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

As a member of that Sub-Committee, would the Chairman of P.P.C. please confirm whether he considers it right that the decisions or recommendations of the Electoral Commission on the number of States Members... is it right that they have to be informed by the role of States Members that they carry out within the machinery of government? Is that a principle that the Chairman of the Committee shares?

The Connétable of St. Helier:

Clearly, there is an obvious link because if the Commission and, indeed, the public and the States endorse an Assembly with too few Members to carry out the recommendations that the Machinery of Government Review Sub-Committee puts forward, then there will be a problem. But the procedure that we have adopted is that as far as P.P.C. is concerned, the Sub-Committee will present its findings in due course to the main committee. It is at that point that the main Committee will be able to take advice from the Sub-Committee members, not all of whom, of course, are on

P.P.C., to decide what the best way forward is. I do not see any problem here. I think that the 2 bodies have different jobs of work to do. They have been set up differently and I think it is entirely within the gift of the Electoral Commission and, indeed, I think it is commendable that they are, as I said before, having this extensive process enabling more and more Islanders to get involved in the future of the States.

2.2.3 Deputy T.M. Pitman:

I hope the Chairman can answer this for me. Given the clear and complete incompatibility of moving towards a fair and equally weighted system of voting with keeping the Constables - and that is not a personal thing - if this is one of the things that comes out of recommendations, will P.P.C. nevertheless be putting forward official comments saying whether they support that or are against it as they normally do?

The Connétable of St. Helier:

I am sure P.P.C. would be very anxious to make comments when the Electoral Commission's proposals come forward. So far we do not know what those are. We have a fairly good idea from the submissions on the website and, indeed, many profoundly interesting and helpful letters published in the media and comments in the media, so I think it is all a good process. I think the work of the sub-panel, as indeed the work of the other 2 sub-panels set up by P.P.C., are all informing the process and I think it is going to be extremely interesting and useful as these various reports begin to see the light of day.

2.2.4 Deputy J.H. Young:

Absolutely accepting the Chairman's endorsement of the need for public consultation, but also addressing the need for joined up government, would he be prepared to communicate to the Chairman of the Electoral Commission to ensure that when those recommendations come forward, it is made clear these are interim and that they have yet to take account of the views of the working group? This has had a tremendous amount of work put in by Members of this House and is due to reach a conclusion very shortly.

The Connétable of St. Helier:

The Chairman of the Electoral Commission is in the Assembly this morning. I am sure he has taken note of those comments and does not need me to speak to him. What I would just like to say is that I really do want to praise the work of Deputy Tadier, the Vice-Chairman's Sub-Committee. They have conducted a comprehensive process of interviews with States Members. I think they have spoken to more than half of the Assembly about their views of how Ministerial government is working or not working and I think they have done a tremendous amount of work, as has the sub-panel chaired by Deputy Martin and the sub-panel chaired by Senator Ferguson. All 3 panels are doing a great deal of work on behalf of the main committee and I thank them for it.

2.2.5 Deputy R.G. Le Hérissier:

Notwithstanding the excellent attempt of the Electoral Commission to engage in participation, could the Constable be more precise other than giving congratulations all round to everybody? Could he be more precise about how he intends to integrate this work, given there is the possibility of highly incompatible recommendations coming forward? Could he tell us the process he will use?

The Connétable of St. Helier:

I think the process has been laid down. I think the Commission's work will be brought forward to P.P.C. for onward presentation to the States, a referendum and so on. I do not like to anticipate problems tomorrow. I have got quite enough problems to deal with today and I am not going to

start worrying about the possible problems that may arise from a clash of views from the sub-panel and the Commission until that clash - if it ever happens - happens.

2.3 Connétable P.J. Rondel of St. John of the Minister for Health and Social Services regarding the maintenance of communications in the event of power cuts at the Hospital:

Further to the power cut on 25th and 26th September, would the Minister advise what backup, if any, was in place over the 4-hour period to maintain communications at the hospital and how long did it take to get all the equipment back on stream?

Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):

The main power to the hospital failed just before midnight on Tuesday, 25th September. At this point, our standby generators, which are tested weekly, automatically kicked in, providing power for all essential services. All our critical equipment, whether in the hospital or other Health and Social Services sites, is fitted with a U.P.S., an uninterruptible power supply, which ensures a seamless transfer from mains to standby power and is also protected from the effect of electrical spikes. The hospital has a well-rehearsed business continuity plan which includes the issuing of walkie-talkies to key staff and the use of standby analogue telephone systems connecting key areas. These systems worked and no patients were at risk. Following reinstatement of the mains power, the hospital plants, systems and equipment were reset, checked and tested. This process was completed by approximately 5.00 a.m., less than 2 and a half hours after the main power had been reinstated.

2.3.1 The Connétable of St. John:

Yes, I note the Minister said that there was a seamless transfer on all the equipment. Would that include the seamless transfer to the bleeper system and also the computers within the hospital, given that my sources tell me that these pieces of equipment were down? Would the Minister please like to comment on that?

The Deputy of Trinity:

On the previous power cuts, there had been some problems with bleeps on the standby radios but these had been replaced prior to this power cut and there were no problems with the replacement radios.

2.3.2 The Connétable of St. John:

A clarification, please. We are not talking about the previous cut. We are talking about this power cut. Were the medical staff's bleepers working over the period of the power cut? That is basically the question.

The Deputy of Trinity:

Yes, there have been no reports with this power cut so there have been no reports of problems with the standby radios. As with any power cut, afterwards there is a debrief to check what happened and if there were any problems and to look at our business continuity plan to make sure that is always kept up to date.

2.3.3 The Connétable of St. John:

Yet again, the question has not been answered. I asked about the bleepers, not standby radios. Were the bleepers working or were they not? It is a yes or no answer.

The Deputy of Trinity:

As far as I understand, yes.

2.4 Deputy G.C.L. Baudains of St. Clement of the Chief Minister regarding the release of correspondence between the Minister for Treasury and Resources and the ex-Interim Treasurer from June 2012 in relation to the Comptroller and Auditor General:

Further to the written answer he provided on 25th September of this year, would the Chief Minister arrange for the release of the correspondence between the Minister for Treasury and Resources and the ex-Interim Treasurer from June 2012 in order to allay any suspicion that the latter's letter criticising the Comptroller and Auditor General may have been solicited by the Minister for Treasury and Resources and if not, why not?

[10:00]

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

The Minister for Treasury and Resources has agreed to release his email to the former Interim Treasurer and it will be distributed to States Members later today.

2.5 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding investigations or treatments undertaken in Guernsey and associated travel costs:

Will the Minister inform Members what investigations or treatments, if any, can no longer be performed on Island but now take place in Guernsey and is the Minister confident that the measures that are in place to ensure that patients who need such off-Island treatment can meet the travel costs involved?

The Deputy of Trinity (The Minister for Health and Social Services):

Jersey patients are referred to Guernsey for some types of specialist radioisotope and bone scans. These have always historically been undertaken in Guernsey as opposed to Jersey. The only procedures that were routinely undertaken in Jersey, which have now been transferred to the U.K. as opposed to Guernsey, are some types of complex spinal procedures. Increasing specialisation in this field of spinal surgery requires use of specialist centres. Health and Social Services is acutely aware that the requirement to travel off Island has an impact on patients. We have in place a travel policy that sets out the circumstances in which we will pay for patient travel. We are reviewing that policy in order to ensure that it is affordable, equitable and that it recognises the particular pressures on people who need to make multiple off-Island trips.

2.5.1 Deputy G.P. Southern:

Is it the case that until recently, taxis were allowed as an expense to get to and from the airport and to the hospital but that now the policy is that a bus will be taken, whatever the circumstances, including sometimes wheelchair users must take the bus?

The Deputy of Trinity:

I do not think that is a change in policy. We do not pay for people to travel for hospital ordinary outpatient departments in a taxi and I cannot understand why we would pay for them to travel to an airport but in some cases, depending on the person's mobility and the timings of flights, we will make an exception to that rule.

2.5.2 Deputy G.P. Southern:

Is the Minister confident that she has a fund which is sufficient to meet the costs of travel in such circumstances? Is she prepared to advance people the cost of travel because in some cases, those on income support in particular, people simply do not have the amount of money they require to initially lay out that transport cost and then claim it back some 20 days later?

The Deputy of Trinity:

These are very particular cases and we would assess each case on a case by case basis.

2.5.3 Deputy G.P. Southern:

But will the Minister answer the question? Is her fund sufficient to cover the costs required and will she advance monies for those who cannot afford to lay out that money?

The Deputy of Trinity:

As I said about advancing money, we will do it on a case by case basis. Regarding if we have got enough money, that is a very open-ended question and I would have to say that we live in this financial world and we have got a new way forward for Health and Social Services, which hopefully this Assembly will approve, with more funding for Health and Social Services.

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

The Minister spoke about her department reviewing the policy around the cost of travel. Can the Minister tell us when she expects to make a decision based on the findings of that review?

The Deputy of Trinity:

We are in the process of working it up and I hope to have that policy in place hopefully before the end of this year.

2.5.5 The Connétable of St. John:

Could the Minister tell us, of the many consultants that work in the hospital, who picks up the taxi bill to and from the airport when they come over on a regular basis? Is it the consultants themselves or is it the hospital?

The Deputy of Trinity:

All the consultants have a budget and if they need to refer a patient to Southampton or any other hospital, some of it does come out of the consultants' general budgets.

2.5.6 The Connétable of St. John:

That was not the question. The question was whether or not the consultants themselves have their fares from the airport to the hospital paid for by the hospital?

The Deputy of Trinity:

Sorry, I misunderstood the question. If it is a visiting consultant, I would expect that their fares are paid for by the hospital but I do not know definitely and I can come back to the Constable with that information.

2.5.7 Deputy J.A. Hilton:

The Minister said that she would make a decision on the findings of the review this side of Christmas. I would like to ask the Minister whether she has made any provision in the Medium-Term Financial Plan to increase the funding available to those families who require it?

The Deputy of Trinity:

I think in the Medium-Term Financial Plan, there is a 2 per cent increase for general Health and Social Services pressures. A lot of pressures go on, as we know, with the cost of drugs but that particular question I cannot answer at this moment in time.

2.5.8 Deputy J.A. Hilton:

Yes I understand there is 2 per cent increase for business as usual so is the Minister confirming that there is no more than 2 per cent put aside?

The Deputy of Trinity:

I know there is 2 per cent for business as usual but whether some of that will go towards travel I think it all depends what the travel policy will say when it comes out hopefully by the end of this year.

2.5.9 Deputy G.P. Southern:

Notwithstanding the Minister's review, is the Minister aware that recently a number of patients have had to cancel their appointments in London or in Guernsey and that with the increased reliance on Guernsey or other places, the demand made for travel costs to and from the Island are going to increase? Is she aware that recently appointments have had to be cancelled because of cost?

The Deputy of Trinity:

I am aware that some appointments have been cancelled and I think some appointments are cancelled for a variety of reasons. We are aware of this and we want to make sure that especially those who go off Island fairly regularly that there is a policy in place that can encompass that.

2.5.10 Deputy G.P. Southern:

Will she ensure in the near future that members of the Jersey public who have to have treatment abroad will have their travel costs met in a prompt and adequate way?

The Deputy of Trinity:

I like to hope that all our costs are met in a prompt and efficient way but at the moment it is going by policy and if they fit within the criteria of the policy, then they will be met as soon as possible.

2.6 Deputy J.A. Martin of St. Helier of the Minister for Social Security regarding proposals for a new Maternity and Paternity leave scheme:

Will the Minister outline what proposals he has for a new maternity and paternity leave scheme and advise when these will be lodged for consideration by the Assembly?

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

Proposals for family-friendly legislation are already in the public domain on the States website. The Employment Forum submitted a detailed recommendation to the former Minister for Social Security in 2008 and the Minister responded to that recommendation in June 2010. The first stage of family-friendly legislation includes the following proposals for maternity leave. From the start of employment, employees will be entitled to 2 weeks' compulsory leave immediately after childbirth at full pay paid by the employer subject to the deduction of maternity allowance and 6 additional weeks' unpaid maternity leave which may be taken at the employee's discretion before or after the birth. Employees with a 15-month qualifying period of service will have the right to an additional 10 weeks' unpaid leave. For paternity leave, from the start of employment, an employee will have the right to 2 weeks' unpaid leave, either male or female, if they have or expect to have parental responsibility for the child. I support the existing proposals and I intend to bring a

proposition to the States during 2013 which we will progress in conjunction with our work on sex discrimination legislation.

2.6.1 Deputy J.A. Martin:

Did the Minister say maternity leave, 2 weeks' full pay immediately after birth, and can he confirm that this is completely in contradiction with the U.K. where you cannot work at least 4 weeks before the birth? I do not think the companies can get insured. Can he confirm this is the same or are we completely different?

Senator F. du H. Le Gresley:

I can only confirm that I did say that it would be 2 weeks' compulsory leave immediately after childbirth.

2.6.2 Senator S.C. Ferguson:

Will there be a *de minimis* for small and very small companies because if we are not careful, this will prevent employment?

Senator F. du H. Le Gresley:

Under the current proposals, there are no exemptions for small businesses.

2.6.3 Deputy M. Tadier:

Perhaps the female employees of small businesses could have a 7 month gestation period rather than a 9 month period. I am sure that could be arranged. **[Laughter]** The question, and the Minister did allude to it at the end of his answer, was about the discrimination legislation and in the absence of discrimination legislation which specifically relates to gender, how will the new maternity and paternity leave scheme be brought in and what is the timescale for those 2 to work together?

Senator F. du H. Le Gresley:

The Deputy is absolutely right, the 2 need to work together and that is why, assuming that we do get the States to approve our discrimination law which we hope to lodge before the end of the year, the second phase of that will be to introduce sex discrimination legislation, which will be a schedule to the new law. Once we have that in place, we will be able to bring forward our proposals for maternity and paternity leave so that we will have sex discrimination legislation hopefully before we bring in our maternity and paternity proposals.

2.6.4 Deputy M. Tadier:

Would the Minister not give consideration to prioritising the gender element of the discrimination law, given that I think that Jersey's Citizens Advice Bureau and anyone in the know would clearly acknowledge that the gender part is the most obvious priority and it also has a knock-on effect on this piece of legislation? Therefore any delays to the discrimination law will also have a knock-on effect with the maternity and paternity schemes, both of which we are decades behind other countries, including the U.K.

Senator F. du H. Le Gresley:

The discrimination law is primary legislation and if the States approve that law, it will have to go to the Privy Council for approval. We have the opportunity during that period to bring forward our proposals for sex discrimination so that when the new law comes into force, is registered in the Royal Court, we can lodge for debate our proposals for sex discrimination and the 2, race and sex, will come in at the same time under the law.

2.6.5 Deputy G.P. Southern:

Is the Minister aware that our maternity leave arrangements have fallen way behind those of the U.K. and that this is increasingly likely to cause problems in recruitment where we recruit professionals from the U.K.?

Senator F. du H. Le Gresley:

Yes.

2.6.6 Deputy R.G. Le Hérissier:

In the hope springs eternal department, could the Minister indicate when he will be bringing forward the sex and discrimination law? We know that this has become the subject of another one of these never-ending sagas. Could he give the deadline that he has given himself and his department?

Senator F. du H. Le Gresley:

I think the Deputy may not have been listening to me, which is unusual in his case. I did say that we hope to lodge our discrimination law, primary law, by the end of this year. If we do not achieve that, it will certainly be in January. The first characteristic or attribute will be race. After that, we will introduce the attribute of sex discrimination. We hope to be able to do that in 2013 so that when the new law comes into force, we will have both race and sex discrimination characteristics within the new law.

[10:15]

2.6.7 Deputy R.G. Le Hérissier:

2013 is a long time. What part of 2013?

Senator F. du H. Le Gresley:

I do not think 2013 is too far away. We are in the middle of October. The fact is that primary legislation takes at least 6 months from the date that it is approved in this House to come back for registering in the Royal Court. We plan to move immediately on to dealing with family-friendly legislation and sex discrimination at the same time so that we can achieve, hopefully by the end of 2013, a fit for purpose discrimination law with race and sex as the 2 attributes and also our family-friendly legislation that I have already outlined.

2.6.8 Deputy J.H. Young:

I wonder if I could ask the Minister to clarify whether his answer on the subject of introducing the primary legislation, whether it is his intention that when the primary legislation becomes law, that we will effectively be in a situation that still discriminates against other groups, for example, age discrimination which he has not mentioned at all today?

Senator F. du H. Le Gresley:

In answer to the Deputy's question, we can only do as much as the staff available in our department. We realise that age and disability discrimination will be the next 2 characteristics that we will be progressing and that will be in 2014.

2.6.9 Deputy J.A. Martin:

Will the Minister not admit maternity could be split from paternity? It is not primary legislation. It is sexist because only women have babies and they are of a certain age. Will the Minister not bring forward this legislation sooner rather than later and stop hiding behind every other piece of primary legislation that should come to this House which is also already behind?

Senator F. du H. Le Gresley:

The Deputy is very cross with me. I do not quite know why. **[Laughter]** I have been in office nearly a year now and I think we have brought forward lots of legislation to this Assembly. We can only do what our resources allow us to do. I have said categorically that we will progress maternity and paternity leave during 2013. We have only 3 months left of this year, and not even that, and I think that timescale is the best that I can say and I hope the Deputy will accept that.

2.7 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding whether the Managed Print Service tender process was compromised:

Could the Minister advise whether the managed print service tender process was compromised by one of the competing parties to the tender receiving copies of another participant's tender documents?

Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

The tender process was not compromised and the tender documents from one participant were not sent to another participant. On 30th October 2008 after the bidding process had closed, an email containing internal analysis and a high level summary of the information received in relation to a bid was erroneously emailed to another participant. The information was not considered to be of commercial sensitivity and was largely generic and obtainable by other means. The affected party was informed of the erroneous release of the data and in a letter dated 5th November, they confirmed that they did not believe that they would be affected by the release of the data as the bidding process had closed and the evaluation team were making their decision based on that information.

2.7.1 Deputy M.R. Higgins:

Will the Assistant Minister confirm whether the firm concerned, Canon U.K., whose documents were leaked to Danwood or documents were given to Danwood, did consult lawyers and the department had to consult the Law Officers to see whether they were going to have to defend a legal action against Canon?

Deputy E.J. Noel:

Canon U.K. were advised immediately and were asked to consider which steps might be reasonable to be taken to safeguard their position. They sought assurances that the States of Jersey would not propose or allow further bids by the tendering parties. Assurances were given that this would be the case although further clarification on all aspects of their bids would be undertaken. Canon did not raise any further issues and they continued with the process.

2.7.2 Deputy M.R. Higgins:

The Assistant Minister has not answered the question. Did you seek legal advice and did they threaten legal action?

Deputy E.J. Noel:

I have not been briefed on that. I would have to investigate that and get back to the Deputy.

2.7.3 Deputy M. Tadier:

I have a question. I am not sure if I can ask the Attorney General. It is probably not the time to do it but I will ask the Assistant Minister in that case. Following on from the legal advice, did he or the department receive any advice as to when a tender is compromised, as the Deputy is suggesting, that it should be voided and the process should be restarted? Was that ever an option and what legal advice was sought and did it support that view?

Deputy E.J. Noel:

I have already stated that I do not know whether or not legal advice was sought. I am going to have to clarify that.

Deputy M. Tadier:

In that case, will the Assistant Minister make an undertaking to seek that information and circulate it among Members?

Deputy E.J. Noel:

I have already given an undertaking that I would find out if legal advice was taken and report back to the Deputy. I am happy to report back to Members.

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

Could the Assistant Minister advise what consideration his department has given to the effects on the States of Jersey's reputation in terms of tendering going forward and what steps they are taking to rectify this?

Deputy E.J. Noel:

As soon as this matter came to light, the Chief Internal Auditor and the Treasurer were advised of the error. The party that was potentially damaged by this - although it was discovered that it was not - being Canon U.K., were happy with the solution. I think the Treasury's systems are robust as they are.

2.7.5 Deputy M.R. Higgins:

This whole particular tender process gives me great trouble and I believe should be investigated because not only was this document passed on to one of the competitors but also people who were involved in the evaluation process. Both the first evaluation and the second did not rate Danwood in the top 3 companies that were to be considered. In addition to that, Danwood did not meet the criteria of a company laid down in the tender which was that it should be a manufacturer that the States were dealing with. Will the Assistant Minister reveal all information regarding this tender process to Members so we can be satisfied that it was correctly carried out?

Deputy E.J. Noel:

That is rather a substantial amount of information. What I would suggest is that the Deputy comes into the department and is fully briefed by the procurement team as to the processes. I believe those processes were fair, they were auditable and that they follow best procurement practice.

Deputy M.R. Higgins:

If they had not got rid of the Comptroller and Auditor General, I would put it to him.

Deputy E.J. Noel:

I repeat, I invite the Member to come in and speak to the officers concerned.

2.8 Deputy J.M. Le Bailly of St. Mary of the Minister for Planning and Environment regarding bringing forward social and private housing capital projects:

Given that the Fiscal Policy Panel report last week emphasised the importance of bringing forward capital projects, what action, if any, is the Minister taking to ensure that much needed social and private housing will be given priority for development?

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

Housing the population is a stated aim of the Strategic Plan which this Assembly has agreed. The Minister for P. & E. (Planning and Environment) will take whatever actions are necessary within the Island Plan policies to assist in the meeting of the strategic aim and 2 such actions that are being undertaken at present include the bringing to this House for agreement of the H1-H3 amended policies and, indeed, the timely writing of development briefs for the redevelopment of States-owned land.

2.8.1 Deputy G.P. Southern:

What actual progress has been made on the H1, H2 and H3 sites since the Island Plan was passed? Has a single sod been turned?

Deputy R.C. Duhamel:

The H1-H3 policy is, as I said, due to be discussed in this House and debated. Prior to that, there has to be a consequential meeting of minds with all the players. A further question has been put by the Deputy of St. Brelade on these issues and I will give further information as to the progress on those issues. We are moving forward as fast as we can while at the same time trying to seek a consensus point of view across all of the industry players.

2.8.2 Deputy G.P. Southern:

Could I request politely that the Minister answer the question, has a single sod been turned? Has any progress been made on any site to construct further housing on the Island?

Deputy R.C. Duhamel:

Yes, indeed, there is a new residential availability report that I am about to sign off, notwithstanding the progress that was made which was exceptional during last year over and above the ordinary averages that have been met over a previous period. This year I am informed that 50 first-time homes, 50 lifelong homes for sale or rent and over 60 social rented homes are under construction and due for completion and there are a further 170 Category A homes that are about to be started.

2.8.3 Deputy J.A. Hilton:

I think the Minister has just said that there are currently 60 social rented houses under construction. There are currently hundreds of families waiting to be housed in this Island and I would like to ask the Minister what consideration he has given to bringing a glasshouse policy back to the House to be debated?

Deputy R.C. Duhamel:

Consideration is being given but only if all other policies that this House has agreed and agreed to debate further have failed.

2.8.4 Connétable J.M. Refault of St. Peter:

I just wish to inquire of the Minister for Planning and Environment, with the F.P.P. (Fiscal Policy Panel) report, they also suggested we should be looking at doing more commercial development type areas. Certainly we have a number of commercial developments which will be self-funded, which are not subject to finding finances and are potentially ready to go. Will he adopt the recommendations of F.P.P. with regard to those commercial entities that are ready to start work now?

Deputy R.C. Duhamel:

As I mentioned earlier, this Minister for Planning and Environment will act in accordance with the Island Plan obviously so long as those policies are agreed by the House. Indeed, this Minister will

not act to bring forward sites which are out of keeping with those policies, as I say, until we have changed our minds.

2.8.5 Deputy J.H. Young:

The Minister committed to producing a Residential Land Availability report for us. Could the Minister tell us, can he commit to a date when we will see that report and could he also, by way of giving us a flavour of that report, remind us of the Island Plan objectives for the number of houses per year that currently require us to produce?

Deputy R.C. Duhamel:

Certainly. As I mentioned earlier, the report was on my desk. It is about to be signed. There were 2 minor amendments that had to be sorted out before it was published and the publication date for the Ministerial decision is this Wednesday. The number of houses that are being mooted to be built on average across the board is of the order of 400 per year and the Residential Availability report is suggesting that in excess of 550, I think it was, were completed in the categories that will be reported upon for 2011.

2.8.6 Deputy J.H. Young:

Can I ask the Minister to clarify that answer? Of those numbers he has just given, could he tell us how many are affordable?

Deputy R.C. Duhamel:

That depends on the definition of affordable and in some people's eyes a lot of the buildings that we are building are unaffordable and that is indeed why this House has asked me with others to seek to redefine affordability and to come forward with a proper programme that does deliver truly affordable houses for our youngsters to stem the tide of their exodus from this Island.

[10:30]

2.8.7 The Deputy of St. Mary:

What progress is currently being made with introducing prefabricated housing which can substantially reduce the overall cost of the final build?

Deputy R.C. Duhamel:

This indeed was one of the considerations that was being consulted upon with the construction industry and other bodies in terms of innovation in building technology which would, at a stroke, be able to help to reduce the overall prices. Indeed, in the report that was given to me on Friday - we had a meeting which I will refer to again in a forthcoming question - it was suggested by those working in the industry that they were not particularly keen on innovation and different technologies that could bring down the prices to a truly affordable level. That is why we have had to go around the loop a number of times, as I said, to try and seek a consensus going forward, which will square the circle and bring to this Island proper, truly affordable homes for our youngsters and others who will be able to afford them if indeed these things are undertaken.

2.9 Deputy S. Power of St. Brelade of the Minister for Transport and Technical Services regarding the use of a hopper barge to remove sea-lettuce from St. Aubin's Bay:

Can the Minister advise whether a study was carried out some years ago into the prospect of purchasing a 30 metre, 200 cubic metre hopper barge, for shared use with the Harbours Department, in order to remove sea lettuce from St. Aubin's Bay?

Deputy K.C. Lewis of St. Saviour (The Minister for Transport and Technical Services):

Transport and Technical Services have not previously been involved in a study to look at the prospect of purchasing a barge for shared use with the Harbours Department to remove sea lettuce from St. Aubin's Bay. However, a report was commissioned by W.E.B. (Waterfront Enterprise Board) in 2006 from PML Applications Limited, which reported in 2008 an investigation into the causes of the odour at West Park Beach, St. Aubin's Bay, Jersey. This report made mention of the possibility of carrying out trials with the new barge for offshore disposal. In discussions with the Ports of Jersey, it appears that at that time they were considering purchasing a barge for harbour dredging, but this was not proceeded with.

2.9.1 Deputy S. Power:

The Minister will be aware that there is a dredging scheme about to commence in St. Aubin. Has his department had any discussions with Harbours in the recent past to discuss possibly using the barge to be used in St. Aubin when St. Aubin will be inaccessible at neap tides?

Deputy K.C. Lewis:

It is all a question of timing. As previously stated, I expect this report to include a feasibility study on the removal of sea lettuce by barge and disposal at sea. If this is believed to be feasible, the options of whether to charter a barge or to have shared use of such an asset, if purchased by the Ports of Jersey for dredging, will be considered. I am able to confirm that the preliminary discussions at officer level have commenced between my department and the Ports of Jersey.

2.9.2 Deputy M. Tadier:

With regard to sea lettuce, does the Minister accept that sea lettuce is simply a symptom and that it is a symptom of an underlying cause, which is the fact that we have too high nitrate levels in St. Aubin's Bay? Will the Minister state whether he agrees with that and what discussions and work he wishes to undertake, perhaps with his colleagues at the Department of the Environment, in order to reduce nitrate levels in St. Aubin's Bay so that there will be, among other things, less sea lettuce?

Deputy K.C. Lewis:

Yes, I can confirm that nitrate level in St. Aubin's Bay is a problem to which the Bellozanne Treatment Plant is responsible for approximately 50 per cent. The other 50 per cent is run-off, but this is not confined to Jersey. It is a major problem in France, New Zealand, the United States of America and many other countries with a high population.

2.9.3 Deputy M. Tadier:

Does the Minister accept that ordinary tap water in Jersey contains unacceptable high levels of nitrate, which also contributes to high levels of nitrate in St. Aubin's Bay? Does the Minister have a joined up plan to do something about the levels of nitrate?

Deputy K.C. Lewis:

I can confirm that the levels of nitrate in drinking water are high. My colleague, the Minister for Planning and Environment, and his officers are in fact in consultation with farmers and the agricultural community generally to reduce the amount of nitrates that are put on the land and hopefully this will start to reduce over time.

2.9.4 The Connétable of St. John:

In any discussions between the T.T.S. (Transport and Technical Services) and the E.D.D. (Economic Development Department) in relation to a barge, would the Minister give serious thought to raising the barge we had sitting in the corner of St. Aubin's harbour for year after year and it was scuttled off Bonne Nuit a few years ago? Given that, I believe, only the taps were

opened and it was allowed to sink, it may be sensible just to raise that and you have a barge already in ownership within the Island.

Deputy K.C. Lewis:

I do remember the barge that the Constable is referring to. I am not sure if it is salvageable. I doubt it, after this many years, but it is possible to purchase or lease or even share a barge with the Port Authority. That is something that my officers are looking into.

2.9.5 Deputy J.H. Young:

The Minister kindly gave us a very helpful background report on the problem with nitrate generally but he did say that the permitted levels in drinking water are high. Could he confirm that at the present time the levels permitted of drinking water, or tap water which goes into sewerage work, is substantially higher than the levels that are allowed by the Minister for Planning and Environment to put back into discharge into the sea?

Deputy K.C. Lewis:

I believe that to be so.

2.9.6 Deputy G.C.L. Baudains:

Will the Minister agree that the Transport and Technical Services outfall in St. Aubin's Bay does not comply with environmental legislation and is part of the problem causing the weed issue and, if so, what is he going to do about it? I believe this lengthening of the outfall has been discussed since I was on the Public Services Committee in 2000 and yet nothing appears to have been done.

Deputy K.C. Lewis:

As I stated previously, we are responsible for approximately 50 per cent of nitrates in the bay, but when one flushes the loo, if you are flushing it with nitrate water, then we are on to a loser to start with.

2.9.7 Deputy G.C.L. Baudains:

If I may be allowed a supplementary, I do not believe the Minister has dealt with the question. Is he or is he not going to lengthen the outfall so that it is below sea water level at all times?

Deputy K.C. Lewis:

That is something the department has been looking into for some time and that is one option on the table. There are many other options, including denitrification plants, that we are also looking into but they are extremely expensive.

2.9.8 Deputy S. Power:

I wonder if the Minister could confirm that his department intends to use the dredged mud from St. Aubin to use as blinding in the ash pits at La Collette?

Deputy K.C. Lewis:

We have no plans to do so.

2.10 Deputy M. Tadier of the Chief Minister regarding the use of super-injunctions in Jersey:

Following claims by a U.K. M.P. that 4 individuals have obtained an injunction under the Data Protection (Jersey) Law 2005, to prevent allegations being made about them on a blog, is the Chief Minister aware of super injunctions being used in Jersey and, if so, has taxpayers' money been used

to deal with cases under the Data Protection Law which might otherwise be pursued as civil libel and defamation cases?

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

I am unaware of any super injunctions having been obtained in Jersey, however I can confirm that it is part of the function of the Data Protection Commissioner to assist members of the public to enforce their rights under the law.

The Bailiff:

Just before we get to supplementary questions, I had to consider very carefully whether to allow this question under Standing Order 10(10). I did so because it raised the question of spending of public money, but I must emphasise all those who ask supplementary questions that because the case referred to as being heard in private, it would be improper and a breach of Standing Orders to refer to the names of any of the parties or the details of the case.

2.10.1 Deputy M. Tadier:

I take that direction, Sir. The point is, we do not know of any cases, by their very nature, if they are private anyway. So my question to the Chief Minister is does he acknowledge that there is perhaps a departure from - and there is a very delicate line to be had here - the right of journalists, whether they be bloggers or in another form, to be able to report accurately on individuals? There is currently a recourse, which is called defamation and libel, which can be taken as a civil case, but as soon as a case such as super injunctions, which necessarily have to be heard in private, are used, there is a case for abuse. Will the Chief Minister give his comments on that?

Senator I.J. Gorst:

I am not sure that in question time under Standing Orders I am asked for my opinion on matters but obviously if you are allowing the question to stand, the Deputy is right. Of course it is difficult. We enjoy a free media and they report on matters as they see fit within the law, and that is as it should be. It is for this Legislature to amend and change laws if they think that is necessary and it is for the court system to interpret them in due course should there be a dispute.

2.10.2 Deputy M.R. Higgins:

I was surprised by the latter remark because newspapers are sued all the time for defamation. However, my question is, is it right that public money can be spent and we do not know that it is being spent and we do not know who it is being spent on or what is going on. Where is the accountability for any money that is being spent on these secret, or private - depending on how you want to look at it - actions that are being brought before the courts?

Senator I.J. Gorst:

As I said in my opening response, the Data Protection Commissioner has part of that function, the requirement to assist members of the public in enforcement of their rights under that law. The budget for the Data Protection Commissioner is published as a non-executive Ministerial department, it is part of the budget that this Assembly approves and an annual report is produced from the Data Protection Commissioner's office. I believe that there is therefore appropriate control there and there is an accounting officer responsible for the spending of that money.

2.10.3 Deputy R.G. Le Hérissier:

Notwithstanding, as an earlier question indicated, in the absence of a Minister of Justice post in the Government, would the Chief Minister promote the idea that the use of super injunctions should be absolutely minimal because of the dangers it raises about private or secret justices, as the Deputy

has just instanced. Would he be prepared to promote the minimisation of their use and to see whether other routes can be used in order to deal with aggrieved complainants?

Senator I.J. Gorst:

The Deputy asked me earlier why I felt that perhaps we were driving in the opposite direction of the appropriate separation of powers. He now seems to be suggesting that I should be making public statements which to some extent go and interfere. I do not believe it is my job to either promote or not. It is appropriate for the courts to decide under the law and perhaps I should have been a little bit firmer earlier this morning in making it clear that not only government and the police but also the courts are subject to the Human Rights (Jersey) Law 2000. Therefore I believe we can have confidence that they are acting appropriately and taking those concerns into consideration when making decisions. Those who do not like the decisions of the court obviously have a number of statutory processes that they can go through, appeals, administrative appeals and ultimately judicial review.

2.10.4 Deputy R.G. Le Hérissier:

Would the Minister not accede that the issue is not whether or not I agree with this decision; there is no reason why I have to comment. Would he not accept it is his job to promote policy and that is the role of the Legislature?

[10:45]

Senator I.J. Gorst:

I am not sure if the Deputy seems to be proposing that I should promote a policy that means that people do not have recourse to the courts? That surely cannot be right.

2.10.5 Deputy T.M. Pitman:

I think if our courts observe human rights and everyone is entitled to a fair trial under that... which is clearly not the case as I can demonstrate, in fact the evidence is all there. What I would like to ask is how can we have this absurdity when all 4 individuals have been named already and their names are in the public domain? How can we have these secret court sessions? The next one, which is going to take place on 5th November, taxpayers' money is being used and nobody knows what it is being used for or how, to support people, one who is a convicted petty criminal, convicted in the courts in March 2011...

The Bailiff:

Deputy, I have already given guidance that there is to be no reference to the details.

Deputy T.M. Pitman:

That is not the details. That is the background of the people who are getting secret hearings.

The Bailiff:

Deputy Pitman, you will obey please the directions of the Chair.

Deputy T.M. Pitman:

Yes, thank you, Sir. You have reminded me how right my first question was.

The Bailiff:

I am sorry?

Deputy T.M. Pitman:

I said, Sir, you have reminded me how right my first question was about how the courts are a law unto themselves. Public money being spent and we cannot find out...

The Bailiff:

Please confine yourself to a question rather than comments.

Deputy T.M. Pitman:

That is my question, Sir. How can we see what money is being spent? We know it is being spent and yet as the leader of this Government, the Chief Minister will not stand up and show some leadership. Why not?

Senator I.J. Gorst:

As I quite clearly indicated right at the start, it is part of the function of the Data Protection Commissioner to assist members of the public to enforce their rights under that law. If the Deputy disagrees with that and does not believe that that should be a function of the Data Protection Commissioner, then of course he can bring forward a proposition which would seek to amend it, but I would suspect that he would have to provide good evidence to suggest that that was not being used appropriately. I have no evidence to suggest anything other than it is being used appropriately. As with regard to his opening comments and his final supplementary question, if the Deputy is so certain of the facts that he says he has, then he should, I suggest, either contact the police or speak further to his lawyer. It cannot be right that in this Assembly, a parliamentary privilege is abused in the way that I fear that we are potentially doing so today. **[Approbation]**

Deputy T.M. Pitman:

The Minister is misleading the House. Parliamentary privilege exists just for this reason. It is not abused and it is for people when the Minister will not do his job because he is a coward.

The Bailiff:

Deputy, please withdraw that comment. You know that you are not entitled to say that about another Member.

Deputy T.M. Pitman:

Completely lacking in backbone then, Sir. I will remove the coward bit.

The Bailiff:

You will remove the coward and you will apologise.

Deputy T.M. Pitman:

Apologise for what, Sir?

The Bailiff:

For calling him a coward.

Deputy T.M. Pitman:

I am very sorry. The Minister is not a coward, but he does lack complete political backbone.

2.10.6 Deputy M. Tadier:

I accept that this is a very complicated issue and this allegation or suggestion was made in the U.K. by a U.K. M.P. who said that with the assistance of the Jersey Government, a super injunction had been obtained against, let us say, an individual in Jersey. He was very surprised that it had been undertaken under the Data Protection Act of all things, as he said. Does the Minister accept that

there is a risk that the way in which the Data Protection Act is being used here is a departure from the norm and that is why it is of concern to the U.K. M.P. and to local M.P.s? Will he also comment on the fact... I noticed that the Minister said it is up to politicians to change and amend the laws if it is necessary, but now do we bring changes to a law if we and the Chief Minister, as he says, are completely unaware whether super injunctions are even used in Jersey. How do we change the fact that super injunctions should not be used if we do not even know if they are being used in Jersey in the first place? That is ultimately the question I would like the Chief Minister to answer.

Senator I.J. Gorst:

For Members, if they believe the principle of such things should not be used in our jurisdiction to come forward with amendments to law to ensure that they cannot if they are. I have forgotten now what the Deputy's opening question was.

Deputy M. Tadier:

Can I give clarification, perhaps, to the Minister? In order to know whether or not we want to stop super injunctions, we need to know whether they exist. There is no point in bringing an amendment to the House to change something which does not exist. So can the Minister suggest to Members, how can we as Members for the greater public know whether or not super injunctions are being used and possibly abused in Jersey so that we can know whether or not to ask questions and to amend that, which must be the right and even the duty of any elected States Member.

Senator I.J. Gorst:

I think the Deputy asked me in his opening question, it just came back to me, with regard to our law and the comments of a United Kingdom Member of Parliament. I was, of course, surprised to hear him say that because our law is based on the European Data Protection Law and I imagine that United Kingdom's law is likewise based and therefore would have similar provisions. So I am surprised that that is being made as a peculiarity of our law. I am not certain that that is the case. It is about principle. We should not be talking about specific cases in this Legislature but if Members believe that a principle is correct or incorrect then they should come forward and amend the law appropriately.

2.11 Deputy J.M. Maçon of St. Saviour of the Minister for Treasury and Resources regarding funding commitments to the Jersey Heritage Trust in 2012 and onwards:

Would the Minister confirm that the Education, Sport and Culture Department was notified that the profits from the summer lottery would be used to fund the Jersey Heritage Trust? If so, as the lottery did not generate the amounts anticipated, from where will the Treasury Department meet the funding commitments to the Trust in 2012 and onwards?

Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):

The published M.T.F.P. (Medium-Term Financial Plan) assumes a contribution from the summer lottery to fund the growth for the Jersey Heritage Trust of £288,000 in 2013, £320,000 in 2014 and 2015. The M.T.F.P. clearly states that £315,000 was added on a one-off basis to Education, Sport and Culture's cash limit for 2012 in case the lottery was unsuccessful, thereby ring-fencing the funding for Jersey Heritage for 2012. The Minister and the Treasury understand that Jersey Heritage must have guaranteed funding from 2013 onwards to be able to deliver its capital programme and to ensure its assets are maintained properly. Jersey Heritage are in active talks with Education, Sport and Culture Department to discuss alternative sources of funding in the event the lottery does not raise enough money from 2013 going forward. Treasury, Education, Sport and

Culture, Economic Development Department and Jersey Heritage will work together to find a solution which will be brought forward later this year.

2.11.1 Deputy J.M. Maçon:

Can I ask then what mechanism has been decided upon should the same circumstances occur next year that have occurred this year given that the one-off, I understand, then will be removed from the Education Department?

Deputy E.J. Noel:

In the first instance, Jersey Heritage would be asked to consider whether they could raise funding in whole or in part in new or different ways. If this is not achievable, then Education, Sport and Culture and Economic Development, together with Treasury, will be asked to consider whether they could meet the costs from within their cash limits approved in the M.T.F.P. As a last resort, the Council of Ministers could agree to fund a grant from contingency.

2.11.2 Deputy G.P. Southern:

Does the Assistant Minister not accept that this is the ultimate sign of the dire state of our economy that Jersey cannot even raise a decent amount of money from a lottery?

Deputy E.J. Noel:

No.

2.11.3 Deputy J.M. Maçon:

Does the Minister concede that no matter what happens then, the States or the Department for Treasury and Resources is always going to be backstop and is the Assistant Minister satisfied with this situation?

Deputy E.J. Noel:

As I already said, if we cannot find funding from other sources and the lottery does not produce what it is anticipated to produce in 2013 going forward, then yes, it will be up to the Council of Ministers to consider a withdrawal from contingency to fund Jersey Heritage over the period of the M.T.F.P.

2.12 Deputy J.H. Young of the Minister for Planning and Environment regarding a policy to ensure affordable homes for first-time buyers:

Further to the adoption of an amendment to the Island Plan 2011, will the Minister inform the Assembly whether the Supplementary Planning Guidance on the operation of Policy H3 for affordable housing, will soon be lodged for debate by this Assembly? If not, will he take urgent action to bring forward a policy to ensure affordable homes are available for first time buyers?

Deputy R.C. Duhamel (The Minister for Planning and Environment):

I am and I will do. This Minister, as I mentioned earlier in a previous question, met with the Construction Council, the Chamber of Commerce, Association of Jersey Architects, Jersey Hospitality Association and the Jersey Farmer's Union on Friday to discuss the latest stage in the bringing of a paper to this House and for public consultation in the very near future. Although the cross-industry working party did not agree with all 4 points, substantial progress, I felt, was made in that over 50 per cent of the items were deemed to be supportable. At that meeting a number of other issues were raised to bring forward a consensus, a way forward, that perhaps might be able to achieve the 100 per cent buy-in by those industries, which I feel is necessary if we are going to

move forward. I will bring this policy to the House as soon as possible and that will hopefully be before the end of the year.

2.12.1 Deputy J.H. Young:

It is good to hear that the Minister is in a position to bring this forward very quickly and that he is seeking 100 per cent support. Is the Minister, though, still satisfied that the H3 policy that was approved by this House and suspended 15 months ago and cannot be put into operation, is still fit for purpose?

Deputy R.C. Duhamel:

Quite clearly it is not fit for purpose which is why the jury is out for consultation. I was charged to come forward with a new policy in order to replace the old policies and that is what I am doing. There is no point in my mind in coming forward with any policies that do not either share the support of this House, the States Members who form the rump of the Government or indeed the public at large, particularly those within the construction industry who will be party to the policies. I am looking for a realistic way forward and, as I said, it is easier if we have buy-in by all those parties, admittedly 100 per cent might not well be achievable but I think perhaps even an 80/20 per cent solution would be better than no support from those industries at all.

2.12.2 Deputy R.G. Le Hérissier:

The Minister said he had at least 50 per cent support. Could he outline whether those 50 per cent were the people in favour of really moving ahead in a big way? What did that 50 per cent consist of and what is the other 50 per cent about?

Deputy R.C. Duhamel:

I can do. The 4 items that are being discussed at the moment is whether or not the States land should be predominantly used for the provision of affordable housing on the basis that we can do further things or innovate things with the land ownership in order to bring the price down. The second thing that was successful was the general drift of the States in providing affordable housing as a concept. The 2 things that were not however completely accepted, although I do think there is room for further improvement in a short timeframe, were commuted sums in order to provide a funding which is necessary to get assist in the provision of affordable housing and the fourth point was a non-acceptance of this Minister's consideration by bringing innovative construction techniques so that potential cost savings could be anticipated.

[11:00]

2.12.3 Deputy R.G. Le Hérissier:

I know the Minister has worked very hard at this. When he says: "Committed sums were not accepted by the meeting", does that mean the meeting did not accept the idea of allowing people on fairly low salaries of getting on the housing ladder via a financial inducement from the States. Is that what that recommendation was?

Deputy R.C. Duhamel:

Not exactly, no. I think the suggestion was that if any committed sum policy was going to be imposed or asked for by the States, either through planning obligations or by taxation, that the industry did not feel that their particular industry should be taxed at all in terms of any uplift in building availability or potential that would form the backbone to the town regeneration project that all Islanders are supporting.

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

The provision of proper affordable housing into the future may well involve some sort of prefabrication. Does the Minister share my dismay at the forthcoming closure of the Island's only frame form construction facility? Will he acknowledge that it is his own employment-led policy that is ultimately responsible for the closure of this facility and the loss of over 15 jobs, the very same jobs that his policy is supposed to protect?

The Bailiff:

I am not entirely sure, Deputy, that that arises out of the question.

Deputy R.C. Duhamel:

I am happy to answer that, Sir. No, I do not because as any person who does a modicum of research into affordable building techniques and innovation in construction methods will know, there are so-called methods which appear to be on the one hand sustainable construction methods, but compared to the more innovative ones that are being promulgated or promoted through Scandinavian and German factories, they are not as cost effective as perhaps they could be.

The Bailiff:

If you please, if your answers could be concise.

Deputy R.C. Duhamel:

I have probably said enough in that case, Sir.

2.12.5 Deputy G.P. Southern:

Can I ask the Minister the question I asked the Minister for Housing last time? What is the Minister's calculation of the level at which homes become affordable? Is it 5, 7 or 9 times the average salary for one or 2 people or some other figure?

Deputy R.C. Duhamel:

The level at which I consider homes to become affordable is a 25 per cent contribution of a gross income, which is the same figure that is used by the U.K. It is slightly lower than the American standard that was agreed by Ronald Reagan's Government in 1989 of 30 per cent, but that amounts to a person's ability to pay at affordable rent, which amounts to some £275, £280 a week, which would mean a joint income of £56,000 across the board, £14,000 of which would be put into an affordable mortgage. These figures have been corroborated by banking institutions and indeed by our own statistics.

2.12.6 Deputy G.P. Southern:

Do institutions lend on these sorts of levels?

Deputy R.C. Duhamel:

Yes, it is my direct experience that they do and certainly would do and this is why I consider that the policies that are coming forward in embryonic form are going to take the Island by storm.

2.12.7 Deputy R.J. Rondel of St. Helier:

It is becoming increasingly monotonous and frustrating to continually ask for action and delivery of both affordable and social housing. I can recall when the former Senator Corrie Stein, at that time she was President of the Housing Committee. She became, at one stage, so frustrated with the lack of delivery that she slammed her fist on the desk in front and loudly said: "What I want to see are erections, erections, erections." [Laughter] Would the Minister show the Assembly that he is serious about the delivery of affordable housing and provide Members with a list and timescale of when decisions will be made and on which sites?

Deputy R.C. Duhamel:

I have to be careful what I say. This Minister is about to bring the final paper in front of the Council of Ministers in a very short period of time. I was unwilling to do so without the support levels that I think I have almost achieved across the board with the cross-industry working groups. Following on from that there will be a public consultation and following on from that towards the end of this year or the early part of the New Year, there will be a formal States debate at which all of these issues will be properly discussed and the States will decide whether or not the policies are something that they can fully endorse.

2.12.8 Deputy M. Tadier:

I was tempted to keep my mouth shut but the question is for the Minister. Does he acknowledge that apart from building there are other ways to increase the supply of first-time buyer and affordable homes, which may include a levy on multiple home ownership and increased rates for unoccupied properties? Would the Minister state how those 2 tools perhaps could be used in conjunction with acquisition of land and building of affordable homes in order to drop the price of first Homebuyer homes in the market?

Deputy R.C. Duhamel:

It is an alternative mechanism but it is not one that I have been given the full remit in order to consider by this House and will probably be better considered by the Minister for Treasury and Resources in association with all those other Ministers who might have a point of view to express.

2.12.9 Deputy J.H. Young:

The Minister has committed today to bringing forward not just Supplementary Planning Guidance as the States decided 15 months ago, but a new policy to achieve affordable housing. In doing that policy will he recognise that at the moment we already have policies in the Island Plan for States-owned sites. What we are talking about here is for privately-owned sites. Does he not accept that his review should include looking at other opportunities to deliver those homes, including on other sites such as former glasshouse sites and others, particularly bearing in mind we do not have brown-filled land in the Island that the U.K. does. Will he include those matters in his review and his policy?

Deputy R.C. Duhamel:

I think I am and certainly will be doing so. But as I said previously, this House committed to a particular set of policies and policy direction under the Island Plan debate and indeed, the first and foremost route for providing affordable homes was to define the terms properly to allow more of our youngsters to purchase property or indeed others who were able to do so and to try to do it with our property as far as possible. It was not to open the floodgates and to build on green field sites, which indeed most Members, if not all Members, of this House did not wish to participate in.

2.13 Deputy M. Tadier of the Minister for Treasury and Resources regarding targets for the delivery of residential post by Jersey Post:

Following concerns raised by some constituents, will the Minister, as the shareholder representative, explain whether any targets exist for the delivery of residential post by a certain time of the day and, if not, why not and, if so, how is the success of meeting these targets measured?

Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):

There are no targets for delivery time of mail to either residential customers or business customers. However, Jersey Post aims to get mail delivered as early as possible and in the main by 2.30 p.m. Mail delivery times have been affected by the later opening of Jersey Airport and by the longer routes introduced when deliveries dropped from 6 to 5 days per week. The regulator, the Channel Islands Competition Regulator Authority, has recently consulted on quality of service targets for end-to-end delivery of mail. That is the time it takes from posting a delivery to delivering a letter. The regulator has set targets of 95 per cent of next day local-to-local delivery. This year, to date, Jersey Post has in fact achieved 96.3 per cent. These results are measured by an independent research company using panellists on the Island. The results for August were in fact 98.4 per cent. Therefore States Members can be assured that Jersey Post is exceeding targets set by the regulator. I believe that Jersey Post will be invited Deputy Tadier to visit them to explain their good performance and I extend this invitation to other Members should they so wish.

2.13.1 Deputy M. Tadier:

I thank the Assistant Minister for his answer and just to acknowledge that I have also received an email from Kevin Keen, who is the Director of Jersey Post, so if the Assistant Minister could formally pass my thanks on for that. It is really just to raise an issue, as I have said, from constituents. There is a feeling that post is being delivered certainly a lot later on in the day and for many, perhaps elderly residents who are used to the contact, it is perhaps a change...

The Bailiff:

I am sorry, Deputy. I am advised we are not quorate. Could you summon back Members, please? Very well, now we are quorate again. Please continue.

Deputy M. Tadier:

I knew it was a fairly boring subject, Sir, but I did not know it was quite that bad. If I could ask the Assistant Minister to take the message back that there is a perception perhaps that people are having to wait longer times for post but also, certainly, sometimes postage has been delayed inexplicably for perhaps weeks. Some people are receiving letters, which is not necessarily Jersey Post's fault, on certain occasions which are coming in very late. Will the Assistant Minister make sure that these comments are brought on board and also seek to perhaps liaise with myself and other interested Members if there are issues that arise in future?

Deputy E.J. Noel:

Treasury and Jersey Post are aware that a lobby group has made a complaint to the regulator about the perceived timing of deliveries and this really is a matter between Jersey Post and the regulator. However, I would just like to comment that on all deliveries there is someone at the beginning of a delivery and someone at the end of a delivery, so those towards the end of a delivery will be receiving their mail probably around the 2.30 p.m. time limit.

2.13.2 Deputy G.P. Southern:

Does the Assistant Minister accept that incorporation in and of itself contains no magic wand to deliver better services but, in this case, postal service has declined because of wider economic reasons?

Deputy E.J. Noel:

I am happy to concede that postal services have changed because of the wider economic parameters outside of the Island and the way that people correspond with each other electronically as opposed to using the mail but I do not believe that incorporation has been a factor in this.

2.13.3 The Connétable of St. John:

In St. John's, like other Parishes, we are having similar problems. So much so that even at the Parish Hall we were receiving our mail after close of business, which required me to contact the department because we have certain deadlines within Parish Hall that we have to meet, whether it is replacing a driving licence within a 24-hour period. Certain deadlines, not only the Parishes but other people have the same problem. Will the Minister ensure that any 2.30 p.m. deadline is met because I am aware that I live at the end of one of these? Years ago I had a 9.30 a.m. mail, now I get an after 2.30 p.m. mail. Will he ensure that the 2.30 p.m. mail is the last drop and we are not adding extra rounds because of ill health or whatever, so many cuts within the department staff?

Deputy E.J. Noel:

That is something I cannot ensure because one cannot control the weather and the good Connétable of St. John will appreciate that the closure of the airport will affect the delivery of the mail.

The Connétable of St. John:

I am sorry, that is not what I am talking about. This is a regular thing.

Deputy E.J. Noel:

Perhaps the Constable should join Deputy Tadier and visit Jersey Post to see what they are doing. Their results to date, their target was 95 per cent, they have achieved 96.3 per cent which is better than Guernsey at 94.3 per cent and better than the Isle of Man at 93.1 per cent.

The Connétable of St. John:

The Minister is giving us a load of bunkum.

Deputy E.J. Noel:

Jersey Post is doing a good job. There is always room for improvement.

The Bailiff:

Final question, Deputy Tadier?

Deputy M. Tadier:

I do not have a question, Sir, but if there was another Member who maybe wishes to take that, I am happy to defer.

The Connétable of St. Helier:

I had one, Sir. You did not see my light.

The Bailiff:

Very well then, we will have the Connétable of St. Helier.

2.13.4 The Connétable of St. Helier:

The Assistant Minister said that the postal services have not declined, they have changed. Does he not agree with me that the loss of Saturday services is a decline and is there any prospect for their return?

Deputy E.J. Noel:

To answer the second part of the Constable's question first, I am afraid not. The 5-day service, as far as I am concerned, is the way forward. Unfortunately the world has changed and the volumes that go through all mail systems, not just in Jersey Post but around the world, have declined and therefore the services have to adapt to that.

[11:15]

2.14 Deputy G.P. Southern of the Minister for Treasury and Resources regarding changes to the Medium Term Financial Plan:

In the light of the advice given in the latest Fiscal Policy Panel report what changes, if any, to the Medium-Term Financial Plan does the Minister have under consideration and when will he reveal any such changes to the States?

Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):

The Minister and I welcome the panel's report and are not surprised by any issues it raises. However, it is too early to say whether any changes will be made to the M.T.F.P. I would refer Deputy Southern to the Minister's written answer to him at the sitting, which shows the extent of the fiscal stimulus which is taking place. The F.P.P.'s report helpfully illustrates the difficult balancing act between allocating resources to meet clearly identified spending needs in essential areas like Health and Social Care, job creation, supporting the economy in the short term and protecting the competitive system of our taxation upon which our Island depends. The panel's assessment of the scale of the economic downturn is helpful. The Minister needs to discuss the panel's recommendation with the Council of Ministers and if there are any significant actions which arise from these discussions, I would anticipate that they will be announced on October 16th when the budget is lodged and presented to States Members. However, I can say that one initiative that the Minister has already announced he will consider is a starter home deposit scheme and further details will be coming forward shortly.

2.14.1 Deputy G.P. Southern:

Does the Assistant Minister not accept that the report suggested that estimates for growth were over-estimates and does he not accept that it called for additional fiscal stimulation to take place as soon as possible? What steps will he take to introduce additional fiscal stimulus?

Deputy E.J. Noel:

Treasury and the other departments are looking at their capital programme over the next 3 years to see what projects can be brought forward on a timely basis to comply with the 3Ts.

2.14.2 Deputy R.G. Le Hérissier:

Would the Assistant Minister not concede that the real psychological issue is that the Minister for Treasury and Resources keeps magicking out sums of money from all sorts of sources to help all sorts of services while running a very aggressive cutback programme at the same time. Would he not agree this is leading to considerable mental confusion on the part of the population?

Deputy E.J. Noel:

I do not believe we have been carrying out extensive cutback programmes. We were, by this Assembly, given the task of finding £65 million of savings over a 3-year period. We have done a little bit shy of that, around £61 million over a longer period. Those are not austerity measures, that represented some 10 per cent of cash limits set at the time, which is not too onerous spread over a 3 to 5 year period.

2.14.3 Deputy R.G. Le Hérissier:

The Assistant Minister did not answer the other half. Would he confirm whether or not there remain vast, untapped sums of capital monies which the Minister for Treasury and Resources will be announcing on a regular basis?

Deputy E.J. Noel:

All of the States' assets, some net £3.6 billion, are included in our annual published account.

2.14.4 Deputy J.A. Martin:

Could the Assistant Minister answer the question to do with this in the written question, it says: "States Departments have been asked to make rapid progress on tendering the capital schemes that have been funded in 2012 and 2013", i.e. injecting cash into the community and for local builders. Does the tendering come first or the capital into the departments' budgets? Which one comes first? Because I am hearing that some departments are waiting to tender and they are waiting for the Treasury to put the money into their capital for that department.

Deputy E.J. Noel:

The departments already have their money for 2012, so they should be proceeding as quickly as they can in the tendering process. Monies for 2013, 2014, and 2015 as Members will well know are yet to be decided upon and will be debated in the M.T.F.P.

2.14.5 Deputy M. Tadier:

Does the Assistant Minister accept that one of the best forms of fiscal stimulus is allowing as many people as possible to keep as much of their own money as possible and therefore perhaps spend it in the economy? Does he accept that our current system is becoming increasingly punitive with taxation, direct and indirect, and social security contributions on most normal individuals, where some wealthy individuals and particularly companies are getting away with paying negligible or no tax at all? Does the Assistant Minister accept that this is a problem and that we need to have a fairer distribution of the tax burden so that we can have proper fiscal stimulus without the interference from Government?

Deputy E.J. Noel:

I do not agree with Deputy Tadier's synopsis of our tax system. I believe our tax system is fair, it is broad based and it is appropriate for a jurisdiction such as ours. That is all I need to say.

2.14.6 Deputy G.P. Southern:

Does the Assistant Minister accept, as the Fiscal Policy Panel accepts, that a proper pay rise for the public sector would lead to a boost to the economy because that money would be spent in the economy?

Deputy E.J. Noel:

Unfortunately not, and I believe that Deputy Southern is incorrect in his synopsis of what the Fiscal Policy Panel says. A pay rise to public service workers over and above what has already been offered on the table does not comply with the 3Ts because it is not temporary.

2.15 Deputy T.M. Pitman of the Minister for Economic Development regarding the viability of establishing a university in Jersey:

As the idea was discounted in December 2004, is the proposal to establish a university in Jersey now considered to be more economically viable and, if so, why?

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

The Goldstein Review, that I believe the Deputy may be referring to, concluded that the demand for a full-blown multi-faceted university with a full range of levels and subjects was not a viable option at that time. Given the significant changes, both in the educational and economic environment since the date of that review in 2004, the Skills Board has been asked to look at the future of higher education provision in Jersey. They are considering a range of options, which includes assessing the viability of a University of Jersey style model focusing on undergraduate and postgraduate

studies and research linked to industry. The motivation for considering our higher educational offering is primarily around the potential economic benefit, both from realising the value that postgraduate research may have locally and globally, as well as from the new employment opportunities that may be generated. As such, this is a different model to that which was reviewed in 2004. The economic costs and benefits will be assessed as part of the research.

2.15.1 Deputy T.M. Pitman:

I am glad the Minister has read the Goldstein Report. Could the Minister advise whether a potentially better approach might be to work with Guernsey for a Channel Islands university and has that been considered? Are there any plans to examine that at length? It might benefit both islands.

Senator A.J.H. Maclean:

I think what has happened since the Goldstein Report in 2004 is that the provision of different higher education programmes has increased dramatically with new providers; The Institute of Law, for example, Jersey International Business School and others. There has been consideration of the possibility of some joint programmes with Guernsey and that is why the research is being undertaken. Frankly, all options are still on the table for consideration as part of the review and the research that will be undertaken.

The Bailiff:

A final question, Deputy Pitman? You do not have to.

2.15.2 Deputy T.M. Pitman:

Well, you know I can never resist. Could the Minister perhaps outline or could he comment on what has been said that if this was taken forward it would not cost the taxpayer anything because obviously I support university, but such an offer does sound too good to be true. Is the Minister able to comment on that?

Senator A.J.H. Maclean:

I think the Deputy is referring to some speculation in the media about possible provision of a University of Jersey. There are a number of potential models and I think it would depend what model was likely to be progressed as to whether indeed there would be costs associated. Personally, a stepped approach is one that I favour at this stage and I think the Skills Board also favour that approach. We have, by that, a University of Jersey partnership using the existing providers, bringing them together under a unified administrative facility function. I think that is a good step forward that will be cost effective.

2.16 Deputy M.R. Higgins of the Minister for Education, Sport and Culture regarding feedback from schools regarding the Managed Print Service Contract with Danwood:

Have the schools been given copies of the Managed Print Service Contract with Danwood negotiated by the States Procurement Team and, if so, when did they receive them and what feedback, if any, has the Minister received as to whether schools are achieving greater savings and getting a better, comparable or worse service than under their previous contracts?

Deputy P.J.D. Ryan of St. John (The Minister for Education, Sport and Culture):

The department has not seen a copy of the contract. It is not normal practice for departments to receive copies of contracts negotiated by the States Procurement Team and this is because they usually contain commercially sensitive information. However, the Education Department, and that includes schools, have been informed of the relevant operational details, for example, who the

supplier is, naturally, and the prices that the schools are to pay. The transfer to Danwood is phased so not all schools are included at present. Ten out of 33 schools are currently using the full Managed Print Service but it is not yet clear what the level of overall savings will be once all the schools are involved.

2.16.1 Deputy M.R. Higgins:

Is the Minister aware of the dissatisfaction in many of the schools, including Le Rocquier, who have not had a bill for their services and do not know how much they are going to pay, or Highlands, who are going to have to pay compensation of at least £47,000 to get out of their existing agreement and of headmasters who do not want Danwood machines in their schools and are being forced or coming under pressure to accept them.

The Deputy of St. John:

My information is that 2 schools have queried the level of saving opportunities and that Corporate Procurement is working with these schools to resolve their issues.

2.16.2 Deputy T.A. Vallois:

Could the Minister advise what consultation was undertaken between the Procurement Team and the head teachers before this contract was brought together?

The Deputy of St. John:

I am not aware that there was any.

2.16.3 Deputy T.M. Pitman:

Following on from a question I asked a couple of sittings ago, I believe, as Deputy Higgins has said, schools are facing severe problems because of this contract. Can the Minister advise how he is managing to differentiate between actual savings and schools who cannot deliver what they wish to because of the problems that have manifested themselves from this less than satisfactory contract?

The Deputy of St. John:

As I understand it, and I have already said so, Corporate Procurement is working with schools to resolve any of the issues that they have. I think it is true to say though that schools have specific requirements that are different to other areas of the States, which are mostly office based.

2.16.4 Deputy T.A. Vallois:

If there was no consultation with the head teachers, how would the Procurement Team know that there would be savings?

The Deputy of St. John:

I cannot really answer the question, which should really be answered by the Procurement section, which would be the Minister for Treasury and Resources.

2.16.5 Deputy M.R. Higgins:

Has the Minister seen sight of the Treasury's internal audit report on the Danwood contract, which I believe is highly critical, unlike what the States were told by the Minister for Treasury and Resources, who thought everything was wonderful?

The Deputy of St. John:

No, I have not.

2.17 Deputy R.G. Le Hérissier of the Chief Minister regarding whether Crown and public servants accused of criminal offences must first face criminal trial before disciplinary proceedings can be pursued:

Is there a requirement that Crown and public servants accused of criminal offences must first face criminal trial and what impact does this have on possible disciplinary proceedings?

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

There is no absolute requirement in law that criminal proceedings against Crown and public servants or indeed against anyone else must be conducted before disciplinary proceedings take place. In practice, advice is taken in each case to assess whether issues of fact are separate or intertwined and whether there is a risk that any disciplinary process could prejudice criminal proceedings. If there is a risk that disciplinary proceedings might prejudice criminal proceedings in any way, then the disciplinary proceedings are held in abeyance.

[11:30]

2.17.1 Deputy R.G. Le Hérissier:

As the Chief Minister knows, and I had sought to direct this question elsewhere, there is enormous public anger, obviously, about a certain case at the moment and the circumstances surrounding that case. Would the Minister confirm whether or not he is happy with the process that has been demonstrated in recent years and in recent months to the public and what steps is he taking as a matter of general personnel policy, not in order to interfere with the judiciary, but as a matter of general personnel policy, to ensure that we learn the lessons that need to be learnt?

Senator I.J. Gorst:

I think it is fair to say that I do not think anyone is satisfied with the current process. It creates frustrations all around. If I, perhaps, talk first about States employees. The Deputy will be aware, I am sure, that a memorandum of understanding has been arrived at and is now in place where such cases arise with regard to States employees. With regard to Crown appointments it is slightly different and I am of the opinion that we need to review the current process. But I think what I must say is that there is no easy, necessarily, or straightforward solution because that independence must be maintained. We do follow - I think it is fair to say - a similar process in that regard to England and Wales and we have seen other cases in England and Wales very similar to the one that the Deputy I think is highlighting. With regard to the dissatisfaction, I agree with him and I am not sure that anybody disagrees, but finding a more practical and timely - I think that is the important thing - solution will not be straightforward but it is certainly something that we should be reviewing and considering.

2.17.2 Deputy R.G. Le Hérissier:

Again, I realise this may not be the Chief Minister's territory but given the history of this case and aside of recent events, will the Chief Minister be able to draw to the attention of the relevant authorities that there appear to have been massive contraventions of the judicial code of conduct, for example about incompatible work. Will he draw attention of the relevant authorities to this matter to ensure and to find out why were these contraventions of the judicial code of conduct allowed to carry on for such a long period?

Senator I.J. Gorst:

I do not know the direct answer to the Deputy's questions but he does raise a very important question which needs to be considered. Of course quite clearly the legal process needed to take its course without any intervention from Ministers whatsoever and that is right and proper. But I am of the view that in such cases there arises a point where public confidence in a position is such that

an individual would struggle to maintain that position because of the loss of that public confidence. That needs to be understood, we need to consider how that can be dealt with and the point that the Deputy raises. But let us be absolutely clear, there cannot be political interference in the judiciary and these areas are notoriously difficult, but that does not mean to say we should not start to consider how things can be done differently. It might surprise Deputy Pitman, it is where I think that he had an element of accuracy in his opening question with regard to understanding whether there should be Ministerial or oversight of the court system, however, with all the caveats that I presented when I answered that question as well.

2.17.3 Deputy T.M. Pitman:

Given that we have certainly bus drivers' representatives and members of staff sitting in the balcony, does the Chief Minister not agree that really some kind of action is necessitated by the leader of Government to try and make sure a situation where someone can be paid for 4 years for doing I think 2 week's work, more than £500,000 of taxpayers' money, and is still being paid while he is in prison. That obviously causes huge disquiet among the public and does the Chief Minister agree that surely he should initiate some kind of investigation as far as he can go without blurring these powers?

Senator I.J. Gorst:

I think in my own vocabulary - which perhaps the Deputy did not quite understand when I answered the question earlier - I am saying that I do not think anyone is necessarily satisfied with the process that rightly had to be followed. It is appropriate that we consider what, if any, changes can be made but with all the caveats that I carefully explained, because it is not necessarily straightforward or easy but we must make sure that the system is functioning well. There are some areas - and I think this case has shown that - that is not necessarily the case.

2.17.4 Deputy J.A. Hilton:

Notwithstanding the Chief Minister's answer to the previous question, can the Chief Minister tell us exactly what steps he intends to take to stop the salary being paid with immediate effect, and what steps he intends to take to make sure that the monies paid out are put back into the public purse?

Senator I.J. Gorst:

Perhaps the first part of that question is easier to answer than the second. Steps are ongoing, it would not be right for me to announce them today because appropriate advice has to be sought. With regard to the second part of the question, I understand the Deputy's concern which I believe is mirrored by the public at large and advice will be sought on that as well, but I am far from certain that will be possible.

2.17.5 Deputy J.M. Maçon:

Notwithstanding what the Chief Minister has just said, does the Minister not accept that the principle of innocent until proven guilty must be adopted and that this should filter down through the H.R. (Human Resources) process as well, acknowledging that makes the issue itself more thornier alongside?

Senator I.J. Gorst:

I could not have put it better myself and I thank the Deputy for his intervention.

2.17.6 Deputy R.G. Le Hérissier:

Would the Chief Minister promise to look into why the judicial code of conduct - which I would find very strange - were to allow a senior member of the judiciary to engage in the part-time selling

of financial products, for example, would he promise that there would be a further investigation into why that apparently did not work?

Senator I.J. Gorst:

I have said that I believe that a review should be undertaken but, as I stand here, I cannot say one way or the other, on the basis of the premise of the Deputy's question, whether that is right or not because I do not have that code in front of me.

3. Questions to Ministers without notice - The Minister for Social Security

The Bailiff:

Very well, that brings Questions on notice to a close so we will come next to questions to Ministers without notice and the first period is to the Minister for Social Security.

3.1 Deputy G.P. Southern:

Can the Minister confirm that 26 out of 44 staff in Income Support are on temporary contracts - I presume they are zero hours contracts - and that in the work zone only 8 are permanent staff and all the rest are temporary staff?

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

I can confirm from memory that the figures that Deputy Southern has just used are correct. In explanation I would say that we are waiting for the Medium-Term Financial Plan to be debated by this Assembly. Further to that we will be able to offer a lot of the people on temporary contracts permanent employment.

3.1.1 Deputy G.P. Southern:

Does the Minister not consider that his practice of being reliant to such an extent on temporary staff is a bad example to all employers on the Island?

Senator F. du H. Le Gresley:

Not at all. I think most employers on the Island would be grateful for the services being provided by these temporary staff, particularly in helping people get back into work.

3.2 Deputy J.M. Maçon:

Given recent news, is the Minister able to inform the Assembly whether he is of the opinion that the compliance and investigation side - particularly to do with the fraud cases in the Social Security - has enough staff in order to carry out their function?

Senator F. du H. Le Gresley:

I thank the Deputy for his question. We are very active, as he and other Members are aware, in pursuing cases where fraud has been carried out in the department. I can tell the Deputy and the Assembly that between January and June of this year we had 132 hotline calls, 72 webpage hits, making a total of 204 out of a total number of cases for investigation of 394.

3.2.1 Deputy J.M. Maçon:

Yes, but the Minister did not answer my question. I asked whether he felt that he was satisfied that his team were able to carry out their inquiries.

Senator F. du H. Le Gresley:

I apologise to the Deputy, I was trying to give him the breadth of the work that is going on and, yes, at the moment I am satisfied that we have sufficient staff pursuant to fraud.

3.3 Deputy G.P. Southern:

Does the Minister accept that the practice of stopping income support basic components and stopping the contribution to rent for anyone on income support who is outside of the Island for whatever reason for more than 4 weeks is grossly unfair and will lead to hardship in some recipients?

Senator F. du H. Le Gresley:

The income support benefit system is not designed to allow people to have extended holidays at any time during the period that they are claiming the benefit, therefore, I think that the 28-day rule is very fair.

3.4 The Connétable of St. Helier:

Is the Minister aware that certain Parishes - in particular St. Helier - do have problems in getting some income support claimants to pay their rates and that under the old system this was addressed by a direct payment to the Parishes and this is no longer the case; and would he be willing to look at the possibility of having those payments made direct to the Parishes to make it easier, not only for the Parishes but also for income support claimants to do their budgeting?

Senator F. du H. Le Gresley:

I note approbation amongst the Constables so I assume that this is an issue that they would like resolved. There is a provision for income support recipients to receive a special payment to pay their rates. Having looked at the figures for the last 12 months there does not appear to have been any payments for Parish rates. It is something that I would look into further but the Constables need to be aware that if we do make a special payment it would have to be by way of a loan and we would have to recover the money from the income support household at the rate £21 a week which could put some households into severe financial difficulties.

3.5 Deputy J.A. Martin:

Just a clarification of what the Minister for Social Security just said about the special payment for rates. When I asked this question before regarding rent and the household component I was told that the families are given the rates, therefore, I understood the special payments not to cover anything that has already been given. That is probably why - I understand - there have been no claims under special payments because they are not allowed. Could the Minister clarify the situation?

Senator F. du H. Le Gresley:

The household component, which is designed to assist with household bills in particular, including Parish rates, is paid on a weekly basis to households where they have the responsibility for paying rent or are property owners. There will be occasions - as explained by the previous questioner - where a household has failed to save the appropriate money during the year to pay their Parish rates. What I am saying to the Assembly is that there is a provision to make a special payment to pay rates but it would be by way of a loan and we would have to recover the money from the household by deductions from their benefit.

[11:45]

3.6 Deputy J.H. Young:

Will the Minister advise the Assembly whether he is yet in a position to bring forward a scheme for interim employment opportunities on our coastal footpaths, as he previously said to the House he would do?

Senator F. du H. Le Gresley:

Officers are still working with the T.T.S. and the Department of Environment to bring forward such a scheme, but I cannot give any firm details today.

3.6.1 Deputy J.H. Young:

Can I ask the Minister, does that mean that the opportunity for this winter will be missed?

Senator F. du H. Le Gresley:

The likelihood of any scheme being put into place before Christmas is remote but I am hopeful that something will happen in the new year.

3.7 Connétable M.P.S. Le Troquer of St. Martin:

Is the Minister satisfied that the arrangements for the payback of false claims are acceptable and what deterrent are they, if the payment period is over 15 or 20 years?

Senator F. du H. Le Gresley:

I am sorry, I did not catch the last part of that sentence. Could I ask the Constable to repeat?

The Connétable of St. Martin:

For the repayment of false claims that have been made, are the arrangements acceptable when the repayment periods made by the department are normally in the region of 15 to 20 years depending on the sum that has been taken?

Senator F. du H. Le Gresley:

There will be occasions where the household in question or the claimant may have assets that we could realise to repay a false claim. We would have to take action through the Petty Debts Court to realise assets in that way. The fact is that unfortunately people who have sometimes made a false claim are not people in the position to pay back the money at any sort of shorter period and hence we take a view that as long as they are making attempts to repay we will take what offer is available.

3.8 Deputy G.P. Southern:

Could the Minister inform Members how long staff are employed before they are placed on the front desk at Social Security, and how and who monitors the quality and accuracy of the advice they give customers, because it is certainly my experience and many peoples' experience that the advice given one day is contradicted the next.

Senator F. du H. Le Gresley:

I think the question about the day-to-day administration of the department is not really one for the Minister. The running of the department day-to-day is the responsibility of the Chief Officer. Obviously we have been in the position where there has been great demand on 2 areas - income support and the work zone - and there will have been occasions where people have been put on the front desk but supported by another experienced officer to deliver services to the public. I only hope that the public will accept that when somebody is training they may take longer to respond to inquiries.

3.8.1 Deputy G.P. Southern:

Can I follow that up with a supplementary which relates to the question about fraud? Is the Minister aware that in the U.K. for every pound attributed to fraud in the benefit system between £1 and £2 is attributed to customer error and departmental error? What measures is he taking to reduce departmental error in the assessment of income support?

Senator F. du H. Le Gresley:

I do not accept any of the figures just proffered by the Deputy. I would point out to Members that the number of appeals that have been dealt with from the department was 11 last year of which 10 were upheld in favour of the department, so I think the Deputy's premise is quite wrong.

3.9 Senator S.C. Ferguson:

Does the Minister not realise that it might well provide a better service for customers if he put more experienced staff on the front desk instead of putting the trainees?

Senator F. du H. Le Gresley:

The Senator misunderstands the original answer to Deputy Southern's question. He was asking me about trainee staff being put in the front line. The system that is worked in the department is that people work on a rota basis so experienced staff are mixed with people who are less experienced, so that we have good cover at all times.

3.10 Deputy J.A. Martin:

Just a follow on to that subject. For the staff that administer income support and benefit system, does the Minister or his department take exit interviews because it would appear since the introduction of income support there has been a very, very large turnover of staff, which I probably would say the Minister is limited in the amount of staff with the experience needed. So are you doing exit interviews and also are the right staff administering this scheme on the right pay level?

Senator F. du H. Le Gresley:

We used to have a system of exit interviews, last year we changed it to what we call mystery shopper. As far as the payment of staff, I am sure that all the staff listening to this broadcasting of the States Assembly would be delighted if I was to say that their pay should be doubled but that is most unlikely in the current climate.

3.10.1 Deputy J.A. Martin:

Would the Minister say 12 to 15 weeks or a year's training to only last in a job 2 months is a waste of actual money for staff training?

Senator F. du H. Le Gresley:

The Deputy obviously has a particular case in mind. I am not aware of that particular case so I cannot comment further.

3.11 Deputy G.P. Southern:

Does the Minister consider that his policy of only offering bedsit accommodation to single adults is not a fair policy and prevents people entering the market at extremely difficult times?

Senator F. du H. Le Gresley:

The Deputy is quite correct, that is the current policy for anybody over the age of 25 who wishes to set up home. We are bound to control the cost of income support and obviously large cost is related to the housing component within income support. We do have discretion where there are exceptional circumstances, perhaps where somebody has a disability or somebody coming out of

care, where we will allow them to occupy a one-bedroom property. But it is by discretion and not a general rule.

3.11.1 Deputy G.P. Southern:

Does the Minister not accept that this runs directly contrary to the housing policy of getting rid of bedsits because they are inadequate accommodation in today's modern age?

Senator F. du H. Le Gresley:

Deputy Southern needs to get out and about. If he looks at the new developments that are currently being built he will find that many do not have a separate kitchen, the kitchen is part of your lounge, part of your dining room. So the fact that somebody has their bed combined with their lounge does not mean that they are living in inadequate accommodation.

3.12 Deputy J.A. Martin:

The Minister wants to get in and out a bit more because a bedsit has the bed in the lounge, not just the kitchen. The Minister said in his answer that somebody setting up home over 25 will only be offered the bedsit rate. Is the Minister not aware that families that have broken down and I represent - like Deputy Southern - men and women in their 40s and 50s who are literally shoved into a bedsit just because their marriage has broken down and they have to be the one to leave the family home. Does the Minister think this is suitable and correct in this day and age?

Senator F. du H. Le Gresley:

There is nothing to prevent somebody on income support renting a one-bedroom flat if that is what they wish. The position is that we will only pay the housing component up to the level of the bedsit, which is the fair rent in the States housing. There is nothing to prevent them doing that if that is what they wish to do.

4. Questions to Ministers without notice - The Chief Minister

The Bailiff:

Very well, that brings questions to the Minister for Social Security to an end and we now move to questions to the Chief Minister.

4.1 Deputy M. Tadier:

The Chief Minister will be aware that the Jersey Care Leavers among others have been asking for Mr. Marsden from Verita to be brought over to Jersey to present his report and for Verita to be given an equal platform to Mr. Williamson and his report. The Chief Minister is also aware that Mr. Marsden has expressed his willingness to come over to Jersey. Will the Chief Minister now formally invite Mr. Marsden to come to Jersey to talk to States Members, to present his report and his terms of reference and explain why he has put them in there; and if not will the Chief Minister explain why not?

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

I said some weeks ago prior to the presentation by Mr. Williamson that I would consider it. I am considering obviously now the way forward with regard to a proposition for the States to support the Committee of Inquiry. I have not yet made a decision in that regard.

4.1.1 Deputy M. Tadier:

I am at the point of lodging a proposition asking the Chief Minister to bring Mr. Marsden over so that States Members can have the full benefit of his input as well as Mr. Williamson's. In order to

save perhaps myself and the Greffier and the Assembly a lot of time, would the Chief Minister simply, for the sake of fairness, give Mr. Marsden and States Members the same access to information and the same platform that Mr. Williamson has had so that States Members can make an informed decision before he lodges his proposition with suggested terms of reference.

Senator I.J. Gorst:

If the Deputy is in the process of doing that then obviously I will consider that as well and I will speak to him after this meeting.

4.2 Deputy J.M. Maçon:

In that case is the Minister able to inform the Assembly in his own mind what deadline he is working to in order to lodge the Committee of Inquiry, given the length of this particular issue?

Senator I.J. Gorst:

The Deputy will be aware that an individual has made contact with me and copied all States Members and I am in the process of replying to that to request a meeting, so I want that to take place, but I am giving myself the next fortnight after which I hope to be in a position to lodge.

4.3 Deputy G.P. Southern:

Does the Chief Minister not consider that his Minister for Transport and Technical Services has abandoned T.U.P.E. (Transfer of Undertakings (Protection of Employment)) principles in his handling of the change of the bus operator when he states that: “Despite the hindrance of the previous staff transfer we must not allow the same political involvement to stifle a contractor again”?

Senator I.J. Gorst:

I do not think that any Member of this Assembly would condone an unofficial strike that we now are seeing the second day of and I do not either. The Minister of Transport and Technical Services - and I am nervous about making this statement because I know where it leads - has my support. I believe that he is working well and he has endeavoured to deliver the best possible future bus service for this community. I believe that if there are concerns those concerns should be addressed around the table and I hope that all parties in very early course will be able to get back around the table and discuss where the difficulties are and a way forward through them.

4.3.1 Deputy G.P. Southern:

Nonetheless, does the Chief Minister consider that terms and conditions and staff transfer have not been achieved in this particular changeover?

Senator I.J. Gorst:

We are in the middle of discussions and those discussions should be allowed to take place. I do not want to go into a technical answer about terms and conditions at this point; the best thing is not for me to be politically involved but to allow the Minister to get on and continue on the course which he has set himself and that is to deliver a better and more comprehensive bus service for this community. I hope that Members of this Assembly will support him.

Deputy G.P. Southern:

And creating a strike.

4.4 The Connétable of St. John:

Is the Minister happy that much time has been spent at party conferences by Ministers of all 3 parties and who picks up the bills for the transport and hotels, *et cetera*; is it the public?

Senator I.J. Gorst:

We cannot have improved and enhanced international engagement and conversations with U.K. political parties and government, which Members of this Assembly have criticised previous Chief Ministers and Ministers, without Ministers leaving this fair isle and having to visit other places. That is the purpose of visits to the U.K. political conferences.

[12:00]

I know that even now Senator Routier is having a very productive visit to the Conservatives, I had such to the Labour Party conference, and Senator Bailhache did to the Liberal Democrats. It is the right thing to do, it is getting the Jersey message out, it is helping people to understand our constitutional relationship, it is helping people to understand our economy and the benefit that we provide to the United Kingdom and across Europe, it is the right thing to do. The Deputy well knows that it is paid for out of departmental budgets and those budgets come via the taxpayer.

4.4.1 The Connétable of St. John:

Does the Minister not realise that he and his colleagues are being used by the U.K. and have their brains picked, we saw what happened to L.V.C.R. (Low Value Consignment Relief), *et cetera*, and does he not understand that we are sometimes too forward in giving his colleagues and our colleagues in the U.K. information that should be held closer to our chest here?

Senator I.J. Gorst:

I do not. I believe in positive engagement. I believe in building consensus, despite the fact that has been referred to this morning as cowardly. It is absolutely the right thing to do. We have a good relationship with the United Kingdom Government, we need to continue to build that and not just with the present Government but with all political parties.

The Connétable of St. John:

You are happy that they rape the Island?

The Bailiff:

You have asked 2 questions.

Senator I.J. Gorst:

I am sorry, what was that question? I think it needs to be addressed.

The Connétable of St. John:

You are happy that the U.K. Government come along and rape our Island of our various businesses.

Senator I.J. Gorst:

I am not sure, is that a parliamentary term? Even if it is, the U.K. Government - as this Government does - acts in its own interest and that is why communication and building of relationships and understanding of decisions made here or made elsewhere and the effects that they might have upon us is absolutely vitally important and I would suggest that the Deputy's question answers his previous questions about why it is so important.

Deputy M. Tadier:

Sir, can I raise a point of order? I would not normally do this but I have to object to that expression being used in this context because people have been pulled up for using words which are similarly offensive. I know it was not intended that way but...

The Bailiff:

No, I do not consider it is out of order to say that one Government has, in effect, raped another. That is a part of political debate.

4.5 Senator S.C. Ferguson:

Given the recent publicity surrounding the BBC and their deceased employee, plus the current stories in the press, does the Chief Minister not consider that the broader investigation - as outlined by Verita - is the correct way forward?

Senator I.J. Gorst:

There have been many investigations into various aspects of both the Haut de la Garenne investigation and child care services. They are a matter of public record and, as I said, I am considering and bringing together the 2 strands of those terms of reference as we speak.

4.5.1 Senator S.C. Ferguson:

But the additional publicity that we have had over the last few weeks surely makes a broader investigation absolutely imperative?

Senator I.J. Gorst:

That is the Senator's position and I will take it into consideration in reaching my decision.

4.6 Deputy J.H. Young:

The Chief Minister in his written answer to Deputy Le Fondré, question 13 today, about working groups influencing Minister's decisions and policy, publishes a list of 179 working groups, mainly of civil servants. His answer also makes a commitment to openness and accountability. Can he confirm that he supports a principle of transparency of those influences and would he arrange to review all of the 179 bodies to ensure that their arrangements for publication of minutes and so on comply with that principle?

Senator I.J. Gorst:

I thought, if anything, the answer showed that there is far more cross-departmental working than sometimes we, as politicians, are aware of. I think it is a very comprehensive answer providing details of working groups and how they are helping Ministers to develop policy. I am not sure that a review of the 127 would be a particular good use of time. If the Deputy has particular ones that he thinks perhaps are not functioning correctly or would like to see reviewed then of course I will be happy to consider that.

4.6.1 Deputy J.H. Young:

There are a number on there that plainly stray, I would suggest, into policy areas which I will certainly draw to the Minister's attention. But my point I think is that the public and Members of this Assembly need to be aware of these groups. I personally was very surprised to see so many. I am grateful for the list but I ask the Minister to ensure that those groups function within a proper structure rather than a very ad hoc arrangement where we do not know of their existence.

The Bailiff:

What is your question, Deputy?

Deputy J.H. Young:

Will he have a further look at the groups - including the ones that I will identify for him after today's Assembly - to ensure that there is transparency of influences on Ministers?

Senator I.J. Gorst:

As I said previously, of course I will, yes.

4.7 Deputy J.A. Hilton:

Members attended on Andrew Williamson and the terms of reference just a couple of weeks ago and at that meeting I raised the question of extending the timescale of the inquiry, which I believe is from 1960 to 1994, to include the whole of the 1990s. Can the Chief Minister tell me whether he has considered that request and if he has not would he please do so?

Senator I.J. Gorst:

The Deputy raises a very good point. I have had correspondence, which I believed all States Members were copied in on, from the Jersey Care Leavers' Association and that was one particular point that they were concerned about - the cut off time - and, therefore, I am considering it.

4.8 The Connétable of St. Helier:

Would the Chief Minister join me in congratulating the organisers, sponsors, volunteers - especially the Honorary Police - and most of all the participants in Sunday's Jersey Marathon, and could he tell me whether this type of event led tourism and community event has the full support of the Council of Ministers?

Senator I.J. Gorst:

Yes, I can join with him in congratulating those who took part and those who organised what I believe was a successful marathon. As the Connétable knows unfortunately I was not in the Island on Sunday but I was visiting Bad Wurzach and perhaps I would like to congratulate the Connétable for the work that he and St. Helier have been doing with Bad Wurzach, it was a very moving occasion and one that I believe that more people should build upon and perhaps visit. But I know that the Connétable has done a lot of work in that twinning association and developing that process and I congratulate him in return. With regard to event-led tourism, yes, I am indeed supportive of it.

4.9 Deputy T.M. Pitman:

Given the Chief Minister's highly dismissive response to my questions earlier, can he confirm that he is speaking from a position of knowledge inasmuch as has he taken up my suggestion of several weeks that he reads the Sharp Report so he is familiar with the appalling child abuse that certain individuals were quite happy to cover up and then become a Jurat?

The Bailiff:

I think the question was, have you read the Sharp Report?

Senator I.J. Gorst:

I think it was more about the suggested dismissive response. I do not believe that I was dismissive, I simply reiterated the difficult nature of politicians trying to - I do not want to use the word "interfere" - but the relationship with the judiciary. So we can, I believe, be proud of the independence between those 2 arms of government in this jurisdiction. I recognise, and the Deputy alluded to some areas of concern, but I am not certain that standing and exchanging jibes across this Assembly is the best way to deal with those. As I have said previously, if there are legitimate concerns then of course I will consider them. If he thinks that the political oversight is inappropriate and needs to be enhanced then we need to find ways forward and not jibe across this Assembly because of the important democratic principles at the base of that separation.

4.9.1 Deputy T.M. Pitman:

Could I ask that the Minister answers the question, has he now read the Sharp Report because it is so important?

Senator I.J. Gorst:

No, I have not.

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

The Bailiff:

Very well, that brings questions to the Chief Minister to an end. Just before we come on to the next matter can I inform Members that the Minister for Economic Development has lodged P.98 Draft Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations.

Deputy R.G. Le Hérissier:

Can I intervene? I know it is a matter of great public interest the statement that the Minister is about to read out on the bus contract and of course we have an urgent question. Would it not make sense to have the statement first so we have the background to deal with the urgent question?

The Bailiff:

I am in the hands of Members if Members would wish...

Senator L.J. Farnham:

Yes, I will second that proposition if it needs a second.

Deputy G.P. Southern:

As the asker of the urgent question I am quite happy to do it that way around.

The Bailiff:

Very well, then we will take the statement from the Minister next with questions on that and then the urgent oral question. I have given the Minister leave to make a statement in relation to this matter so, Minister, would you like to make the statement.

5. Statement by the Minister for Transport and Technical Services re Bus Contract with CT Plus and staffing issues

5.1 Deputy K.C. Lewis (The Minister for Transport and Technical Services):

As Members are no doubt aware, the changeover from one bus contractor to another has once again hit a challenging time. My department has worked on this contract for over 2 years and in this time - with the support of my political steering group, officers, groups and excellent project management - has been able to secure a new contract with a new operator, CT Plus. History has taught us a great lesson on this issue and the trials and tribulations of the previous contract change were all addressed and risks minimised. We have pushed for a new deal for the contractor which provides Jersey with a bus service that we will be proud of and will incentivise the operator to increase the number of people utilising the service. Connex have made good progress over the last 10 years despite the hindrance of the previous staff transfer. We must not allow the same political involvement to stifle a contractor again. My staff have worked from the start of this process in building good relationships with the bus operator and staff. Quarterly meetings have taken place with the union representatives and we have from the start explained our intentions regarding limiting the working hours to 54 hours and increasing the hourly rate to compensate. All staff -

with the exception of the managing director and general manager - will have a job offer within the new company and I would like to take this opportunity to reassure Connex staff that I have made sure that this happens. On a positive note, the new operator started a process of recruitment which will bring more staff into the bus company, alleviating the need for excessive hours and helping with the Island's current unemployment. I have not and will not guarantee excessive overtime and excessive hours. This is something we have checked with a health and safety inspectorate and feel that 54 hours as a maximum is sustainable. Would you want your children to be driven by a bus driver on his 69th hour working in a week? Moving on to the current situation, the unofficial strike action came as a surprise and has led to my officers spending the weekend and all of yesterday attempting to assist in a resolution where we discovered what the strike was about. It is our understanding that the main issue was the strict timeline CT Plus had put on staff to meet and agree a transfer. Late last night my team, liaising with CT Plus, extended the deadline to hopefully bring the staff back to work. Unfortunately this was not successful. The tactics employed by the staff representatives are to protect their position of strength and force CT Plus to negotiate through them. Based on the accounts of many Connex staff, CT Plus have decided they will not negotiate with the union within the bus company and are shocked by the behaviour the union representatives have shown.

[12:15]

Why a union - which stands for fairness and equity - is preventing fairness and equity and inhibiting the employment of more staff is beyond me. CT Plus want to move all staff individually and once the culture moves to one which they can influence after 2nd January they will look at staff representation when the workforce is not controlled by fear and favour. CT Plus will provide strong management and work with the staff to bring out ideas and ways of working which will benefit the service and staff. They work in a collaborative, modern fashion. Throughout the past months the people I have had most concern for are the silent majority of Connex staff who are probably feeling hurt, insecure, and worried about the future. I am convinced that transferring to CT Plus will be a positive step and will enable us to be proud of the bus service within our Island. In summary, we are changing things. The change is for the better. We are confident that the majority of staff working for Connex will improve their salary and the minority will lose financially but gain more sustainable healthier hours of work. Can I appeal to Members in continuing to support this transition, make sure we keep this on track, and make sure we start next year with a bus service we deserve.

5.1.1 Deputy J.A. Martin:

Is it within the Minister for Transport and Technical Services' power - if it is dangerous to work over 54 hours - to bring legislation in to make this law, and what is it in the U.K. if you are driving a P.S.V. (Public Service Vehicle) vehicle?

Deputy K.C. Lewis:

It is not within law at the moment, it is part of the contract so this would have applied had Connex retaken the contract, but 54 hours is the accepted norm.

5.1.2 Deputy G.P. Southern:

Does the Minister accept that the tender documents were based on the transfer of staff under the same terms and conditions, and that he has actively colluded with CT Plus to change those terms and conditions without proper negotiation with representatives of the bus drivers?

Deputy K.C. Lewis:

No. The only substantial difference that has been made is the change in hours and, as I said, that was part of the tender process and that would have applied to whoever won the contract. So if Connex had won the contract back it would still apply to them.

5.1.3 Deputy G.P. Southern:

Does the Minister not accept then that the overtime rate has been lost, that continuity will be lost at the moment because there will not be a smooth transfer, and that the change from a 6-day week - which is the practice now - to a 5 out of 7 days rota means that compulsory Sunday and bank holiday working has been introduced?

Deputy K.C. Lewis:

The bus service is a 7-day week service and staff will need to operate in a modern fashion to provide this. Working of these days have had the potential to hold the public to ransom. It is important that shifts can roster work and it is distributed fairly and equitably.

5.1.4 Deputy M. Tadier:

First of all, does the Minister adhere to a 54-hour working week policy?

Deputy K.C. Lewis:

I must confess I have never driven a bus and I do not hold a public service vehicle license.

5.1.5 Deputy M. Tadier:

The only reason I ask is I would hate to be the St. Saviour resident who phones up Deputy Lewis on the 69th hour of his working week, God forbid that he ever works that long in a week [**Members: Oh!**] which I am sure he does and I am sure we all do. The question is, does the Minister accept the theory behind having legislation such as T.U.P.E. and legislation restricting working hours across the board and not just for bus drivers because it stops us getting into situations where hard working members of our society have to go on strike because they feel there is no alternative. Does the Minister accept that this is decades of political negligence from the States when it comes to social and employment legislation and it is not bus drivers or Connex staff who are to blame here?

Deputy K.C. Lewis:

It is a bit different being a States deputy to being a bus driver. I do not have up to 45 people behind me and driving late, late hours. I do work long hours, I have had one call the other morning at 6.20 a.m. which was not particularly appreciated and I have calls at 11.00 p.m. That is not the point, we are talking about public service vehicles.

Deputy M. Tadier:

Would the Minister answer the supplementary question about the theory of having these laws in place so that we do not get faced with these situations time and time again because there were lacunas in legislation?

The Bailiff:

There was a question about that, Minister.

Deputy K.C. Lewis:

Sorry, could the Deputy repeat it?

The Bailiff:

No, we do not want to repeat it, it has been too long already. A question of whether you agree with the principle of having T.U.P.E. type laws in place.

Deputy K.C. Lewis:

T.U.P.E. is not legal in Jersey but are we getting as close as we can to a T.U.P.E. type.

The Bailiff:

Those in the gallery please must remain quiet. That is what the Standing Orders say and if there were to be difficulty I would have to ask you to leave. So please be quiet.

5.1.6 The Connétable of St. John:

It is claimed that bus drivers have a sick register and can have up to 20 weeks per annum sick leave. It is also claimed that they can sell this to other work mates, hence they can work up to 70 hours a week. Has the Minister any knowledge of this claim?

Deputy K.C. Lewis:

I do not have any proof of any such register or rota but I would add regarding sickness, it is reported that there is allegedly an unusually high sickness rate within Connex. The records relating to this were withheld from CT Plus during the tender so it could not be priced. In general, CT Plus' sickness provision is higher than Connex. CT Plus have stated they will use their discretion in the application of this term when they review the way sickness is managed. To reiterate, I do not have evidence of this.

5.1.7 Deputy R.G. Le Hérissier:

Slightly on the lines of Deputy Tadier, could the Minister inform us why this situation went on for so long when it was already known at the transfer from Jersey Bus to Connex that there were industrial relations issues?

Deputy K.C. Lewis:

The T.T.S. have been working on this for over 2 years so it was basically in the public domain that these hours would be changed.

5.1.8 Deputy R.G. Le Hérissier:

Why did it go on so long, in other words, for the duration of the contract?

Deputy K.C. Lewis:

We were powerless to stop it.

5.1.9 Connétable D.J. Murphy of Grouville:

As this is allegedly an illegal strike, have any other staff tried to enter the workplace and if so have they been prevented from doing so?

Deputy K.C. Lewis:

I believe some people have turned up for work, I am not sure if they have been prevented from doing so. I would not have knowledge of that.

5.1.10 Connétable D.W. Mezbourian of St. Lawrence:

What legal obligation does Connex have to provide a bus service and how is T.T.S. pursuing this to get the drivers back?

Deputy K.C. Lewis:

Obviously we are trying to encourage the workforce to return to work immediately. In fairness to Connex they did not call the strike and neither did the union call the strike, it is an illegal action.

5.1.11 Deputy S. Power:

I wonder if the Minister could explain the context in which he used the words “fear and favour” and would he explain to the Assembly whether there is any evidence that some drivers are spending more time driving on overtime rates than other drivers?

Deputy K.C. Lewis:

This has been reported to T.T.S. and it has also been reported to CT Plus by several members of the present team.

Deputy S. Power:

He did not answer the question. The question was the context of “fear and favour” and is there any evidence that some drivers are getting more overtime hours than other drivers?

Deputy K.C. Lewis:

It has been reported to us by several drivers who are being excluded that there is fear and favour in Connex at present.

5.1.12 Deputy T.M. Pitman:

Without using the horrible “we are where we are” kind of approach and response, how helpful is it that we have this refusal to negotiate with actual union representatives? Does the Minister not agree that, whatever the differences, that approach has to be put aside and if there is a problem then we need legislation, as has been said? Surely there is a halfway house that we can meet between the 2.

Deputy K.C. Lewis:

Absolutely. As Minister for Transport and Technical Services I am trying to facilitate in an orderly transfer. The drivers and staff work for Connex, they do not work for T.T.S. The new contractor will be CT Plus and it is my responsibility to try and organise an orderly transfer. It says in the contract that the Minister for Transport and Technical Services will use his reasonable endeavours to facilitate the transfer of staff to the new operator and that is exactly what I am trying to do.

5.1.13 Deputy M.R. Higgins:

I would like to know why the Minister misled me when I raised this issue with him some time ago that there was discontent over the contract. He said he would go back and check with his officers...

The Bailiff:

First of all, Deputy, as you know, you cannot allege deliberate misleading so what you mean is he inadvertently misled you, is that right?

Deputy M.R. Higgins:

Under parliamentary language I am going to have to say that even though I may not believe it.

The Bailiff:

You will not say you do not believe it; you must play by the Standing Orders, Deputy.

Deputy M.R. Higgins:

He inadvertently misled me by going back to his officers and coming back to me and saying there were going to be changes to their terms and conditions and his officers had ensured him of that fact. I feel I was misled and, therefore, I wonder if I can trust anything else that comes from the actual department.

The Bailiff:

So what was the question?

Deputy M.R. Higgins:

The question is why did you mislead me? [**Members: Oh!**]

The Bailiff:

The question is why did the Minister inadvertently mislead you.

Deputy M.R. Higgins:

Yes, I will eventually get it. Why did the Minister inadvertently mislead me?

Deputy K.C. Lewis:

I do not believe I did; the terms and conditions are substantively the same. The only sticking point is the overtime. Everything else will be transferred.

Deputy G.P. Southern:

Sir, I do believe the Minister is misleading the House today.

The Bailiff:

We are on question time at the moment. That is his answer, it is up to him what his answer is. I have no way of knowing whether his answer is correct or not.

5.1.14 Connétable J. Gallichan of St. Mary;

Obviously we are not in Europe but my understanding in relation to overtime and its possible relationship to public and passenger safety is that as well as a weekly limit there is a fortnightly limit of 90 hours that may be worked. Can the Minister assure me that there are no plans to bring in a fortnightly limit and that the proposed 54 hour limit is per week, literally?

Deputy K.C. Lewis:

I have no knowledge of that.

5.1.15 Deputy C.F. Labey of Grouville:

If the States have a service level agreement with Connex, do the States have any recourse against the company if the public service is not being provided?

Deputy K.C. Lewis:

As I say, it is an illegal strike, it is not a strike that has been called. I believe so but I will leave that to my officers to consult the law officers.

The Bailiff:

Very well, that brings the questions following the statement to a close. Before we move on to the urgent oral question can I just inform Members that the Minister for Economic Development has lodged the Draft Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations, P.99. We come now to the urgent oral question, Deputy Southern, would you like to ask question?

6. Urgent Oral Question

6.1 Deputy G.P. Southern of the Minister for Transport and Technical Services regarding the current negotiations for the Island's new bus contractor:

What steps has the Minister taken and what further action does he propose to ensure that CT Plus withdraws its deadline of 12th October 2012 for agreement to markedly change terms and conditions for the Island's bus drivers, in order that further industrial action can be prevented?

Deputy K.C. Lewis (The Minister for Transport and Technical Services):

As I have mentioned, I know we have reversed things around. As part of the progress, late last night CT Plus offered to postpone the deadline by a week if the strikers agreed to meet them on a one-to-one basis. Should the offer be accepted T.T.S. would expect the illegal strike to also end. In accordance with the tender CT Plus have positions for all Connex staff who wish to transfer and to work on the 2013 bus routes. The basic terms and conditions will be substantively the same and staff enjoyed at the same time of tender as supplied to Connex.

[12:30]

Continuity of service, rights and terms of protection from unfair dismissal and redundancy will be honoured. The issue remains the capped amount of overtime on offer and the availability to work on Sundays as part of the standing rota roster week.

6.1.1 Deputy G.P. Southern:

The Minister once more repeats, perhaps, his misleading statement that the terms and conditions are the same. There is a list there that says substantive or basically the same. Does the Minister accept his Chief Minister's commitment to abide by the Cabinet Office Statement of Practice in the absences of T.U.P.E. law on this Island, and does he equally support item 7 of that Statement of Practice that T.U.P.E. type laws will cover the following types of situation that may involve transfer of staff, and this includes public-private partnerships like the delivery of the bus service and second and subsequent generation contracting of such private-public partnerships. Does he support that and does he believe he has delivered a package in line with his Chief Minister's commitment to have the very best protection for workers in this Island?

Deputy K.C. Lewis:

Absolutely.

Deputy G.P. Southern:

Well the Minister is a fool.

The Bailiff:

Deputy, you have already had one supplementary.

Deputy K.C. Lewis:

I wonder if the Deputy could repeat that.

Senator B.I. Le Marquand:

That is not parliamentary language from Deputy Southern so I must bring it to your attention.

The Bailiff:

I am sorry, I did not hear that.

Senator B.I. Le Marquand:

He said that the Minister was a fool.

Deputy G.P. Southern:

I am happy to withdraw that statement that the Minister is a fool.

6.1.2 Deputy J.A. Martin:

Can the Minister for Transport and Technical Services confirm if there is any plan B if the situation stays the same and if on Friday we will effectively have no P.S.V. drivers employed? What is the plan B? How many P.S.V. drivers other than the current bus drivers do we have on the Island; does the Minister know?

Deputy K.C. Lewis:

That would be a matter for Connex who have the contract until the end of the year. CT Plus has employed several additional drivers at present and they are in the process of being trained. I repeat, there is a job for everyone at Connex to transfer to CT Plus.

6.1.3 Deputy R.G. Le Hérissier:

Could the Minister explain why the deadline has been imposed?

Deputy K.C. Lewis:

Yes, quite simply it is so that any new drivers or operators will have to go through the criminal checks, *et cetera*, because they are P.S.V. drivers, which is the same for any P.S.V. driver and that does take several weeks to do.

6.1.4 Senator A. Breckon:

Is the Minister aware that during some of the debates on Sunday trading one of the issues was about people working on a Sunday and is he aware that what is being proposed is that employees will be asked to work 5 days out of 7, which in fact is compulsory working on Sunday, which is different to the existing agreement?

Deputy K.C. Lewis:

Yes, I am aware of that, but at the moment working on a Sunday is voluntary.

6.1.5 Deputy J.M. Maçon:

In one of the Minister's previous answers he told us that staff members were invited to meet with CT Plus on a one-to-one basis. Does the Minister feel that this divide and conquer approach is really acceptable and reasonable given that this is exactly the time you may want a union representative to help negotiate your contract, *et cetera*?

Deputy K.C. Lewis:

No, I do not, but all drivers are free to meet CT Plus and if at a later date they want union representation that should not be a problem.

6.1.6 Deputy M.R. Higgins:

After hearing the Minister today and hearing the Chief Executive of Transport and Technical Services on the radio yesterday, I come to the conclusion that a lot of this is about union bashing and trying to reduce the power of the union. This is part of what is going on rather than just the contract. I think a lot of it is a smokescreen. Does the Minister not agree?

Deputy K.C. Lewis:

No, the Minister does not agree with yet more nonsense being spouted. I am the Minister for Transport and Technical Services, most of which are Unite members, this is not a Unite strike, so it is not union bashing. This strike is unofficial.

6.1.7 The Connétable of St. Lawrence:

That was a point that I was going to make in my question that this is an illegal strike not sanctioned by Unite. I wonder if the Minister is able to confirm to the Assembly that contractually Connex is able to discipline their employees and, if necessary, dismiss them?

Deputy K.C. Lewis:

Unfortunately, the Constable is absolutely correct.

6.1.8 The Deputy of Grouville:

As it has been established that Connex are now reneging on their Service Level Agreement, could any form of compensation that might be forthcoming be used to make... for T.T.S. to use alternative provision to provide public transport in the interim?

Deputy K.C. Lewis:

That is something my officers are looking into.

Deputy M.R. Higgins:

Is possible to ask the Attorney General that, because surely it is *force majeure* that Connex are caught in the middle of this and they are the victim as opposed to the perpetrator?

The Bailiff:

No, this is a question at the moment to the Minister. Deputy Tadier.

6.1.9 Deputy M. Tadier:

Following on about the offer that was made for Connex staff to meet with the management on a one-to-one basis, would the Minister confirm whether CT Plus will not negotiate collectively with the workers, why that is, and will he confirm that, if it is truly to be a one-to-one basis, will there only be one representative from the CT Plus management in the room with each individual employee?

Deputy K.C. Lewis:

Several members of staff who presently work for Connex have stated they feel intimidated to have a union representative there or a representative other than someone they have nominated, and, as I say, they must be free to talk freely to Connex about their wishes and aspirations for the future and they must be free not to have someone there if they so wish. Once the workforce has transferred, they may be represented by whom they wish.

6.1.10 Deputy M. Tadier:

Sorry, supplementary. Does the Minister not acknowledge that it should be the choice of the individual whether they want to go in collectively or on their own, and being offered a one-to-one basis only for an extension in the deadline is not helping anybody and that the choice should remain with the employees?

Deputy K.C. Lewis:

It is not for me to say. This is for CT Plus; they are the new contractor and this is the way they want to run things. But I reiterate there is a job for every member of Connex to transfer to CT Plus.

6.1.11 Senator L.J. Farnham

For a matter of accurate public record and to avoid any further misinformation, could the Minister outline the key changes to the terms and conditions of employment that Connex employees are being asked to accept?

Deputy K.C. Lewis:

Yes, it is basically that we cannot guarantee the overtime rate as presently enjoyed. There is a reduction in hours and the rest I am sure can be sorted.

6.1.12 The Deputy of St. Martin:

Could the Minister remind the House of the amount of taxpayers' money that Connex receive on an annual basis and tell the House if he has any plans to recoup any of this money?

Deputy K.C. Lewis:

Presently, I think the contract was not of my making, the original one of course. I believe, and I stand to be corrected, it is approximately £7 million per year, of which there is a return of I think about nearly £3.5 million in fares.

6.1.13 Senator L.J. Farnham

May I just ask a supplementary to quantify something I missed in answer to my question; I asked him to be clear on the key changes that are being asked, could he be a little more detailed?

Deputy K.C. Lewis:

I do not have all the paperwork in front of me, but CT Plus have consolidated some payments on a 7-day week. Sickness would be a problem and, as I say, there is the maximum working 54 hours, which is contentious.

The Bailiff:

I have 2 more Members who have not yet asked questions, so we will hear from them, and then I invite Deputy Southern to conclude. So Deputy Power.

6.1.14 Deputy S. Power:

Following on from the Constable of St. Lawrence's question on Connex possibly issuing dismissal notices, if that were the case, would those dismissed employees be considered for re-employment by CT Plus?

Deputy K.C. Lewis:

That would be a matter for CT Plus.

6.1.15 The Connétable of St. Martin:

I have a conflict of interest because I am a regular bus user, but, as we seem to have total deadlock now, can the Minister tell us what the next step is in this impasse? Does he intend some form of independent arbitration or does he have any ideas? We are not going forward; nothing seems to be happening.

Deputy K.C. Lewis:

It is all happening in the background. My officers are working with J.A.C.S. (Jersey Advisory and Conciliation Service) to end this strike as soon as possible.

6.1.16 Deputy G.P. Southern:

It is sadly apparent to me that the Minister has failed to deliver what he set out to do. But what I want to know next is what powers or facilities does the Minister intend to use in order to persuade CT Plus to come to the table and negotiate with the legitimate representatives of Connex's workforce?

Deputy K.C. Lewis:

My officers, who are very much in the middle on this, as am I, are trying desperately to facilitate the orderly transfer from Connex to CT Plus. They are in regular contact, hourly contact, with J.A.C.S., with representatives, and with CT Plus, to sort out this problem.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, so that concludes questions in relation to that urgent question. The adjournment is proposed so the Assembly will reconvene at 2.15 p.m.

[12:42]

LUNCHEON ADJOURNMENT

[14:16]

PUBLIC BUSINESS

7. Incorporation of Ports of Jersey (P.70/2012)

The Bailiff:

The first item on the Order Paper is the Incorporation of Ports of Jersey, P.70/2012, lodged by the Minister for Economic Development. This was referred back but I shall ask the Greffier once again to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to approve the incorporation of Jersey Airport and Jersey Harbours as a single limited company wholly owned by the States of Jersey, to be known as Ports of Jersey as set out in the attached report; and (b) to request the Minister for Economic Development to take the necessary action to prepare for incorporation, including the preparation of legislation for the Assembly's consideration, with a target date for achieving incorporation of 1st January 2015.

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

I stand with a certain feeling of déjà vu and I do not intend to repeat my speech of 11th September. **[Approbation]** I have a completely new one. **[Members: Oh!] [Laughter]**

The Connétable of St. John:

Is the speaker permitted to give another speech, since we have already opened this debate?

The Bailiff:

Yes, under Standing Orders, Connétable, the proposer can propose it again and any Member can speak again.

Senator A.J.H. Maclean:

I will continue. The reference back asked for additional information such as the Capita Symonds report, with effectively 3 principal questions. We have supplied all information as requested and answered the questions in the information pack that was circulated to Members last week. We have also attended a further Scrutiny Panel hearing. In addition, I invited any Member with any queries relating to this proposition to contact me or visit the department at any time convenient to them. I am delighted that 5 or 6 Members with concerns took up that offer and we had constructive discussions. I would like to thank the Economic Affairs Scrutiny Panel for their swift additional review to P.70. I will comment on their findings circulated to Members yesterday in a moment, firstly to clarify the principal aim of this proposition. In essence, it seeks the support of Members

so that the Ports management team can invest with confidence approximately £1.8 million in preparing a detailed business case and the supporting legislation to allow this Assembly to debate the incorporation of the Ports of Jersey at a future date in approximately 2 years. I am confident that the report that accompanies this proposition and the additional information circulated last week includes enough information for the stated purpose, a view supported in the recently published comments from the Economic Affairs Scrutiny Panel. P.70 includes a 20-year financial model with a set of conservative assumptions including only 3 per cent growth per annum. All these assumptions will be independently validated as further detail is developed, but please remember we are at an early stage of the project and hence this business case does not represent a detailed investment proposal; that was never the intention. However, what it did signal to the shadow board and the Ports management team was that there was more than enough positive evidence to recommend taking a strategic decision to prepare a full business case for the potential incorporation of the Ports as a single entity. A number of questions of detail have been raised about this particular direction of travel. For example, this proposition does not seek to specifically identify assets to be transferred into the new entity. That is because it is too early to have done anything so detailed, including complex and costly conveyancing work. A full asset register for those assets to be transferred, together with up-to-date valuations, will be presented to the Assembly with the legislation for the debate on incorporation in due course. An expanded list of likely assets to transfer is included in the additional information pack circulated last week. This includes all those assets currently forming part of the Ports' current operations or indeed those that are under the current management or control of the Ports. It is also consistent with the Island Plan. I would just add that to provide a valuation at this stage would mean that such a valuation would of course be out of date in 2 years' time. Concrete plans for income growth and cost reduction will also be developed over the next 2 years. Areas for potential growth include marine leisure, corporate and general aviation, cargo handling and stimulating passenger expansion. But again the full details will follow in due course. In appendix B of the report and proposition we identify a structure for the governance of these programmes of work, which includes a political steering group. In addition, we envisage a series of focus groups, including industry experts and any interested politicians who can help to develop the detail within the workstreams of each programme, and this could indeed include, for example, property assets. As we have already demonstrated, we will communicate widely on our progress and invite involvement. A very good example of early discussion is the joint working party established together with the trade unions for the development of a staff transfer framework. As is stated in the report and proposition, and has been repeated at every opportunity, we have committed to preserve all employees' terms and conditions together with their pension rights with a transfer to an incorporated entity. It is very natural that in any change programme there will be a proportion of people who are in agreement, a proportion of people who are against, and a proportion who are uncertain. It is also perhaps understandable that the unions start from a position that is philosophically opposed to the principle of this proposition. However, the considerable experience of the senior management team in delivering change programmes has clearly identified that a crucial aspect of any change is communication and involvement by the employees. The recent Ports integration project is a good example of this. Members should be able to see how much effort has been placed on engaging with employees through the entire process to date, as evidenced in the additional information pack we circulated and indeed the comments contained within the Economic Affairs Scrutiny Panel comments. I would now like to turn to the comments issued by Economic Affairs following its further review. The panel's comments confirm the in-principle nature of P.70 and I quote: "The panel has been of the understanding from the outset of its work that this proposition was intended to be and remains an in-principle decision." It is encouraging to note the panel's conclusions support the ruling made by the Chair from the last debate and later confirmed by the Bailiff after I sought to amend the proposition to add additional clarity. For Members' information, following the reference back, I

sought to insert “in principle” by amendment for peace of mind and absolute clarity, but my intended amendment was ruled out of order as the proposition has already been ruled as being in principle. Regarding the treatment and engagement with staff, the Scrutiny Panel comments as follows: “We are aware of some current discrepancy between the position of the Minister and Ports of Jersey management on the one hand and the union representatives on the other.” The panel go on to say that they have: “received considerable information from the Group Chief Executive about the engagement, including meetings with unions.” The panel then add that they had: “invited Unite to inform us about the number of meetings it has held or been invited to attend with the Ports of Jersey management in the last year and the agendas of those meetings. Unfortunately, despite email requests and telephone contact, we have not received a reply.” With regard to the financial model, I again quote from the panel’s comments: “The panel is satisfied that the financial modelling and business planning work undertaken to this point represents a credible basis for the Minister’s proposals contained within P.70.” In conclusion, the Scrutiny Panel say: “The panel is content that P.70 represents a significant but far from final step in the incorporation of the Ports of Jersey project.” They sum up by saying: “At this stage, we have found nothing of fundamental concern to us to lead us to conclude that this is an inappropriate step to take.” I certainly hope that the Scrutiny Panel’s findings give Members some comfort. The integration of the Ports was delivered in just 6 months and the continuing change process that this proposition represents signals a fundamentally different feel to any attempted by the States of Jersey in the past. The difference is early engagement with staff and early engagement with States Members in terms of this in-principle proposition. I therefore urge Members to give the Ports of Jersey shadow board, the management team, and the staff, a strong vote of confidence today. It will show that Members support this direction of travel as identified in P.70, albeit subject to a detailed business case, legislation and appropriate scrutiny of the details that are yet to be worked up. Sir, I maintain the proposition.

The Bailiff:

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

7.1.1 Deputy G.C.L. Baudains:

I thank the Minister for his willingness to alter the proposition. My concerns, which have partially been allayed, revolve around, not the performance of the board, which I have confidence in; it is rather a question of what happens when we put things at arm’s length. As we have seen in other areas, it is all very well to put things virtually out of political control, but when things, not necessarily go wrong, but we have questions and concerns, we become less able to deal with them directly. For example, as we have seen in other areas, once a board is set up, our only ability to question will be via the Minister for Treasury and Resources representing the public ownership and we will have difficulty in my view to question issues of operational nature. Now the Harbours and Airport is a body that affects everybody in this Island, not only travellers, but the goods that come in and out, fuel, food, all that sort of thing, and quite often we have queries, which we would at present address to the Minister, in future my understanding is that the only accountability really will be along the lines of the performance of the board as opposed to operational issues. That is my chief concern. I was also thinking yesterday, in a way it is ironic, because here we are setting up a board of half a dozen or so people to run Harbours and Airport under the new Ministerial government, whereas previously we had a committee of half a dozen people running Harbours and Airport, called the Harbours and Airport Committee. So here we are going backwards and other people tell me they do not want to go backwards, so I am slightly confused about that, but never mind. Having been around politics a while, I am also aware that the original intention of incorporating Harbours and Airport was first mooted before Ministerial government and the main

reason was because it did not fit in to Ministerial government, so we will have to find somewhere to put it.

[14:30]

As I said, my concerns are about the inability in the future to question hypothetically: “The ferry operator is always late. Why is that?” That is not a question that one could really ask the Minister for Treasury and Resources about the board. We hear that it is not the intention to raise either mooring fees or fees to the commercial sector; rather it will be through growth in the industry, and what happens if that growth does not occur? We could end up with what we have seen in the past, which is mooring fees increasing by I think it is about 20 per cent a year. On the assumption, and I can only call it an assumption, because hitherto the financial accounts of Harbours left something to be desired, was that the private sector, the local boat owners were being subsidised by the commercial sector, but there was no ability to prove that through the accounts. We hope now that perhaps parity has been reached, but we do not know. So whether I support this or not, I am not sure, it may be that I will abstain. Having spoken to the Minister about it this morning, I was told that the possibility, if I was interested in how it turned out - the details were yet to be resolved - there was a possibility of joining the focus group. I might be interested in that but on the other hand, remembering that I am a member of the P.A.C. (Public Accounts Committee), the P.A.P. (Planning Applications Panel), the Law Revision Board and the Machinery of Government Review - I do not think I have forgotten anything - I am not sure that I could give the appropriate attention to another group, although obviously I have an interest in that. So I am at the moment undecided; I will wait and see as the debate progresses as to which way I am going to go.

7.1.2 Deputy J.M. Maçon:

First of all, I would like to begin by thanking the Minister for Economic Development and officers from Harbours and Airport for being able to attend one of their presentations. I did have several questions that I wanted to put to them and I found the response useful. I, like Deputy Baudains, was concerned about moving to an incorporated body, whether that would only further a silo mentality and how there would be the buy-in between that and perhaps the strategic direction that the States overall wishes to approach when it comes to what are very important strategic assets to the Island. I think when we view this particular proposal we have to remember that it is different to something like telecoms, for example, in that we have been able to bring in different companies, which have been able to compete, whereas with these ones they are generally only going to be monopolies. Therefore they are of such important strategic positions to the Island, that how it is going to operate and how it is going to function is very important. While I appreciate the Minister will probably say this will come back in the detail and this will come back in the Memorandum of Understanding, I thought it best I make these points now so that there is something to refer back to when all this is being formed. In particular, to do with the points I have just raised, I believe that the social aspect of the board and who is going to sit on the board and how that will feature is going to be a very important part for the issues that Deputy Baudains has raised and how this Assembly manages to work with this new board as it is proposed; how it will function. That, I believe, has to be a very important part and that has to be fleshed out particularly well. As Deputy Baudains said, we found in the past that sometimes Ministers are particularly reluctant to act when it comes to issues to do with Jersey Post or Jersey Telecom and therefore I do not feel that safeguard in itself is enough to simply say: “We can rely on directions from the Minister”, because we have found that in the past there has been a lot of resistance to that type of attitude. So for me that is not significant enough; I would like to see something more. How that is going to be tackled is another issue, but I will make the point now. The other point, while we are talking about the beginning and setting something up, when I look at all these things I always try to think of the whole process and how this is going to work. A particular point that dawned on me when looking at this, if we are going to

be handing over very important assets to this particular body, what happens at the end of the process? We do not know, say for example in 100 years, what transport is going to be like, and this is something that we do have to bear in mind. We do not know what their requirements are going to be, what type of space they are going to need to occupy, so that brought me into thinking of, what is going to happen with asset disposal here, bearing in mind the importance of land in Jersey. So one point that I would like to emphasise, and that will have to be tied in better to the Memorandum of Understanding, is on the points of the asset disposal. What happens when, or if I should say, a building or a particular area of land is redundant; it is no longer of use to this body, what happens to that? I did try and press the officers on this particular area and what I found was the thinking about what happens there was not really there at the time. They said this plan needs to be developed more. What I would like to see is either that this particular area of land perhaps is offered back to the States, perhaps we can look at it, perhaps would it fit better in some type of portfolio, perhaps Housing, perhaps somewhere else. What will happen to this land? If perhaps the States has no use for it, then perhaps they can go on and sell it off, whatever is surplus to their requirements, but I think that particular area of asset disposal does need a lot more thinking done; there needs to be a lot more work there. But again I raise this point so there is something to refer back to when the Minister is forming his overall proposal. While of course I am sure there are many other aspects to talk to, those are the ones that I particularly felt that I wanted to raise. I am perhaps more like Deputy Baudains in the undecided camp, although a bit more supportive. As Deputy Southern said earlier today, incorporation does not necessarily become this magic wand; it does not necessarily mean all these things will be achieved. Although understanding kind of the issues around the capital being able to finance the different budgets for these important parts of the infrastructure we do need to support and are not necessarily getting the amount of support that this Assembly is able to provide them with, with all the other competing priorities. For me that is kind of the issue that I can understand and I can support and I understand where they are coming from. So overall I probably will be supporting this proposition, but again, as always, I am waiting for the other Members' comments, but I just want to put them on the record. Thank you.

7.1.3 Deputy J.H. Young:

Similar comments to Deputy Maçon but a little bit of a different emphasis. I supported the reference back because I felt the proposition fell between the 2 extremes of being insufficient detail for a firm business proposal but equally too detailed for an in principle. We have now resolved that issue obviously and we are asked to make an in principle decision with more detail to follow. The particular concern I had with it all along was the concern over the transfer of land assets and how to ensure that in the very long term the States protects its strategic interest in what are strategic assets. We only have one airport and these assets are precious. It is not just their monetary value; it is what we may do with them to help us with public services and keeping our community strong and vibrant economically. So the issue about how we can look after their stewardship in long-term perpetuity is crucial to me. To detail, we were promised a schedule. I can understand why we do not have one, a schedule of land assets, it is a very demanding task to do a proper analysis of that, and clearly there is still much further work to be done and I will come back to that in a minute. Also last time I did query some of the inclusion of non-operational assets that are not operational within the harbour or airport that were included in the incorporation, for example Field 45 at St. Peter, the airport playing fields, factory units where private-sector factories are built on and running successful businesses within the La Collette one area, former St. Brelade's Garage and so on. We have some new information and those things appear in 2 pages circulated by the Ministers. But of course we are reminded, when I read the Prospect Union's report, they referred to we should be cautious about the handing over of £100 million of States assets, and I think that is the way the public see it. So we really do have to be cautious about that. Scrutiny, paragraph 418 of the Scrutiny Report - we have that now and I am grateful for that, that is very helpful - reports that they

intend to do further work on it, and I was really pleased to hear that. Now, with Deputy Maçon and several other Members of this Assembly, I attended the meeting of the Ministers last week with the Airport management team and we raised a number of issues, in particular future land assets and how we protect them if they become redundant in the future and now, if we may subject them to loans and so on, things that could affect their security. I can see why the company needs to have the income from these assets to work as a business; I can see why, to generate the income, that is necessary. But I question the security of the States' position if the freehold ownership is transferred. I questioned it at the meeting. So another reason for that is because, in the long term, the assets really need to be managed, not just towards the best financial return that they can generate for the business, but also towards the contribution they can make towards States' strategic objectives. So, for example, we might find, if we do not get it right, that the best financial return may be likely to be the most expensive in the long run when viewed from an alternative strategic point. I think the best example that I can think of, coming up for that, is that the plans that we have at the Harbour do not include a long-term development plan for the harbour, for example, if it becomes necessary, or the economics dictate, for a deep-water port in the future. There is nothing there. That is an example where, were that situation to arise, we would want to look at our land-owned assets and take a broad strategic view of their benefit and not be constrained by the immediate financial benefit to a particular section of our Government. So I asked in the meeting, whether it was absolutely essential to the incorporation that the transferring of the freehold of these assets was required. I posed, could it not be done by means of a long-term lease; a very long-term lease of say 100-150 years, and arrangement whereby the benefit of that land would be put into the incorporated business, Jersey Ports, but in the event of that use for Jersey Ports no longer continuing, then the lease would end and the land would revert back to the States. So thereby we would never lose financial control. I think that would inhibit, or at least it would be a factor to be taken into account by all the business deals done by Jersey Ports in the future to ensure that the long-term security were protected. So I asked, was this possible, and my interpretation of the answer, I think there was some puzzled looks around the table, I absolutely received... there was no answer coming back across the table from the Minister or officers as why this could not be done. So I am very much on listening mode from the Minister for Economic Development; I think they went so far as to say there was an undertaking made at that meeting that work will be done in detail before this comes back to the States, and I will be particularly looking to hear the Minister's comments on that, because to me that is a very... in fact it is a fundamental point. The secondary point, I think Deputy Maçon has covered well; the social responsibility objectives of the new company. They are not just running a harbour and an airport; there are community involvement and community benefits, and that needs to be within the Memorandum and Articles, which, as Deputy Maçon has covered, we also were promised would come. But that also raises the need to look at the governance structure of the new company. I think I absolutely buy in to the principle that to have a board dedicated to running these enterprises is better than having a group of civil servants with a bit of a Minister's time. I think it is much more likely, and I am not being derogatory about that, but it is a dedicated structure that do nothing else, and there is much more that I think is therefore very likely, as Deputy Baudains said, will get more focus. But the governance structure, particularly the shareholder input into that company, really needs to be thought through very carefully before this proposition comes back in its detailed implementation. I do not think it is sufficient just to say: "Well no need to worry about this because the shareholder interest is always looked after by the Minister for Treasury and Resources. I think it is not right for the long term to put that in that kind of focused way to one person, because Ministers change.

[14:45]

I think there needs to be care given in the social objectives in the Memorandum and Articles to see that we have some criterion in which the shareholder powers will be used. So those are key points

for me and I am going to listen to what the Minister says. If the Minister can give me some assurance that those points will be covered, if this is approved today, before this comes back, I will support it.

7.1.4 Deputy S. Power:

I also took up the Minister's offer to be briefed and I was briefed, in fact I can say to Members that the Minister gave me one hour of his valuable time on a one-to-one last week and I was grateful to understand the issues that he is facing. I was one of those a few weeks ago that was sceptical about the lack of detail and then I had to remind myself that in a very similar model that the States are undertaking at the moment, that is the Housing Transformation Programme, where we have a body of States' assets being managed and run and owned by a States department. There are some similarities between the work that is going on within the Housing Transformation and – as I would call it - the Ports of Jersey Incorporation, which is also a transformation. I think in some of the detail that I expected to see in P.70, I was being, I think, a little bit unreasonable in that I know when I compare the 2 bodies of work that the amount of work that is involved and the specific details that have to be worked through over the next couple of years, that the in principle decision that this States will be giving to the Minister and his Assistant to carry out this work is enormous. I know from my own experience at Housing that there was something like 900 different areas of work. There may not be that amount with the Harbours and Airport Department, there is an enormous amount of work to get this structure in place so that the public will own a trading company or a Jersey Ports Incorporated organisation that will be fit to take the asset base, the people, the staff, the expertise forward into the rest of the 21st century and beyond, long after we have retired and shuffled out of the august chamber. I would say that one of the things that those of us in St. Brelade do have a direct interest in is in the heritage historic port that is St. Aubin. It is a hugely significant place within the fabric of St. Brelade, as a port, but also as a recreation leisure tourist area. It is important that the future of these historic, heritage Jersey ports are enshrined in - I hope - the future of the Ports Incorporation. Indeed, it is very helpful to see the comments of both the Minister and the Economic Affairs Scrutiny Panel, that these areas are to be focused. In actual fact I would say with regard to the ports and the historic ports, it is one thing to consider the ownership of 4,600 houses and flats with housing, it is another thing to consider who owns the foreshore, who owns the historic ports. Is it the Crown? Is it the Crown and the Island? Where do you draw the line at that strange area where the tide meets the beach, which is called the intertidal conversion zone? All of those areas have to be decided as to who has responsibility. One of the areas that my Constable has concerns about are the playing fields out at the airport. I know that there have been discussions between my Constable and officers and indeed elected Members in Economic Development to make sure that the playing fields do not become part of some greater scheme for perhaps intensification and use of the commercial part of the airport. One would wish to see as the Minister progresses with his team the Port Incorporation that those airport playing fields are kept for what they are meant to be. The other area that I think is important as we go forward with the port, we have a modern commercial port and we have historic ports. I do not refer so much to the airport here, but the maritime side. I just want to remind Members that as we go forward into port incorporation the huge historical significance that Jersey maritime history has played. I would like to see that as Jersey Ports Incorporated goes forward that somehow, someway, the maritime history of this Island is enshrined in some way or protected and that a formula that is acceptable to this Assembly and future Assemblies is identified as to how that can be done. I make a small observation here; time and time again, Members of this Assembly who interrelate to our colleagues in Normandy, and indeed Brittany, we see the efforts that the French go through to maintain their maritime traditions, their maritime history and we never seem to reciprocate, we never seem to take on the celebration what Jersey's forefathers did, going back 2 centuries. I am talking particularly about Grand Banks and the long distance sailing that was then done. So, I hope

in Port Incorporation that somewhere along the line the ports will see fit to perhaps identify that and perhaps put a budget there for something that can celebrate Jersey's maritime history and maybe in conjunction with Heritage Trust. I am sure something has to be worked out. I want to say also that the combined information that we have been given now in the last 10 days, which is from the Economic Affairs Scrutiny Panel and the Minister's supplementary information, has been helpful. There is an enormous amount of work to be done. I would also comment on the fact that the appendix that shows the indicated timelines - I think it is Appendix 5 - in my view might be a little ambitious, but given what has happened at Housing - on page 20, appendix B, the Programme Plan - that is another day's work for another Assembly at some time in the future. My view today is that this should be supported, I think. I draw much comfort from the supplementary information that has been provided from the early part of September. I will be supporting the Minister in this proposition. Thank you.

7.1.5 Deputy G.P. Southern:

I intend to concentrate on one particular aspect of this proposal and one only. I believed that the extra time that was requested by reference back might cast some new light on aspects of this proposal. Unfortunately, I am afraid, it has not. My reservations are a reflection of what has happened this morning. In that a group of workers who understood that their terms and conditions were to be protected and understood promises from the Minister and the Chief Minister that we would have the best protection we could would be adhered to. This morning we have seen the result of a complete reneging on that commitment. Here we are faced with another proposition, which this time is about incorporation, but it is transfer from States employment to an arm's length employment. It is a transfer of staff. We are told that the employees' terms and conditions will be protected. We heard exactly the same about our bus services. I just remind Members what the Chief Minister has committed to and yet allowed a complete fudge to happen at the first hurdle, as this one sometime down the line will be the second or third hurdle. He has committed in a document from the States Employment Board. Therefore, the Chief Minister personally is already considering, as part of their work plan, the adoption of a similar approach, based on the U.K.'s Cabinet Office principles, which would apply to public sector employers, employers and their representatives and place a contractual obligation on private companies engaging with the public sector to adhere to this framework. The intention that this guidance will form a framework which provides clarity, not only at point of transfer, but post-transfer, an area that was not fully addressed when post and telecommunications were incorporated. The U.K. Cabinet Office guidelines applies to transfer of undertakings from the public sector which together with the BIS employment rights guidance form a strong baseline for Jersey to build on. This approach pre-empts the need for legislation and provides a much more flexible approach consistent with changes in economic trends, an issue to which the U.K. T.U.P.E. legislation has not been able to respond. There is a serious commitment to the best possible quality of employee protection possible. Yet, not one month after assuring me that this is the direction we were going, this Chief Minister has allowed his Minister for Transport and Technical Services just to ignore the principles that he is talking about and change terms and conditions markedly, with the result of deep insecurity and, for the first time in many years, a strike. The Cabinet Office Statement of Practice covers the following types of situation that may involve transfers of staff. Public-private partnerships include contracting out, market testing, P.F.I. (Private Finance Initiative), privatisation and other outsourcing and contracting exercises. Second and subsequent generation contracting where, when the contract was first awarded the staff transferred from the public sector. It is clear that that is the intention. It has already been bust wide open. Yet, here we are with a proposition saying: "We will respect the workers. We will protect their rights. We will transfer their terms and conditions." Quite frankly I do not believe it. What is worse, I do not believe that the employees believe it. Why should they believe it? What I have seen since a month ago was the trade union's reaction to this protection.

For example, Unite has this statement: "It is only fairly recently that talks on incorporation have commenced. No progress or agreement in relation to staff transfer has been made. We are only now looking at current terms and conditions, including pension rights, and it is not possible to determine when these negotiations will be completed." With no T.U.P.E. legislation in the Island, these talks could take some time in order to agree a T.U.P.E.-type transfer of staff. I feel it is wholly inappropriate to put a proposition to honour incorporation to the States before agreement is reached between the unions and the States Employment Board on the transfer of States employees to an incorporated body. Highly sceptical indeed. The prospect says the following. Based on the experiences of the Jersey Post and Jersey Telecom staff, employees at the Harbours and Airport are not reassured by claims that their existing terms of employment will be protected under incorporation. For how long will these assurances last? Will individuals have the right to remain with the Civil Service rather than transfer? Post transfer, will individuals be allowed to apply for Civil Service jobs as internal candidates? The report and proposition contains assurances about employee pensions, but these are not within the gift of the employee or the Minister. They are a matter for the trustees and managers of the pension scheme, P.E.C.R.S. (Public Employees Contributory Retirement Scheme). Discussions about this have only just started and will not be concluded for some time. For example, will Ports of Jersey be an admitted body within the pension scheme? Will entry to the scheme remain open to new employees or closed applying to existing employees only? Will contribution rates change? All of these issues will need to be discussed.

[15:00]

They are indicative of the considerable uncertainty that is causing real concern to employees. The report and proposition cannot answer these questions and includes not medium to long-term assurances or guarantees. A worrying level of concern from the employees concerned, to which the response of the ports we received quite recently: "As we have stated in our report and proposition, at every opportunity we have committed to preserving all employees terms and conditions together with their pension rights when they transfer into the incorporated entity. We have committed to this in the strongest possible ways - just like the bus service - and find it remarkable that the unions would use this solely to raise the level of concern among their members and politicians." I look for some assurance that something can be trusted. I look in the comments of the Scrutiny Panel, which only arrived very recently, despite a month in which to prepare it. I find that very disappointing, in and of itself. But, when I look at the remarks on the staff transfer, I find it no reassurance whatsoever. It says in 4.3: "In the report and proposition and consistently in meetings with staff and union representatives and it is enshrined in the proposition is that the terms and conditions that apply at the time of incorporation will be carried through, including pension rights, which is a far greater commitment than is made under U.K. T.U.P.E. legislation. For instance, I do not think there is any doubt in anybody's mind, because it is in the proposition that was presented to the States and that is the case." The Scrutiny Panel have this to say about that statement, which came from the Chief Officer at the public hearing on 19th September: "While broadly accepting the principle outlined above, the panel is confident that all parties understand that the position regarding staff is more nuanced and will require significant attention should the States approve the direction of travel set by P.70." For instance, the report itself indicates laudably that the incorporated company will be looking to create a new rewarding culture for employees, but requiring a separate remuneration model that goes beyond that deliverable within the States' system. It acknowledges, therefore, that terms and conditions could be changed for the purposes of enabling this reward for success culture. It also says: "But not worsened." But, it does not say in brackets: "We hope." No assurance there and already that commitment is being questioned by the Scrutiny Panel, which says: "Of course, terms and conditions and pay levels will have to change. There is a whole new incentive scheme coming in, which we are going to jib around with." So, terms and conditions will not be protected, nor could they be. I continue - bear with me, please -

the Group Chief Executive has acknowledged that there is significant work still to be undertaken in this area, but explained why this is the case. We have not engaged in what I would classify as a formal negotiation between an employer and an employee representative body. The main reason for that is there has been, in my opinion, no reason to do so. Because, what we are trying to do in a way that I do not know has been done in Jersey before, is use the power of the knowledge and the benefit of the trade unions to develop the concepts. Hope you are following this, because I am finding it quite difficult. There will be formal consultation when we have a formal proposal on the table. That will be developed as a part of this joint working party that we are creating around the staff transfer. But, equally within the overall staff terms and conditions, around that, if there are changes to policies, procedures, handbooks, whatever there may be that are going to affect staff, we will have the necessary formal consultation that the project has not moved on far enough to have those formal consultations. So, we have not started, basically, to sum up. We have not started. Note the key word that the Group Chief Executive uses, the use of the word “consultation”. He does not use the word “negotiation”. Negotiation takes place between equals and some control of that is given to the employee. Consultation, as we have learned time and time again in this poor benighted island, means that we apparently listen to you on our idea and then we go away and do what we thought of in the first place. That is consultation. The real word is “negotiation”. But, this statement is so confused anyway, who knows where we are going. Already it is becoming like a little nebulous, a bit foggy, a bit shrouded in haze, which is at the airport today anyway. It goes on. This is the Scrutiny Panel now: “It is clear that staff transfer is a critical issue, acknowledged as such by all parties. It is also understandable that there are outstanding issues around staff transfer at this stage of the project. Despite the unfortunate discrepancy between the unions and the Ports of Jersey regarding the depth of discussions to date, it is arguably more important to note that the Group Chief Executive and the Minister have outlined to the panel their commitment to a formal consultation process [consultation again] with the staff and unions as the important details are worked on over the coming months alongside continued informal information exchanged and discussion platforms.” “Despite the unfortunate discrepancy between the unions and the Ports of Jersey regarding the depth of discussions to date.” Just left there, flat on the page, bare bones. What does that mean? Well, the unions are saying: “We have had no consultation yet and we have no trust that we are going to get that consultation in an appropriate form and it will deliver some protection.” We have already seen that the Chief Minister’s commitment to the best type of T.U.P.E. on this Island is a chimera. It means nothing, because we have witnessed the activities of one of his Minister’s today. Now we have a proposal from another of his Ministers. One, who appears to me, to be even more free market than the Minister for Transport and Technical Services, and he says: “Trust us.” The Scrutiny Panel says: “When push comes to shove, we have to trust the Minister to deliver.” I do not know about you, Members, but certainly I cannot trust any Minister to deliver on T.U.P.E. style protection of workers, because it does not exist in this Island.

7.1.6 Deputy R.C. Duhamel:

I supported the reference back for reasons that I was not particular persuaded that the investment programme over the period was going to generate the monies required for the investment projects that we all know in our heart of hearts are likely to come up not just for the airport but for the harbour. It is interesting to note that on pages 24, 26 and 37 of the Capita Symonds report - which I thank the Minister for sending around to Members to read in detail - refers to the off-setting or off-putting of these capital projects, which we all know are going to cost not just necessarily an arm but maybe an arm and a leg, as far into the future as possible, so that with the new incorporation kind of established then perhaps we can hedge our bets and assume that there are going to be more profitable times ahead in order to generate the profits that the investments would come out of. That is really what is still worrying me. A couple of comments, if I may, on the report, on page 24 the review identifies a requirement for the investment is critical later in the 10-year period following

the recommended deferral. A significant one-off investment is required immediately after the 10-year period in the renewal and upgrading, for example, of the runway. Nobody is suggesting that we should not have an airport and not invest in a runway, which has to be kept up to modern day standards otherwise aircrafts cannot land. But, it is how we pay for it that is important. It goes on to say that this later investment has been identified for a number of years, that we have not kept up on our maintenance. Where have we heard that before? We have certainly heard it with housing and across a whole host of other departments. Indeed, this Chamber was affected by the rain coming through the roof the other day, because we probably have not spent enough money on ensuring that the maintenance has been done to keep the building weather-tight in the first place. It is these items of expenditure that will have to be met. It is how we fund them in the future. I mentioned at the last debate that if we are setting up an incorporated board then all well and good. I am onside and on message with the Council of Ministers and anybody else who suggests that perhaps the expertise or part-expertise of businessmen and their acumen should be harnessed into a more efficient body than perhaps is available, only if it is kind of personnel by States Members to run the Harbours and the Airports organisation in the way that does appear to be a commercial enterprise and does not require frequent hands in the pocket by the mother-body, if you like, or the mothership, which is the States Assembly, to shell out large sums to bail out the organisation because we have not thought things far enough ahead. That is really what is worrying me. That is one item. We cannot quibble with an airport runway refurbishment. We have to have that. But there are other things that require the tacit support, not only of the Minister for Planning and Environment, but indeed this House, which suggests that there are perhaps kind of alternative ways forward, which would not necessarily require the amount of monies to be found through the corporatisation method, if indeed more information could be brought into the running of the organisation. On page 26, we go on to suggest that there is no kind of phased investment programme, because nobody likes peaks in profit. If something is going to cost £20 million, if you can fund it, fund it in £4 million tranches over a period of 5 years, that is probably better than having to put your hand in your pocket having spent on more profitable items of expenditure in other directions. This is what is generally being suggested, if we do manage to kind of achieve a corporate structure then perhaps the ordinary rules of borrowing and smoothing out the long-term kind of capital financing of asset projects will be done in a more regular fashion and certainly with an eye to the future. Again, on page 26, it suggests that we are going to have bigger investments due to the deferral of those investments with a replacement of A.T.C. (Air Traffic Control) equipment after 2020. That is another £10 million. This is after the runway has been paid for. This peak, it says, could possibly be reduced by adjusting the timing of other projects nearer at the time. So, we do not really know what the future holds, a lot of the monies that have been talked about in terms of generating kind of extra business. It is absolutely right that they can only really be done in 2 ways. That is realising extra monies from the growth in the services that this organisation is going to provide for us or indeed raising the costs on a decreasing market for those services.

[15:15]

We are all told that our Harbours and Airports, in terms of levying of fees and services through the trade that takes place down in those 2 places, is starting to decline. We do not have as many tourists coming to the Island and using our services at the airport. We are not carrying as much traffic out of the Island in order to make best use of the harbour facilities. The question in my mind, is it realistic to suggest that it is necessarily going to be extra monies due to growth or is it going to be raising costs? I think there is a material difference between the 2. If indeed it is going to be through growth in services, then all well and good. I would favour that as the better way forward, rather than just making those services more and more expensive. In order to be encouraging growth we are going to have to be realistic in terms of the land asset base that needs to

be put into the harbour area in order to be able to do this. I mentioned in the debate last time that there were previous W.E.B. (Waterfront Enterprise Board) or other body kind of proposals to the tune of £1,200 million, that is £1.2 billion, for those who like to work in billions rather than millions of pounds of investment or do not know the definition between an American billion and an English billion which is different. But we will not go there; we do not need a maths lesson at the moment. But in essence there has been substantial talk over a period of years, and it was not just pie in the sky talk, it was serious talk because we spent a lot of monies through the W.E.B. organisation to look at these questions seriously. In terms of providing, as Deputy Maçon and other were talking about, the long-term flexibility for changes in our transportation structure, or indeed in how the services for bringing goods and services into the Island are going to change, these things are going to have to be taken on the chin at some stage. I was lucky enough to be at the meeting with Deputy Maçon, Deputy Young, Deputy Le Hérissier and a couple of others, where we discussed with the Minister for Economic Development and his officers whether or not the boundaries that were being suggested were sufficient in order to accommodate this move into a growth of services and were clearly told that no, it was not and it is a deferred scheme. Why is it a deferred scheme? It is pretty obvious, because we have only got £64 million over the 20 years to spend in terms of extra services and that is an investment kind of mechanism to fund a £1,200 million investment. Quite clearly, it is not going to work. So how are we going to achieve these monies? It is a shame the Minister for Treasury and Resources is not here but I think some Members are quite happy that he is not. I am not, as I would have liked to have heard his point of view. But underlying the move towards a corporatisation of the bodies is the fact that if we require extra funding streams they are going to come from maybe 3 places now: growth in services, raising costs or cash injections that this House will have to find through other tax-raising methods or cutting projects elsewhere in order to put the investment monies into those projects. Or indeed we are going to have to espouse the type of rampant growth mechanisms that were spoken about by the W.E.B. body in terms of what their long-term projections were in order to fund the £1,200 million investment that was being spoken about. I think I am okay reporting some of these things as far as my memory goes, that meant knocking down the Elizabeth Terminal, it is in the wrong place, filling in Spending Beach because it is in the wrong place, and putting a whole host of very tall multi-storey apartments to be sold for new incoming persons into the finance industry or those who could afford to pay in order to put those investment monies back into a new harbour. Now, that might well cause panic amongst a number of Members in terms of it is not really necessarily the right way to go. I think the jury would be out at this point in time as to suggest whether it is the only way to deliver the changes or not. But the thing that irks me at the moment, as I say, is that if we do have, with an eye to the future, crystal balls to gaze into which will assist in working out what type of future Jersey wants in relation to these infrastructure projects, we have to be realistic in setting up organisations which are going to be in a position to properly pay for those investments. I think it is wrong to put ourselves perhaps into a situation whereby we are only being told half of the story. I know it is early days yet - and I will mention a few things on that in a minute - that we are just being asked to vote on this in principle but there is a whole load of meat on the bone and devil in the detail that I feel has to be discussed and will be discussed before the legislation that has to take place in order to set up this body is agreed by the House. So, as I say, I have no problems with the concept but I think we need to be leaner, fitter and more nimble on our feet to provide the best partnership agreements with the private sector to deliver some of these financial kinds of millstones in terms of infrastructure around our neck. But at the same time I am just painting a little bit of a question mark to make sure that if we are going in the direction that I think we are going, that we allow ourselves an element of flexibility to claw back from a situation if indeed it turns out to be the wrong way forward. Now some of those things that have been spoken about, for example, for those who have read the report as closely or not, one of the things that is being suggested in the long-term projections is that there had been no suggestions about bank-

carrying costs should the body be wanting to borrow monies because we do not have the monies to give them from another coffer. That raises a question in my mind. Deputy Young suggested as part of his speech and at the meeting - and I did as well - that perhaps there is a smarter way of being more flexible in terms of our investment structure, in terms of the ownership of assets and not wanting necessarily to sell them at once, to retain those assets in a way that can be used more sustainably to generate a revenue out of which you would have a regular income accruing rather than just going for the quick hit which is I think the Treasury's preferred way forward. I think if I just mention one or 2 things about the harbour, on page 37, again to reinforce these points. It said: "The review has demonstrated that the harbour has suffered a lack of investment over the last few years primarily as a result of the shadow of the East of Albert Masterplan Project [the £1,200 million project that we are talking about]. This has stifled the investment and maintenance. As a consequence there is an element of a backlog of maintenance which sees increased expenditure in the next 2 years in order to bring the asset up to a standard." We have heard that before: we do not spend on maintenance unless we were forced to: "A large part of the capital expenditure £25.9 million was attributable to the Marine Leisure Masterplan." There are already elements which have 2 different ways of being dealt with. That is over the La Folie area as to whether or not the best use of that asset is to put it over to Housing and sell it on the open market to get back as big amount of money to put into the body or back to the Treasury, or indeed whether or not, as was indicated by the Minister for Economic Development, perhaps to use that land asset for marina-type services: a new fish port or restaurant area or whatever, tied into tourism and the type of things that we would expect to see when we go to harbour areas but it is not a better way of generating revenue over a longer period. So these are the 2 different directions that we are coming from. We have not decided which one it is going to be and no doubt I will have something to say on that at a later stage if I am still wearing my Planning hat. While the Marine Leisure Masterplan has a good return on investment it says: "It is not possible to fund this without the relocation of the load on/load off facility from the new North Quay to the Victoria Quay." We are not going to do this sensible perhaps way forward, to do a Marine Leisure Masterplan at La Folie or elsewhere which will perhaps kill 2 birds with the one stone in revitalising the tourism product as well as revitalising the fortunes of the harbour area, but suggesting that in order to do this there has to be a movement of the load on/load off facilities. That relocation will cost in the order of £31.5 million and here is the key sentence: "It is necessary to release the North Quay for real estate development [and we all know what that means] which will be used to fund the project." The consultants conclude: "We have therefore removed this element" so you do not need a capital subsidy or to talk about where you are going to get an extra £31 million or £25.9 million to pay for setting up a marina leisure facility, which will generate revenues in a different way over a longer period without a relocation and the sale on the open market of a huge chunk of another part of the harbour facilities to fund the project. It says: "We have therefore removed this element from the capital programme" because you do not need to go and borrow monies or ask the States for extra monies to fund this if indeed you are going to sell off a piece of the land in order to pay for it. The other thing it suggests is: "The Harbours management current plan shows 10 years from 2012 to 2021 at £63.68 million with the consultants projecting at a figure of £34.4 million now that they have taken out this capital asset being sold. The respective projections are very different in value [and they are] and the consultants have now discounted the impact of the East of Albert development and concentrated purely on the known business requirements of the Harbours." So what we have done is that we have said we are moving some of these things into the future, if they can be paid for in the future, because there is no other way of getting the monies by selling off a part of the asset, then that is one way we are going to do it. As I said earlier, that may be acceptable; it may not be but I think what I would like to see is an incorporated body that still retained an element of States opinions that can be fed into those arguments in case things change, in case we get it wrong or in case one person who thinks that it is right has got the wrong end of the stick and we end up doing the wrong things and it costs us more

than a pretty penny. The other thing, going on - and I will not bore Members for much longer - it says: "No projections for the second ..." **[Interruption]** It is important unless you want to waste your money and I am sure people do not: "No projections for the second deci-annual period were available for the Harbours." Our consultants were looking at this, so for the second 10-year period we have only looked at the first: "Consequently the consultants have projected this expenditure during the second period based on the underlying requirement with no one-off projects identified." So that means for the second half of the 20-year period over which we have made £64 million surplus profits to invest in everything, the second half of the project does not identify the big one-off projects which we all know there will be. It says: "This exercise [absolutely right, pure accounting talk] perhaps to better indicate the combined CAPEX requirement across both sites [so made to look like the better deal] and there is no major investment needed at the airport which will be taking priority." So what would I like to see in terms of supporting for this argument? I will support the general drift towards incorporation of the body because I think fundamentally we do need other business people to dynamise what we do not really do as efficiently or effectively as perhaps we should do. But what I would dearly like to see is 2 things happen in exchange for that vote of support. One is to ensure that proper consideration is undertaken by the Minister for Economic Development, the Minister for Treasury and Resources and anybody else who is looking at these things, to ensure that a proper look, a proper real meaty look, is taken in terms of whether or not we have to only be considering situations where the freehold of property has to be passed over to newly-incorporated bodies as a way of paying for these things. Or indeed if we can find a way of retaining the freehold, only passing over the property on a leasehold for a long enough period. That has been done around the world in loads of different places. So for those who might tell you that cannot be done, it can be done and where there is a will there is a way... might like to be done, because from a bank-borrowing situation, if indeed we are going to go to the bank to borrow - but as I said earlier there are no bank-carrying costs for any monies we are going to borrow - ask yourself where the monies are coming from. If we can do it leasehold then I think that would retain an element of flexibility within the portfolio that States Members would all support. The second thing is that in moving towards the bringing of the legislation towards the House a lot of people have realised that we have lost the ability in this Assembly to direct the Ministers as directly as perhaps we still think we can.

[15:30]

We are being told regularly now that we are the Legislature and the only way to bring Ministers to heel is to ensure that when they make recommendations for the legislation to carry out the Ministerial briefs or directives that they want to put into place, that we do get that legislation correct. So before coming to this House I would implore the Minister for Economic Development to find a mechanism, and he has already promised that perhaps he can, that States Members' tuppence worth, perhaps even more, could be put into ensuring that when we discuss the Memorandum and Articles of Association for this incorporated body that there is an opportunity for all of those Members who do harbour some reservations... yes, you got that one, that is good. I have to repeat it because it was so good: for all of those who harbour reservations about the long-term financing of this organisation that we indeed have the opportunity to discuss these things in an open and transparent fashion that leaves no stone unturned and in general goes for the consensus point of view which I think an Island Government deserves to debate and expect in moving forward with such a monumental kind of different way forward in the treatment of these assets. As I say, I will be supporting this in principle even though it is not within the title of the proposition. This is in principle; there is a whole load of work that needs to be undertaken. I endorse the need for that work to be undertaken but just urge the Minister for Economic Development to take into account that it is not just a Government made up of 10 Ministers; it is a Government that is made up of all

Members of the House and indeed all of the Islanders who would want to support us moving collectively in a joined-up fashion. Thank you.

7.1.7 The Connétable of St. Peter:

I think after listening to Deputy Southern's speech I have almost lost the will to live. It was really, I thought, a long dialogue about why we should not do anything. Let us worry about what will not happen or what might not happen, let us think again before we do anything. I am afraid that is one of the things the States is quite good at: in not looking forward. But I have to say that I put myself as an optimist. I look forward to looking at opportunities, I look forward to things that have the potential of being better, things that have the possibility of coming good. But I also accept there will be some things that will go wrong along the way and that is where we will be measured, by how we deal with those bits that go wrong, and some will be quite challenging to do that. I am also warmed, just in relation to some of the other comments, if we look at the proposition Appendix E on page 31 there is a risk matrix in there which shows where the risks are to do with the property and how they have addressed the risks within that matrix. I am also warmed by thinking about the shadow board that is there. I happen to know 2 of the shadow board members personally and I have the greatest respect for both their business acumen and their airport experience and knowledge. With people like that on the board giving their steer and direction I am very comforted by that. Last, but most importantly, coming today is the Presiding Officer's comments when this came to the House 4 weeks ago where he declared this was an in principle vote. This is a vote to go forward and spend some monies to investigate further before coming back to bring forward a substantive proposition to incorporate. I think this is not new to me but in the early 1990s - I had a 30-year career with the airport - we went through the Ports of Jersey where the 2 were brought together then, all of the Harbours and the Airport, under - I will not mention his name - the Airport Director of that particular time and that was a very successful period of time. Same as Committee for Postal Administration (Postal) and Jersey Telecom, we became business units at that time and we were delivering monies at a profit back to the States from that particular period of time. Then we went through, certainly through the late 1990s and the early 2000s, several iterations and I sat through many a mountain of meetings at the Airport; they were looking for incorporation of the Airport alone. Certainly at that time the nuance of having the Harbours involved was not included but therefore I think it is much stronger now having the joint facilities and the shared responsibilities across the 2. I think certainly there will be staff concerns. I myself was concerned at some of the arguments and propositions going forward back in the late 1990s and early 2000s and I sat among those staff and attended several Joint Council meetings where concerns were raised. They were real concerns of the staff and we cannot ignore that, and I will share that with Deputy Southern. His heart is in the right place with regard to staff. I think the staff will be warmed to know that States Members are thinking of them as part of this incorporation. But one thing is for sure, if the Airport does not change it will continue to cost us money. If the Airport does change and adapt a different business model and look at the way it does business, it has potential to not cost us so much money. It has potential, if it does it well, to deliver money back to us. Therefore, today I am going to vote for this basically on my comfort level that this is an in principle one that allows a Minister and his team to go forward and work up the real programme of work that needs to be done to make it a successful organisation. Thank you.

7.1.8 The Deputy of St. Martin:

There are now a large number - a sizeable sum - of documents which have been circulated to Members over this proposition. But the overriding theme, I hope, is coming through loud and clear and that is: in principle; in principle; in principle. It is about developing over the next 2 years to some date in the future where we have an agreement, it is about ongoing development and it is about accepting the Minister's invitation to get involved and work towards where we are going with

this incorporation. I am sure the Minister will have realised from the first few speeches he had this afternoon that there is an overriding concern in this Assembly about the relationship between us and the new incorporated body. I would ask the Minister to address the Memorandum of Understanding at the very earliest of stages. I can assure him of the desire of the Economic Affairs Scrutiny Panel to work together with Economic Development to put this policy together so it is credible and works on an accountable basis. Could I thank Members for those who have appreciated the comments given by the E.A. (Economic Affairs) Scrutiny Panel. I would like to say that when we went to reference back, the one issue in particular that we felt we had maybe not addressed properly was that of staff issues. We were issued, in a quite early order from E.D.D., a detailed and comprehensive list of meetings that they had held with staff, the agendas of those meetings, and I believe that other Members have since had that list circulated to them also. We felt it important to get the unions' opinion on the meetings that had been held because there was obviously, as you will see from our comments, some discrepancies over these meetings, so we invited Prospect and Unite to comment to us. Members will have received also the Prospect letter that we had ourselves a little while back now. Members will also note on our comments paper 4.6 says: "The panel has invited Unite to inform us about the number of meetings it has held, or been invited to attend, with the Ports of Jersey management in the last year and the agendas of those meetings. Unfortunately, despite email requests and telephone contact, we have not received a reply at this stage." One person who has criticised the E.A. Panel this afternoon is Deputy Southern who intimated that our report has come to him far too late in the day. All I would say to Deputy Southern is the reason for that was that we extended the deadline to Unite in order that we would receive comments from them on the issues that we raised with them. Despite a second extension of this deadline, we have still to date not received any response at all. For the delay in receiving our comments I apologise, but I hope Members will understand that we were quite keen to see what comments we could get from the unions concerned. I will say no more other than to assure Members, as they will understand by the comments paper, that I will be supporting the proposition.

7.1.9 The Connétable of St. John:

In principle debates: it is a green light to waste money without accountability. Mistakes of the past being revisited. We have made all these mistakes before. The new C.E.O. (Chief Executive Officer) might be the chap to pull all this off but what concerns me is that he does not listen. Over the last few months I have given him a number of names at meetings that I have attended with him over a number of hours. As at the last presentation we had here some 4 weeks ago, none of those names had been spoken to by the C.E.O. It was not until after that meeting in this Chamber I spoke to him and the Minister and said: "Look, you should have spoken to these people." He has now done so. That is one thing in his favour but he does not listen. Having been on the Harbour and Airport Committee, Postal, among others, at the time when hundreds if not thousands of hours were spent by the committee of the day in trying to move through incorporatisation at Harbours and Airport and also at Postal. With Postal, I was on the same committee as the new Deputy of St. John and the Deputy of St. Ouen of the day and the Constable of St. Lawrence of the day. Sorry, the Deputy of St. Ouen is still a member. In fairness, none of it was a pretty sight. Policy and Resources and some Members were hell-bent on pushing incorporatisation through and shadow boards that were set up, in the case of the post office, under the chairmanship of a Shadow Chairman Cameron McPhail. He warned the shadow board, warned the committee, that it was not a viable proposition to go down the road of incorporatising Postal. He warned us a number of times over that period of time. After X number of months he resigned and in fact the reasons he gave us he is proved to have been right. He could see that Postal was falling apart due to the advent of email and internet and the latest technology equipment. He had the foresight but we did not listen and since then we have seen redundancies after redundancies and many changes in leadership at the

Post Office. We all know that the Island is down to a 5-day service. Some weeks ago - and I mentioned it this morning in the Chamber - the service got so bad that I had to intervene to get the Parish mail in during working hours and this has obviously been corrected. But these are the problems when people do not listen to what I call past mistakes. I am looking at the proposed shadow board now and I think: "Well, is the reason that our mail service is getting worse because we are looking at the bottom line?" We used to have the airport open at 5.30 a.m. for the paper planes and mail. Now it is after 6.00 a.m. because people are looking at the bottom line. Therefore, there is bound to be a knock-on effect on all of these services when you start looking at the bottom lines. I am not being cynical but I am sure the Minister will put me right if I am wrong. I am sure he will. I believe the ports should be a non-profit-making organisation where passengers and freight are brought in at a figure that covers the running cost of the ports and washes its face. That way all benefits: those importing; those exporting and we the travelling public who own the entire States may be a trust port. We have looked at incorporatisation in the past and it was not the way forward. I do not believe this is a business that will make millions of pounds profit. They are going to make it by fleecing all of us because that is the only way they can make a profit: is by fleecing the people. They are not going to be doing it otherwise. We should be running it by way of a "wash your face" situation. We spend too much time looking at the bottom line here. Some businesses must not be run by looking at the bottom line. Some things we have to supply as a Government.

[15:45]

We look at the health service, we look at... these things, as long as they wash their face that is what is required. Not say: "We are going to be making a £30, 40 million profit by the year 2032." I far prefer to see everybody getting a fair crack of the whip. Things must change. We are one of the most expensive places to live in Europe. Why? Because we are fleecing our own people and that is not a good way to go forward. The thought of a business like a new ports authority having to take on historical harbours is crazy. These harbours have S.S.I.s (Site of Special Interest) on them. It is foolhardy and a total folly. If for no other reason, that would be one of the reasons I cannot support this. What up-and-coming business would want to take on a liability of a dozen harbours around this Island? There may only be 8, I have not counted them, a figure of speech, and all that goes with it. Some of these harbours are in need of many millions, tens of millions of pounds to be spent on them. They take this on; take on a liability. I think it is absolutely stupid if you want a nice, good quality, vibrant, modern port authority. I also see that they are taking on the Maritime Rescue Service. These 2 areas are not going to be compatible if you want to run a viable business. Maritime Rescue will be a standalone and funded from the centre. Yes, it will come out of taxes but these items should not be put on to any new port authority. I cannot understand why, in all the goodwill in the world, we want to go down the road of putting a company in place, or incorporatisation in place, where we have to shackle these vast expenses that are going to be required for these 2 areas. Non-profit making. The time might be right to change ports but the model in my view is flawed. Long back in the 1990s when we had the money coming out of our ears and we could squander taxpayers' hard-earned cash, those days are gone and I do not think they are going to return, and if they do it is a long, long way away. I cannot see us making the £40-odd million that is proposed to be made by 2032. We need a new model, a model that our Island can look at and say: "Look, this is the way forward." We have looked at all the old models and we know they do not all work. Postal was a prime example. We have less and less people moving into this Island or coming through the ports of this Island, so therefore the take-up is going to be less; the return is going to be less. I cannot see the kind of money that is being proposed as being viable to be made in a company that is on a falling market. With all the goodwill in the world, this is being looked at from the wrong angle. Historically, just think back. Not so many years ago, in the late 1990s, we had the former Senator Horsfall and others who were expounding a change to the

committee system, a system of Ministerial government. Think back, or look around, and see where we are today. We have gone down the road of Ministerial government and we were told by the former Senator Horsfall: "Accept this in principle and we will put the meat on the bones later." Put the meat on the bones later. Here we are, 6, 7 years into the Ministerial system and the meat was never even put on the bones. Hence, we now have a review into the Machinery of Government. I want to see the meat on the bones now for this. If we are going to go forward, give us the meat on the bones now so that we can pick it through, not have a wish list that will happen in 2 or 3 years' time, if it does come back to this House after we would have spent X number of millions of pounds. Having seen what happened in the 1990s and early 2000s when we did it last time and we got nowhere, it is of real concern that we are, yet again, not using past mistakes, not looking back and saying: "Well there were past mistakes there, let us look for some alternative way." As I have already said, that alternative way may be a trust port or something else. Enough of the history lessons and our past mistakes. Only these last few weeks I have concerns that one of our biggest customers at Harbours, Condor Logistics, is going out of business, as many other large and small operators in the fulfilment business who ship goods out of this Island daily, after the withdrawal of L.V.C.R. by the United Kingdom Government. Yet more evidence that things are sliding in the wrong direction and I cannot see any board picking this up, shadow board or otherwise, and moving forward. Not in the climate we are in at the moment. The climate is definitely not right. Has the C.E.O. discussed the way forward with our port users, our customers, our tenants, people who lease long-term property from Harbours or from Airports or from the Island? Talking to one or 2 of the big operators, I know they have not. They have not spoken to the people who count: our tenants. If I was at liberty to give you their names... but the Minister should know who he has spoken to. The Minister should know that he has not spoken to some of our big tenants and I think that is a total discourtesy. A discourtesy to our tenants, a discourtesy to this House, to come here on a second occasion to tell us they have done all of this. Yet, as late as yesterday afternoon, I had a meeting with one of our big tenants and they have not been spoken to in relation to the way forward. I think that there is something wrong. I have concerns about the property portfolio and the actual makeup of it - but I am not going to go into that at this time - and the kind of return we could get. I have a number of emails from concerned persons who are tenants and a number of emails from members of the public about this. I am aware that the staff at the airport alone - I am not talking about the Harbours - the staff at the Airport are very unhappy because they consider the report and proposition... and I think it was described to me as "fluffy". In other words, it is all hot air, something that can be just bounced around. To me, when I was told that, I thought: "Let me read it again" and I thought: "Yes, there is no depth in this. The report and proposition has got no depth." I thought: "Yes, because they are trying to push this through in principle." Give us the facts, people need to know the ins and outs. Be honest with people. Unfortunately, we are not being honest with our employees, we are not being honest with our tenants, our customers, we are just riding roughshod over people. I look at the makeup of the board, yes, and all good people. But some of these people were in the House when we tried 10, 15 years ago to bring this forward, incorporatisation, and they are board members. I thought: "This is all old hat. We have tried this and they still think that this is the way forward." One of these members on the shadow board had been a former president of Postal and they are expounding the same type of way forward. But it has not worked at Postal, I do not believe it is going to work here. I do not believe it is going to work here at all because we are just pulling figures out of the air. We have a falling market, we do not have a growing market. With all the goodwill in the world, we are going to have to go some just to keep it on a level playing field from where we are today. For the Minister to try and tell us this is the right way forward, I believe he is in Cuckoo Land. I am sorry, because we have a scenario, just look at the history, and we are doing the same mistakes today as we did 10 years ago. Look at another plan, look at another way forward, that is what I am telling you. There was a very good letter in the *Jersey Evening Post* on 22nd August by in fact the former Shadow Chairman of

Postal. He has made a note in his diary that by 2032 to check it to see if all these fanciful promises that we have been given by the Minister will come to be, and he does not believe it is going to happen. He believes that this has the jam today, not wait forever, in 30 years' time or 20 years' time. I have real concerns with this and, I am sorry, I think we have not done enough homework because we are going to see, as we have seen with the other incorporations, the wages rise for the directors and senior staff at the cost of the guys at the coalface losing their jobs, as we have seen at Postal. How many times have they restructured that and people lost their jobs? How many people have we lost at Jersey Telecom? What do we do with Jersey Telecom? They are supposed to return X to the Exchequer annually and then all of a sudden they get a holiday because they want to invest X million in fibre optics. This is what we are going to be getting from Harbours because they cannot do otherwise. They are going to need money to carry out works, as Deputy Duhamel was saying earlier. He hit the nail on the head in a number of areas. I know he is supporting this and he has probably got to play the party game, being a member of the Council of Ministers. But I am not a member of the Council of Ministers, I can be my own man and I cannot see this being viable. It will be interesting to see when I look at the count later on how many of the Ministers and Assistant Ministers have been whipped into line to support this, given that there are several Ministers off-Island so they will have to whip everyone else into line to get this through. I could say a lot more but I think what I have said is sufficient **[Approbation]** and Members will see where I am coming from.

7.1.10 The Deputy of Grouville:

I am quite glad to follow that speech because it is a classic “damned if you do, damned if you do not”. Damned if you bring forward details and have gone off and worked on a project for months and months and months, spent X amount of pounds researching and possibly bringing forward a Memorandum and Articles and all the rest of it, and we bring it to this Assembly to get it voted out or criticised about going off in one direction before receiving the approval of this Assembly to do anything about it. The Constable of St. John there spoke about “fleecing the public” because the only way that this - what he called “liability” - would survive would be by raising fees. Well, that is just the point. There are 2 mechanisms to make this work: it is either by growth or raising fees, and raising fees is exactly what we do not want to happen because that is the only option if the States retain it as it is. So, growth is an option and you need imaginative ways for growth and I would suggest that imagination and imaginative ways to sweat one's assets, as it were, is not something that a bunch of politicians are much good at. Far better to give it to a focused board, a board who has expertise, who have had experience in running Harbours and Airports, and give it to them to look at the assets and to see how we can utilise them to best advantage which we have not been doing thus far. So as we stand today, the only option we have for making our assets pay is by raising fees, so that is not a route we want to go down.

[16:00]

Incorporation with a focus board is what is on the table. The Constable of St. John suggested that we need to come up with alternative ways. Now I have been in this Assembly for 10 years now and I have seen the Constable of St. John criticise things quite often and ask for alternatives but never once does he put anything on the table and suggest a way forward and alternative ways. This is what E.D.D. are suggesting here today: a board that is focused, that can deliver, can use imagination with people with experience. I, like Deputy Young, did need a bit of convincing to go down this line because one thing that concerned me was his concern about our strategic assets and transferring them to a company, so I have every sympathy with his view. But I am glad to confirm that the leasehold option is an option, it is something that is possible, and 150-year lease, for example, is something that can be negotiated with the company or transferred in that form. But these are all details that can come forward exactly with the detail. I am very glad my other

Minister, in his very supporting speech, came up with quite a few of the details that he would like to see covered but again that will be covered when the details are worked up with focus groups and the like. Likewise, Deputy Southern's speech about the workers in the workforce and how he felt that they had not been engaged. Clearly this is not the case and it is of disappointment really that the unions did not engage with the Scrutiny process because I think this would have been a very positive thing for them to do. However, for whatever reason, they chose not to do so. But Deputy Southern was comparing the Connex situation with the workers at Harbours and Airport and I am sorry he did that because if workers' rights means protecting and supporting a sickness rota and putting children in danger, as has been happening from workers working too long hours, then those are not the sort of rights I would support. **[Approbation]** I am very confident that the rights that are going to be supported here are rights that are fair and reasonable as we would like to expect for something in the 21st century. I support this in principle proposition, and I urge others to do so. Thank you.

7.1.11 Deputy M. Tadier:

I was interested to hear many of the speeches, in particular the Constable of St. John. I know we do not always necessarily see eye-to-eye politically. I think there are a couple of comments I need to make before I get on to the main part of my speech, which is not very long, Members will be grateful to hear. There first of all seems to be still a legacy in the States Assembly whereby people stand up and make legitimate concerns but they are not necessarily wholeheartedly happy and enthusiastic with this new incorporation that is going forward. They seem to be marginalised and sidelined, suggested that they are dinosaurs, that they are overly-negative and that they have no alternatives to put forward. I do not think that is the case and hopefully this is the correct forum in which concerns, and maybe even concerns to the point which would lead one not to support this proposition, should be taken on board and aired; that is only right. I was very pleased to be able to speak to the Minister and his team one-on-one; it was a very useful meeting. I certainly know that in terms of competence, we certainly seem to have some very good individuals who are leading this programme. I would also not like it to be thought that simply because I may be raising concerns here, I do not support some aspects of growth sustainability. Because I have made that very public and I do, as often as I can, contribute to the Minister ideas for making more money for the Island, bringing more tourists in, *et cetera*, which I hope, if we can get these ideas up and running, will be working and growing the pie so that we do not have to impose increasing fees. The issues that I think are key here - and I know some of them have been touched on in the comments by the Scrutiny Panel - is that in what we are doing here, is there is a balance? We are giving up some of our rights as States Members, as I think Deputy Duhamel suggested, simply by shifting to a system of Ministerial government. The States Assembly as individual Members have given up very much of their power. A step towards incorporation is one step further removed from the public. Of course it is subjective but I think we can look at the incorporation of Jersey Post, of Jersey Telecom, we can look at quangos such as the W.E.B. and the States of Jersey Enterprise Board, although that is still a new emerging enterprise which will hopefully be more successful. We can look at things like what happened at Fort Regent which was a States-owned and States-run swimming pool and we can look at the great success that we have down on the waterfront now which is a KFC, a Fitness First, a swimming pool which does not wash its face, which is heavily subsidised and just generic waterfront which we have seen. Again, this is with an expert board that has been put there to lead it and has been taken away from the control of politicians, and that is one example of what has happened. I am not saying it is inevitable but it certainly did happen in that case. I would suggest also we have never seen levels of discontentment that I have experienced with the Telecom provider and with Jersey Post. They are at record levels, I think, from what I can feel, of discontent. People are wondering why, now we have incorporation, they are having to wait so long for their post to be delivered. Whereas it used to be delivered at 9.30 a.m. it is being

delivered at 2.30 p.m. and I think similar things with Jersey Telecom. People are wondering why they were sold unlimited broadband only to be charged for excess broadband use in the daytime and questions like that. Seeing their phone bills go up, people who have been loyal to Jersey Telecom in the past, switching to Sure. I am on the brink of doing it. I do not want to because ideologically I prefer being a Jersey Telecom customer because I know that at least it is States-owned but when bills get so high like that... and that is a risk which I think is being explained by the Constable of St. John and that is a concern others of us have. The Memorandum of Understanding between the States and the company will be key but of course that will be subjective and there may be times when in the past we would have asked questions and we will be told: "You cannot ask that, that is an operational matter." We will be giving up some of our political oversight because we will not necessarily be able to pick up the phone, whether it is at the Parish level for the Connétables or whether it is the Parish Deputy or Senator picking up the phone, and say: "Can you just sort this thing out down at the harbour? I have noticed there is a problem there." I gave the example last time down at St. Catherine's that there was not any soap in the toilets. Now I know that is administered by T.T.S. not necessarily by Harbours but that could be an example; you could just pick up the phone. Is that going to be a priority for a new corporate entity, who is there to make money and not necessarily to look after the ports, the Maritime and Heritage Ports, which are not money-making in their own right and which probably would not be in the portfolio if Harbours and Airports Board had their way. If there was a way for Heritage to take that over; we know there is not a way to do that. So there is a question there about the unintended consequences: to what extent will the political oversight that we are giving up be a negative thing? I understand of course that there have been arguments made saying that at the moment the system is far too cumbersome. There are commercial decisions that need to be made, for example, the 14 or 15-day rule can often be quite cumbersome and too long and it can scare away potentially good commercial decisions. There is surely a way to resolve that issue without necessarily moving towards a new structure. Interestingly, when people do raise concerns it is suggested that one might be ideologically opposed to privatisation or incorporation and that may well be the case for certain individuals. But I think there have been enough speeches, both in the previous reference back debate and in this debate, to show that the concerns over incorporation of Harbours and Airports, specifically because they are primarily social entities. They are there to provide social services to get things into the Island, to get people in and out of the Island, and without their strategic force they are our lifeline. So that is first and foremost what they are: they are indispensable social structures and infrastructure which we cannot do without. There is also a concern, I think for my part and for the part of others, about what is going to be the priority. Will profit be the priority or will providing social services be the priority? What happens when we cannot grow because perhaps growth is not always within our control? We can certainly come up with very good initiatives to try and get more tourists in, to try and get more business in, to entice more private planes in, to get a yacht in and perhaps if we can get some kind of way, a deep harbour or whatever, but those things are not within our control. We live in a fragile economy and we know that we see declines which we do not have control over. At that stage, of course, once you have made a commitment to spending and you have these projections which no longer add up, that is the point at which fees are going to rise. Who are they going to rise for? They are going to rise for ordinary small boat owners. I think it is important in Jersey to remember that we have a maritime history. We have already seen an increase many-fold in boat ownership, mooring fees, no doubt petrol increases as well, whereby many people will have to, and are having to, give up the simple pleasure of being able to take a small boat out perhaps on a Sunday afternoon to go fishing or for some other kind of leisure activity. They are the ones who are going to be feeling it. Those are the ones that are going to phone up their Parish Halls and their local representatives to complain about these things, so are there unintended consequences which we have not seen? The last point I will make refers to page 27 of the Ports Incorporation document which we were circulated, I believe last Wednesday, and it talks about this term "reward", which

Deputy Southern clicked into. It says: “Over time the incorporated company could change its terms and conditions of employment to reward individuals and teams for their contributions to the success of the business [note it says ‘business’; now it is not the ‘public service’ it is a business] but entitlements for existing employees such as pension entitlement would not be affected. The ability to recognise and reward individuals and teams for their contribution to the success of the business is not possible within the current stage remuneration structure.” I think this is basically indicative of what one might call the neo-liberal model. That is not a criticism in itself but neo-liberalism is motivated by the desire for profit. When I read things like this about saying there is no current way to reward success in the States remuneration structures, how do we reward success at Health, how do we reward success in the police force? Normally what happens is that we engender good relations with our staff and hopefully any company, whether it is in the private sector or the public sector, would want to do that. The remuneration is the fact that people get paid a good honest day’s wage for doing an honest day’s work and there is job satisfaction by keeping in the good relations. I think what we have seen here is a suggestion that there is great fear among many of Harbours and Airports employees; there is certainly anxiety about change which is normal. Where the reward will be given is in bigger bonuses. I completely interpret this “reward” word as meaning we are going to basically privatise certain areas, we are going to have cheap labour. We have already seen it at the airport with things like G4S, which I cannot comment about their setup and it would be wrong to do that, but I know that we have seen a shift towards cheap labour, sometimes immigrant labour. There is a general shift towards that in society anyway. Of course, what it means is that there will be bigger disparities in the wage bill. It means that the board members, those who come up with some great idea, will be able to take a big bonus. Where else have we heard about the bonus culture? It is in banks, it happens in the city of London, and it is completely irrespective of the success of the companies; it is irrespective of the success of banks. We have failing banks where the board members and the directors are taking bonuses anyway because they are entitled to it and they sure will have their pound of meat while everybody else, the workers and the small boat-owners, *et cetera*, will suffer. I am not saying this is inevitable but I am saying this is certainly how I interpret it and I really cannot be subjected to the possibility of that happening, so I would say these are valid concerns.

[16:15]

I suspect this will be passed today so all I would say is that for the Minister to be vigilant of that. I do not think he shares that nightmare scenario and I do not think he wants to see that nightmare scenario. So whatever happens, I would say, these things are on record and let us be very vigilant and I will not be giving it my support. Not because I do not necessarily trust the ability of those who have been brought into make this scheme work but because I do trust their ability.

7.1.12 Connétable S.W. Pallett of St. Brelade:

This will be short. Very short. **[Approbation]** It is not often my good friends, Deputy Southern and the Constable of St. John, depress me but they have managed to depress me this afternoon. I think what comes across, and I think came across all the way through, and I think the Deputy of St. Martin said it, it was all about being in principle and I think this is where we need to look at it. It is in principle. I have always been a pragmatist, I am somebody who likes to get things done, and if something cannot get done, I ask the question: “Why not?” and work out why and investigate. I think that is what being in principle is all about. I think it is that over a period of time the Minister and the department need to go away and, as the Constable of St. John has mentioned, put some meat on the bone. But this is all about getting this up and running and heading towards an incorporation, not having the whole thing mapped out in front of us right now. I am fully in support of this, I am going to make that quite clear, which is why I am not going to be particularly long on my feet. A couple of words of caution, though, I did mention to the Minister the other day

I thought it was a mistake not to give a fuller list of assets because I think it would have given the opportunity to everybody in the House to see exactly what was involved in the incorporation. I had one particular issue which was Field 45 at the airport, which is the airport playing fields, which is intended to be included in the incorporation and something I do not see as being suitable as part of that incorporation. But in making that comment to the department and to the Minister, they have made it quite clear to me that there is a full discussion process to be put into place. Parishes, third parties and people that rent and lease property will have full negotiations that are still to come, so I am happy with that. I am happy that they are going to come back and they are going to talk to everybody involved to ensure that they can get them on board. Staff is another issue. I think there are issues around it. There has been consultation; it is clear in the documents that the Scrutiny Panel were given. There have been discussions. Deputy Southern mentioned there have been no negotiations. Well the negotiation part of this is to come later, I think. As this process goes through, that is the time to sit down and negotiate with the unions as to what is going to happen in the future. I think there are issues to be resolved and there is no doubt about that. But what did disappoint me, and the Deputy of St. Martin mentioned it, is the failure of Unite - and I do say Unite because it was not all the unions; Prospect did provide us with some concerns - to take part in this Scrutiny process. If they are failing to take part in this, I really do worry about what is happening with the buses and T.T.S. **[Approbation]** I have had concerns from parishioners. I think what the Deputy of Grouville has made clear is that this is a new business model and it is all about growth. Because if you do not have the growth in the department and looking down that route, then there will be knock-on effects down the line for users and I think that is something we need to avoid. We need to reduce costs for users. The Constable of St. John mentioned about non-profit making, well that is not what I want from this incorporation. I think we need to make a profit otherwise it is the taxpayer that will be picking up the bill in the future and I think again that is something we need to avoid. I do not really have much more to say. Like I say, I have some worries and concerns about the assets and ensuring that they are used in the right way but they do need to be used. I think that is all I really need to say but I do fully support it and I urge Members to support this proposition.

7.1.13 Senator S.C. Ferguson:

Yes, I will only be brief. I do share Deputy Duhamel's caution with regard to the £1.2 billion project for the Harbour and I think we will need to keep a very close eye on that. As far as I recall, I was shown the drawings of this, in fact all States Members were, back in 2003, 2004, something like that. A deep water mooring, the fuel farm had gone out to the Demi, there were luxury apartments on the end, there was a marina roughly where it was originally planned 30 years ago. I think we need to just watch because it is very expensive. I also would be interested - and here I think I might even get some brownie points from my Connétable - that item 4.5 in the report talks about the rates for St. Helier and St. Peter. How about St. John, St. Brelade and all the other places that have harbours? It would be very nice to have that, so perhaps the Minister would enlighten the rest of the parishes who are sitting with their begging bowls out. Thank you.

7.1.14 Deputy R.G. Le Hérisier:

Like the Constable of St. Brelade, very quickly, I am surprised at Unite. In fact, I understand the representative is away this week, the local branch secretary, which is very unfortunate while this imbroglio is blowing up in our face. Secondly, I want to have more from the Minister on the role of the shareholder. It was raised at the meeting, a very useful meeting, I might add, that if you have a shareholder, a Minister of a certain persuasion, representing the views of this States, it can be very, very imbalanced. I note that the report says there will be an agreement worked out. I think we need a robust shareholder or shareholding presence and I get very frightened when it is one person and it is one person who has a certain orientation politically. Thank you.

The Bailiff:

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

7.1.15 Senator A.J.H. Maclean:

I will seek to cover the points as they come; there was a bit of duplication. First of all, I would like to thank every Member for their contribution. I will not necessarily mention everybody by name but I will cover the key points as I go through. Deputy Baudains, who started some considerable time ago with his comments, raised some points and he has raised them privately to me as well. I understand his concerns about the ability to challenge performance. He feels at the moment he can get the Minister or Ministers by the scruff of the neck and get some response in regard to particular issues that he has concerns about, whether that be ferry delays or whatever it might be. I think what we need to recognise is that, yes, that is an option, but that does not necessarily improve performance. What improves performance is having an effective structure in place to ensure that the business is run in an appropriate fashion and I do not think in the past that has always been the case. I think to give some perhaps comfort to the Deputy, there would of course be other routes that he could raise issues to through an incorporated body. He may well, like some Members, not feel that the shareholder responsibility would give him sufficient leverage to raise his concerns but there again that is one option. A further option, like consumers, is through the media. The Consumer Council has a really important role to play, an increasingly important role to play, again with regards to ferries which the Deputy mentioned, or any other asset at either of the ports. If they are not functioning properly, an effective consumer voice with the Consumer Council is the right way to go. Of course, through an incorporated body, the management of the entities and the board are also areas where complaints can and should be raised and where indeed accountability ultimately lies. I do not believe the incorporation would lead to less accountability and less ability for issues to be raised or performance standards to fall. In fact, I think quite the opposite. I think we will see performance standards improve because if these businesses are going to do what they say they are going to do, which is to grow the business, they are only going to do that. I will use the word or phrase that the Group Chief Executive uses regularly. He wants to “delight” his customers because he knows that to delight the customers will get them to come back. Will get them to come back, will get them to spend more money when they travel through our ports, and the more revenue that can be generated, the more successful and profitable and, more importantly, the greater the ability to keep fee increases to an absolute minimum which is the stated aim of the businesses. I hope that will give some reassurance to the Deputy. I know he has a very busy workload, but I am happy that in the future he could, without being on a formal focus group, I am sure, feed in his views and we are always very happy to hear those. Thank you to Deputy Maçon and indeed all Members who I mentioned earlier who came along to the briefings in the last 10 days. It was constructive and helpful for us in terms of forming our views on the future direction. I understand the concerns the Deputy has about asset disposals. I would just raise one point: there is only one asset that is in the 20-year financial model that is identified as a potential disposal. I say “potential” because in fact there is a proposition standing from the Constable of St. Helier which would prevent La Folie without agreement being disposed. But the fact is that the port’s management are of the opinion that disposing of assets is probably, in any event, even that one asset, not in the best interests of that particular organisation. What they would like to do is to use the phrase “sweat the assets”, invest in the assets for marine leisure benefits and get a long-term revenue stream which will help sustain the businesses into the future. I think we will see more of that as we go forward as opposed to the selling off or requests of the shareholder for the sale of assets which, if that was the case, would be to reinvest in the business. That is the intention but of course the work has to be done as we move forward and the agreement has to be reached as to exactly how those relationships will work in the future. Deputy Young raised some points and, again, when he came to the meeting he did. I hope I can give him some comfort because in

particular it was the asset transfer area that he was particularly interested in; it was mentioned by other Members. He did raise the point about: do they have to be transferred to the entity, do they have to be sold to the entity, could it be dealt with as a lease? My view is that all options are open. I hope we did not give the impression that a long lease was not on the agenda. That is feasible and I am more than happy that we look at it. When I say a “long lease”, it would be something in the region of, I guess, a minimum of 100 or 150 years but if that gives some comfort. I think the Deputy needs to be aware though from a security point of view, a long lease is almost the same as transferring the freehold of the land or property in question. I do not know what comfort he would necessarily get from a long lease but that is on the agenda and certainly is available to be discussed. He also raised the point about governance structures with the new company. The detail yet has to come out. He is absolutely right, it is key that we get that right, and that is one of the many additional pieces of work that needs to be done in terms of working up the proposal to bring back to this Assembly. Again, there will be focus groups, the opinions and expertise of the Deputy on one of those focus groups would be most welcome. He has shown a great deal of interest and made some valuable contributions. Deputy Southern never ceases to amaze me with some of the comments that he makes. I can only conclude that he must be somewhat confused with regard to the correlation he drew, for example, between Connex and these particular proposals. We are working with the unions. I think we have made it absolutely clear that we have worked with the unions and will continue to do so. It is early stages but nevertheless from a very early stage, and this is a key point, being early engagement, early appointment of a shadow board. The way in which this particular proposal for incorporation differs from those that have gone before is the early level of engagement at all levels. That includes, I may say, with the staff which is absolutely critical. You are not going to change anything effectively unless you take people with you. These businesses have large numbers of staff; they have been fully involved from the beginning. They will continue to be fully involved as we move forward on the basis of course that Members are prepared to accept this proposal and direction of travel that we are debating today. But, more importantly, as far as the comments that Deputy Southern raised, not only have we had the engagement with the unions and engagement with the staff, it is a culture change that I think is the really important thing to emphasise.

[16:30]

I think it is interesting that we have gone through the integration of the ports, the harbour and the airport. Frankly, that was a big and adventurous project to deliver on, and it has been done in a record time of about 6 months from start to finish and it has taken people with it. The staff are on board with it, they have gone through it, and Members will be aware the very low level of media interest in what has occurred in this massive change programme. So I think we have moved on in terms of engagement at all levels and I think that is very positive. Deputy Duhamel, my colleague, my fellow Minister, I thank him for his observations. I was not quite sure as he was going through where he was going. I thought 90 per cent of his comments were against the proposition but I was pleased he did a swing-around at the end and, subject to a couple of confirmations, he is going to support, I understand, the proposition which I am delighted about. Again, he raised the point about freehold or leasehold. I hope I have covered that point and he will be satisfied. Indeed he is more than welcome to contribute towards the future shape of the structures; I know he has some strong views. I would just like to raise a couple of points because he did make them and I think it is important to put the record straight. He was talking about capital investment and rather suggesting that there was not within the 20-year financial plan enough provision for repairs, maintenance, CAPEX, effectively. But in fact Members should be aware that there is £302 million over the 20-year period and there is £64 million left over on top of that and that does not include any form of borrowing. There are no borrowing assumptions in this plan whatsoever. It is revenues from the businesses which are sustaining them, taking away what exists at the moment, or the risk of a

liability to the public purse if these businesses continue as they are and are not structured in a way that gives much more agility and much more flexibility which we strongly believe the big corporation ultimately will give. Also Deputy Duhamel made the point about investment in assets. Yes, of course, as any business would, we push back the replacement of assets as long as we prudently can afford to do. But Members will be relieved to know that all assets are replaced within appropriate life cycles, as would be expected, and to ensure that safety remains of a paramount consideration. I should also point out about the replacement of the runway, again, another point from the Deputy. The runway probably will last about 30 years. The 20-year financial model has a replacement in there, so again well within the replacement period, which only demonstrates that the financial model is, we believe, both prudent and conservative. It would be pointless to have created a financial model in any other way. Finally on the Deputy, he raised concerns about the boundaries and indeed whether they were going to be sufficient. Clearly the exact detail of the boundaries and the assets to be transferred to a new incorporated structure is yet to be defined, as we have said, but what is proposed is to take the minimum required to ensure that the port can be sustainable into the long-term. The £1.2 billion project, I know Senator Ferguson mentioned it a moment ago, that is not included in the plan at all. If indeed East of Albert or something more adventurous were to be considered to be a project that had merit, then a business plan would need to come forward and the owner of the neighbouring land, the States of Jersey, would need to be party to any future investment proposal. But it would have to stand on its own 2 feet and I have to just emphasise that it is not included in this proposition as we stand at the moment. That leads me to the Constable of St. John. It is hard to know where to begin. I will try to be relatively brief but the Constable has a lot of experience with regard to Harbours and Airport. Members will probably be aware he was sitting on the Harbours and Airports Committee back in the distant past. I think I found records here of committee meetings going back to the late 1990s and in fact it quotes the good Constable, who of course was then a Deputy in those days, in these minutes, where an incorporation in those days was discussed. In fact, he is quoted as saying: "Well it is too early. We do not have enough information, we need to know more about it." So I would say to the now Constable, does he think 13 years have helped him at all? Clearly not from the comments he made earlier on. **[Laughter]**

The Connétable of St. John:

We have learned a lot in 13 years and we should not be going backwards.

Senator A.J.H. Maclean:

I did also note that the Constable was very honest when he referred to the squandering of money in the old days when we had plenty of money coming out of our ears. I assumed he was referring to the days when he was presiding over those particular assets. **[Laughter]** The Constable made a number of assertions. He talked about non-profit-making organisations. He felt the port should be non-profit making. Incorporation does not mean you have to be profit making or indeed it does not mean you cannot introduce the dividend policy which says exactly that: you do not make profits. What the assumption that we have put together in the 20-year plan says or shows on a conservative basis and this is about growth of only 3 per cent per annum over the 20-year term, not as the Constable said "fleecing" people. I do not think 3 per cent per year really demonstrates that we are seeking to fleece anybody but the choice is there. This plan shows that the States, the shareholder would receive in excess of £70 million in dividends from the ports based on this particular, what I have already described as, prudent and conservative financial model. Again, it is yet to be validated. There is a lot more work, as I keep re-emphasising, that needs to be done, and that will be done in due course. The other point that the Constable was making, he was continually talking first of all about the bottom line. He used the example of the airport opening time changing from 5.30 a.m. to 6.00 a.m. and how clearly this was all about the bottom line. Then he was referring a

few moments later about historic harbours and coastguards: “No business would want to take that, would they?” It is included in the financial model. The financial model can deal with the social responsibility associated with looking after the historic harbours, the really important historic harbours. Deputy Power had made a point about that. It is right that both the Harbours and the Coastguard, another obligation, which would have to be, after all, funded from somewhere. It is wooden dollars, in many respects. If the port’s incorporation proposal said: “We do not want all the non-profit making bits and pieces, thank you very much, we just want all the juicy bits we can make lots of money from” it would not be a very compelling proposition and quite simply we would have to find ways of funding these 2 important areas which would be quite considerable. What the proposition says, what the financial model demonstrates, is that there is enough money for taking on social responsibility of those 2 areas and others and still driving a fairly considerable profit and, importantly, not being a drain on public finances over the next 20 years and beyond. So that is the Constable of St. John. Just a couple of...

The Connétable of St. John:

Before the Minister continues...

Senator A.J.H. Maclean:

No, I am not giving way. The Constable has had plenty of time and we have spent ages listening to him; I think we have heard enough. [Laughter]

The Connétable of St. John:

He brought the proposition, he did not have to listen.

Senator A.J.H. Maclean:

Deputy Tadier, just a few points. I have covered the dividend policy because he raised the same issue about social provision and profit. His concerns, I think, demonstrated you can have both social provision and profit. It is really up to us to decide, and through the shareholder, or indeed how we structure this when it eventually comes back; it is up to Members to decide. There are the 3 levers; it is not just about going for growth. You have 3 levers: you can put your fees up, of course you can, but if a business wants to be sustainable and grow it is not going to be just putting its fees up. That just simply will not work. You drive your cost base down and you look at growth opportunities and that is where the agility of incorporation really does add value to this particular opportunity. The rewarding of staff, by the way, is not about just rewarding the senior management, as the Deputy was perhaps suggesting. In fact, it has been demonstrated already through the integration process between the Harbour and the Airport. What in fact did the management do? They started from the top and worked down. One of the reasons I believe that we had success with integration was not only the engagement at an early stage with all the staff, not only the engagement with the unions at an early stage through that particular process, but because we started at the top and we worked our way down and stripped out about £1 million worth of cost by restructuring the senior management teams and operation. That was a significant reason for the success. Rewarding staff is the right thing to do, in my view, but I mean rewarding staff throughout an entire organisation: for good ideas, the helping a business to grow and develop and so on. There are fantastic staff that exist across the public sector as a whole. Those that are delivering and performing particularly well should be rewarded for doing so. How else do we encourage them to come back and give more and go that extra mile? I think this is all part of the way in which we need to look at how we manage and deal with our staff in the future. Just a couple of other comments, Senator Ferguson I hopefully covered off about the £1.2 billion project that is not included as part of this proposal. She did ask about rates. All Parishes that would benefit from a harbour where there would be a small amount of rates that could be negotiated, yes, that is open, so the Connétables, they could get a little bit of extra revenue. The reason that St. Peter and St. Helier

are mentioned specifically is because those are where the 2 large assets are and they are the ones that are going to find this whole proposition quite lucrative. I do not think there is any need for them to not participate in the vote just because they are going to have a bit of a windfall should it proceed. But, yes, we felt that it was reasonable that the Parishes should benefit from rates on the assets located within their boundaries. Finally, Deputy Le Hérissier, the role of the shareholder, the M.O.U. (Memorandum of Understanding), or shareholder agreement, absolutely critical. His input through that process... I have said it to other Members, this is the beginning of the journey where we are seeking to move in a direction, we are seeking the support of Members to get behind this journey which we believe strongly from everything that you see within the report and proposition. All the work that has been done to date, the financial models that have been produced to this particular point, all demonstrate that there is a strong case for moving towards incorporation. We now need to do and spend the extra money to put that into a package to bring back to Members. That process over a period of 18 months to 2 years will require focus groups, it will require input of Members and experts within relevant fields and, importantly, engagement with unions and staff. It is a complete partnership arrangement to deliver what is going to be, in my view, in the best interests of the Island. I hope Members can support this direction of travel, this proposition. I thank everybody for their contributions to date. I maintain the proposition.

The Connétable of St. John:

The Minister has not answered one of my questions that I put to him. He has not answered why the tenants and the lessees were not spoken to prior to bringing this proposition to the House.

Senator A.J.H. Maclean:

As far as I am aware, and the Constable and Members will be well aware that there are literally hundreds of tenants, it is probably a case that he has found some that have not had one-to-one conversations. I believe, however, that there has been wide consultation. All I can add is that 3 or 4 years ago I used to get regular contact from tenants and members of the public dissatisfied with different aspects of the operation of one port or another. Now I virtually get nothing at all and that is testament to the work that I believe the management have done at the ports in terms of improving performance. I think it is heading in the right direction, there is always room for further improvement, but I think they should be congratulated to where they have got to. Thank you.

The Bailiff:

The appel is called for then in relation to the proposition of the Minister for Economic Development. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 42		CONTRE: 5		ABSTAIN: 1
Senator A. Breckon		Connétable of St. John		Deputy M.R. Higgins (H)
Senator S.C. Ferguson		Deputy G.P. Southern (H)		
Senator A.J.H. Maclean		Deputy S. Pitman (H)		
Senator B.I. Le Marquand		Deputy M. Tadier (B)		
Senator F. du H. Le Gresley		Deputy T.M. Pitman (H)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				

Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérissier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

The Bailiff:

Very well. I can inform Members of 2 further matters which have been lodged. Projet 100, Draft Gambling (Jersey) Law 2012 (Appointed Day) Act 201- lodged by the Minister for Economic Development and the Draft Social Security (Amendment of Law No. 4) Jersey Regulations 201-, projet 101 lodged by the Minister for Society Security.

[16:45]

8. Historic Abuse Redress Scheme: approval by the States Assembly (P.80/2012)

The Bailiff:

Very well, the next matter on the Order Paper is projet 80, Historic Abuse Redress Scheme: approval by the States Assembly lodged by Deputy Higgins and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Council of Ministers (a) to keep the Historic Abuse Redress Scheme open to claimants until details of the scheme have been debated and approved by the States Assembly and not to consider the scheme closed to new applicants on 30th September 2012 as previously announced; (b) to agree that any claims that have already been settled under the current scheme as full and final settlements shall be considered by the Council to be interim payments (which may subsequently be increased but not decreased) until such time as the States Assembly approves the details of the scheme and the levels of compensation that may be payable under it; (c) to lodge for debate within 90 days of the approval of this

proposition a report and proposition setting out for approval by the Assembly (i) the maximum and minimum levels of compensation payable to claimants under the scheme, (ii) the criteria that are to be used to determine the levels of compensation to individual claimants (including in the accompanying report a full explanation of the sources of the scheme rules and how the proposed compensation levels were derived), and (iii) any other relevant information regarding the operation of the scheme or the application of any rules associated with the scheme; (d) to continue to make payments to those victims in financial need, with any such payments being treated as interim payments until details of the scheme have been approved by the Assembly to ensure that no victims are disadvantaged by the delay.

8.1 Deputy M.R. Higgins:

It is said that we are often defined by the events that we face and how we deal with them. The child abuse scandal that Jersey has faced over the last few years is such an event. To date the Council of Ministers and the States generally have not performed very well. Let us change this situation and set it right for a change. Now I want to start by asking Members to look at the proposition, which has just been read out to you, and to ignore some of the misinformation that has been generated by the Council of Ministers with regard to it. First of all, I asked that the scheme be kept open beyond 30th September, only until the time it is debated by this House. If this proposition is accepted I have asked that the details of the scheme be brought within 90 days so that we can examine the scheme and make sure that we are happy with it, and keep the scheme open to that point. That does not make it an open-ended scheme, as some have alleged it is, although there is nothing to stop a Member, if it is being looked at, putting forward an amendment to a proposition to that effect. It is for them to decide. It is not what I am asking for in this proposition. The second thing is that I am asking that anyone who has settled their claim, there are 5 people that I have been told have settled their claims, and they have been classed as full and final settlements. While we are going through a process of, I hope, reviewing the scheme, then those settlements would be treated as interim payments and would be only considered full and final settlements if the States did not want to amend the scheme any further. If, on reflection, the States decided that the scheme boundaries, or whatever, whether it be the limits or the different bands should be adjusted, then it could be that those people might be entitled to a greater sum, but not a lower sum. Also I put in the proposition that I did not want anyone to be disadvantaged by this 3-month delay, and that anyone who was in need of financial assistance would be able to make a claim under the scheme and to receive some interim money. That is basically what the proposition is about. So what I am saying is I am not asking the States to abandon the Historic Abuse Redress Scheme that has been put forward by the Council of Ministers, I am just asking them to check and ensure that it is fit for purpose and it provides justice for the abuse victims. I hope Members will bear with me as this speech is going to be much longer than my usual ones, as I intend to deal with the matter by going through the Council of Ministers' comments paper on the proposition and the scheme details itself. I am going to start off with the comments paper. Now the first thing that comes out from the comments paper is the fact that the Council of Ministers oppose the proposition. This did not surprise me in the least, successive Council of Ministers and many Members of the States have failed the child abuse victims repeatedly, and on the basis of past performance, we will probably do so when we come to the vote on this proposition and, I am prepared to forecast, when the terms of reference on the Committee of Inquiry into child abuse are lodged and debated. Now the Council says that it recognises the need to treat claimants in an empathetic and...

The Bailiff:

Deputy, I am sorry to interrupt, but are you really going to read out every paragraph of the comments?

Deputy M.R. Higgins:

No, Sir, I am not.

The Bailiff:

Oh good.

Deputy M.R. Higgins:

I have the message, do not worry. The States Members are restless, they have had a long day and they are not in a mind to listen to everything. So I am going to pick and choose. They have had a copy of this document put before them, and therefore, they can read the comments in between. It was not my intention to give it out in the beginning because, being a former lecturer, if you give students a handout beforehand they do not listen to you anyway, they just read it. So unfortunately that is going to happen anyway. So basically I happen to agree that abuse victims should be treated with empathy and care. I do not believe that any other right thinking Member of the States would think otherwise. I also happen to believe that the claims process should be simple and speedy. Now the Ministers have said that they believe it is better for all concerned if the setting up of the scheme remains the responsibility of the Council of Ministers as this would allow the scheme to remain sufficiently flexible and do justice to individual claimants. Now, I only partly agree with this. I want a flexible scheme that does justice to the individual claimants, but before I trust the Council of Ministers with the responsibility for it I want to know a lot more about it and receive guarantees they are not making it up as they go along, as I believe they are in some instances. What the Council of Ministers are saying in effect is: "Trust us. We are all honourable men and women. We want to find out the truth of the abuse that is taking part in our States-owned and run institutions and under our watch. We want to find and bring to justice the perpetrators. We want to establish who knew what, when and why they did nothing about it, and we want to do justice to the individual claimants and compensate them for their suffering and look after their mental health needs." Well, the public's trust in the Council of Ministers, politicians, senior civil servants, the police, lawyers, the media and the judiciary is at an all-time low. I do not blame them because we have all let them down one way or another on repeated occasions. We have certainly let down the abuse victims and this must stop, and I believe it must stop now. Now the Council of Ministers have put forward this scheme because they wanted a scheme that was an alternative to going to court, because they said that many of the victims did not want to go into court proceedings because it would mean public exposure, questioning and we know the court system is an adversarial process. Now, I happen to agree fully with the concept of an alternative and efficient means of providing fair financial compensation to the victims, rather than requiring them to resort to legal proceedings, which none of them can afford, and for which the Jersey legal aid system would be highly inadequate, even should their cases be accepted by them. They are also going to face a major hurdle if it happens, because one of the arguments of the Council of Ministers in any case would be that it is time barred. The abuse happened too long ago to get a legal remedy. So really they do not have much choice. This is the scheme that is there on the table at the moment. I also wonder how many Jersey lawyers or law firms would represent them. Most will not take it on because they have to work within the system. If you take on your client's needs properly you are going to rattle the system. I also believe that the Council of Ministers' scheme may be acceptable if the information and changes that I seek and the guarantees I believe are necessary are given. Now the scheme itself was established by the scheme lawyers who advised the Council of Ministers. It is said that the advice was provided after research into redress schemes established in other jurisdictions and they had discussions with other people who administer these schemes, who provided their views about what did and did not work. Well, I would like to know which scheme, which jurisdictions, what people did they speak to and what schemes did they administer. What was said to work and what was not said to work? We are not told. The truth is that we have no idea and we have no way of testing whether what they said and what we are being told is correct.

We simply have no idea, we have no means of corroborating what we are being told by being able to ask any of the parties to the schemes, whether they be lawyers or victims, whether they corroborate the information we have been given. Now we have also been told that independent U.K. counsel have given advice and assisted the scheme lawyers with the development of both the levels of compensation and rules to be applied to the levels. Who are these independent U.K. counsellors? Do you know, because I do not? We have not been told. Even one of the lawyers acting for some of the abuse victims said that he has never heard of them. He knows the names, but he has never heard of them. I would like to know what chambers they are from and whether they are from the usual favoured chambers of our Council of Ministers and law officers. The scheme lawyers also say that they consulted extensively with the lawyers acting for the abuse victims and that they have adapted certain elements of the scheme in light of those comments. Yes, they have consulted, I have checked. But they did not listen and accept all that they had to say. Where, for example, is the independent appeals process on matters not relating to the final sum being awarded? There is not one. The only alternative is that these people have then got to go out into the court system, get a lawyer to support them - here they are going to get the money from, they are not going to get legal aid probably - and then they are going to have to fight the case, and especially the charge that it is time barred because the abuse happened such a long time ago. There is no real alternative. There is no independent mechanism within this other than in challenging the size of the award. Now we are also being told by the Council of Ministers that the lawyers acting for the claimants all recommended the scheme in its current terms to their clients and that they have submitted their claims on that basis, and that further claims have been submitted by lawyers appointed after the introduction of the scheme, and also by claimants personally. Well, I put it to you that the lawyers have accepted it as it is the only scheme on the table. Because the States, on examining the scheme, decided to enhance it or make it better, does anybody really think that they would not accept it and recommend it to their clients? So it is a nonsense to say that because they have already accepted it, we should not look at it again. I cannot believe that if the States do support this proposition and call upon the Council of Ministers to bring the scheme before it for examination that any right thinking States Member would want to amend it to offer the victims of abuse worse terms or less compensation. Or is that what they are afraid of? That States Members would want to make the scheme fairer and enhance the levels of compensation. We are also told that the scheme has received 128 applications for compensation and those claims are being processed. I find this surprising, because if my memory serves me correct, 158 people made witness statements to the police during the Haut de la Garenne Inquiry. Remember this is a child abuse scheme that covers other establishments as well. I am also aware of at least one person living in Australia who is considering making a claim. They have not yet, and according to the Minister, because they have not submitted a claim they have to have a darn good reason. Well, it is still a traumatic event in their life and they still have not come to terms with it after all these years. Now, we are being told that the claims are at various stages. Many claims remain in the initial stage of investigation and the gathering of relevant...

The Bailiff:

I am sorry, you told me you were not going to go through them all.

Deputy M.R. Higgins:

I am not going to go through them all, Sir.

The Bailiff:

Well, you have done a good job of it so far.

Deputy M.R. Higgins:

I know. It is when I get to the scheme I am going to start jumping, do not worry. It is terrible when we are pressured for time and we are discussing such an important topic. Anyway...

The Bailiff:

I want to make clear, I am not pressurising on time, but it is noticed that you are repeating everything put in the comments.

Deputy M.R. Higgins:

Yes, Sir. I am not going to repeat everything, do not worry. Believe me, I am a politician. Anyway... Basically the Council of Ministers have opposed my proposition because they think it is going to lead to an open-ended scheme, I have already dealt with that; it is not. All I am asking for is the scheme to be kept open until such time as we have had a chance to examine the scheme in detail. We have also been told too that they were concerned that if I brought this proposition and we did investigate it, it would cause delay and prevent closure to the victims of abuse. This is totally false, it does no such thing. Six months after the scheme have been brought into being 5 out of 128 people have actually settled. They are going to be into this well into next year and well after the States will have debated this matter, if you decide to call it in for review. I am also concerned, I must say, about people who have not yet come forward. Not all abuse victims will come forward immediately or in response to the adverts. Now whether it is through shame, guilt, worry of what their family and friends may think or fear of not being believed, or fear that their abusers are rich and powerful, or because of repressed painful memories. It may be there is something that will trigger their desire to confront their demons later, and we should not bar those people from coming forward. But that is a personal view, which is not part of the proposition.

[17:00]

Just going on to the publicity. We are being told the scheme was well publicised as was the closure date. Well, the Jersey Care Leavers' Association were told, for example, very early on that their name and, I think, their website and other information about them would be put on all publicity material, it was not. So they are let down on that too. I also wonder, although there was the initial publicity associated with the scheme, and obviously because of the Haut de la Garenne Inquiry which had worldwide, sort of, prominence, no doubt people were aware of it, how much follow up publicity has there been? Have they been advertising in Australia, Canada, the U.S. (United States) where some of these victims have moved to? I am not convinced, we just do not know. Now the Council of Ministers in their comments paper acknowledge that some issues have arisen on certain claims. They mention in their case, they say: "In certain cases there is a lack of any corroboration in respect of allegations put forward, and in these cases additional reports are being requested." Well, that is fine, I have no problem with that. It says: "Further, there are some applications which are considered to fall outside the scheme, and scheme lawyers are bringing this issue back to the Council of Ministers shortly." They say no claims have been rejected at the moment, but from what I understand, they are trying to. It has been suggested, I will come to this in a moment, well, I explain the areas where, for example, there are arguments going on behind the scenes. Now basically I have been informed by some very reliable informed sources - and I might say they are some of the lawyers that were engaged with the scheme - that the States lawyer Maurant Ozannes had been moving the goalposts. We have been told by the Council of Ministers that the scheme is simple and straightforward and that it is totally transparent. But this is patently untrue as the lawyers are trying to pick and choose some of the victims. They are trying to, or certainly talking about, disallowing claims for certain types of situations in which abuse may have taken place. Now I am going to come on to that in a moment when we go through the scheme details. If we go through the scheme document one of the questions I have is: why was 31st December 1994 chosen as the end date for claims? In other words, between 1945 and 31st December 1994. What is the

significance of that date, it seems rather arbitrary, why just pluck a date out of the air? I have been approached by one lady in the last week that has alleged that her children were abused just after this date, and thus are excluded from the scheme as it now stands. I have also got concerns about the role of the Health and Social Security Department, which I believe is conflicted, as I believe the Minister may also be. According to the former Chief of Police, Graham Power, in his affidavit to the Royal Court and his submission to the Wiltshire Inquiry the former Chief Executive for Health and Social Services Department, Mike Pollard, attended a meeting together with the Chief Executive of States, Bill Ogley...

The Bailiff:

Can I remind you, Deputy, that you do not refer to names unless essential, you only refer to their positions.

Deputy M.R. Higgins:

If I could remember their positions, Sir, yes.

The Bailiff:

Well, you have said them.

Deputy M.R. Higgins:

I did know in this case here, there may be others that I cannot remember their position. So, okay. The Chief Executive for the States of Jersey and others from the Human Resources Department, where they were plotting to remove their then Minister for Health and Social Services, Senator Stuart Syvret, who was highly critical of his civil servants over the child abuse allegations. Mr. Power wanted no part in what he considered was a *coup d'état* by civil servants, and was asked to leave the meeting by the Chief Executive. On his return to the police station he wrote a contemporaneous formal note of the meeting. Another of his senior officers attended another meeting scheduled at the same time on the same day in which the removal of the Minister for Health and Social Services was also discussed. She also returned to the police station and recorded another contemporaneous file note setting out the facts. This second meeting was also attended by senior civil servants in the Health Department. Now I would question how can civil servants in a department which tried to remove a Minister who was revealing details of child abuse in children's homes under the department's control, be involved in administering the scheme, let alone, as you will be seeing below, having a role in assessing whether the claims should be accepted and the level of compensation they should receive. So they are some of the questions I want to ask. Going on to scheme paperwork, we are told that the following documents are core documents: an application form, where the claimant sets out, basically, who they are and the details of their abuse. It is interesting to note here that Jersey Care Leavers' Association, again, just repeating it, were not included in any publicity material or told that claimants could go to them for information or to collect application forms, even though the Health Department said they would arrange for them to be included on that list of material. I have seen the emails to confirm that. If we go to the scheme timescale. I am curious to know why there is such a short period of time, 6 months. Many schemes give a longer period of time, this scheme is set at 6 months. I have seen some of the arguments, but I am not convinced. Was it that the insurance company who will be covering the loss, I know we are told the money is coming from the States initially, but I believe there is an insurance policy behind this. I would like to know to what extent the insurance company is wanting a shorter date so as to limit the extent of liability under this policy. If we look at the scope of the scheme, I have already mentioned this, one in terms of the closing date of 31st December 1994, but why is the scheme just limited to full-time residential care between those dates? Were any victims involved in any form of part-time care where abuse may have taken place? Why is it full-time? I would also like to know why the scheme is restricted just to those people in full-time residential care. Why

does it not cover those in foster homes who were also abused? Or is it that once the Children Service and the courts have placed someone into foster care they no longer have a duty of care for the child? Can they simply just be allowed to wash their hands of any responsibility and walk away? The Assistant Minister here is saying: "Yes, they can." I know that tends to be, sort of, a thing, but if you place someone into someone else's care you have a responsibility to make sure they are looked after. Or is it that the insurance company will not cover foster care, as they do not in many U.K. policies, and I wonder if the Jersey policy does not cover it and that is why it has been excluded. Does it also mean that if the insurance company will not pay it the States would have to pay the abuse victims out of its own coffers? So I would like to know why the abuse in foster care has been excluded as well. Now we are being told that the States of Jersey legal advisers are instructed to advise and revert to the Council of Ministers if the end date of 31st December 1994 prevents a claim for historic abuse. So in other words, that is a problem. But how will they know in all the cases? If the scheme has published a cut-off date, which has been advertised, how many people will not even apply for compensation, thinking it will be a waste of time as it will be rejected. Even Lavelle Coleman, one of the solicitors representing the claimants, I believe, has erroneously advised one potential claimant of that fact. Now it goes on then to look at representation. I am just curious, I would just like to know how much Mourant Ozannes are being paid for their services. I have seen some figures and I am starting to wonder, by the time it is finished, will it be as much as many of the compensation victims are going to get. I would also like to know what the terms of reference are for Mourant Ozannes. Have they been published together with any instructions of the Council of Ministers? Not that I am aware of. We have been told that under 16 (if you look at 16): "The application forms received after the closing date shall not be accepted." Now this is a definitive no. They will not be accepted after the closing date and nothing about them being accepted in exceptional circumstances, as the Chief Minister told the Assembly during question time on 25th September, and also in the comments paper. This is the scheme documents, the one they are working by. We are also being told that the initial review, that the scheme lawyer shall conduct an initial review of the application form and will advise whether the claim falls within the scheme or not, and as I say, if the lawyers say: "No, it does not come in" then the only recourse is to go to the courts, and they have no hope at all because they would not be able to afford it and let us say the time bar argument could be used. There is a reference here to the psychiatric assessment. If we look at paragraph 19: "In the event that a claimant refuses to co-operate with the appointed psychiatrist the claim may be rejected by the scheme or it may be permitted to proceed, but the level of compensation awarded may be adversely affected in light of the lack of additional verification of the facts and the effect of any abuse." What does this mean in terms of the level of compensation? We have no idea. Well, yes, it can be reduced, but by how much? Do we have any idea? If we look at the heading: "Material review". We are being told that the scheme lawyers are going to look at all historic records held by or on behalf of the States of Jersey in relation to the claimant and their time in care, including documentation held on family files in respect of that placing of the claimant into care. All records held on behalf of the States of Jersey, including medical records, mental health records, social service records. All records concerned with the running of any establishment at the time the claim relates, and the information held relevant to the claim or the alleged abuse or abusers. Again, documentation provided to the States of Jersey Police to the scheme lawyers in respect of the subject matter of the allegations set out in the claim, which may comprise of restricted information. What is your definition of "restricted information"? I do not know what it is, they are not telling us. They also state: "To the extent it is relevant information from the Criminal Injuries Compensation Authority", in case someone has already had compensation. Fair enough, no problem. "Also, where prepared, a report from the jointly instructed psychiatrist." Now this area is of major concern to me. The reason is quite simply that many records have been lost or destroyed by the Jersey authorities. How can all claimants prove they were in care during the qualifying period? For example, I believe it was

Birmingham Council, it may be Birmingham Metropolitan Council, whatever the title was at the time, stated that they sent 5 boys to Haut de la Garenne, but the records can only be found showing that 4 of them attended the Home. How do they intend to get around this problem? Are people going to be denied compensation because of the failure of the authorities to keep proper control of their records? Again, is there any evidence of deliberate destruction of records? In fact, shredding of documents is becoming quite common, I just heard of it recently, which I might bring up in the States at some point. Not in relation to this, I might add, but in another area. Secondly, many victims have been denied access to the records or files for a variety of reasons, including the fact they contain matters relating to third parties which it said would be excluded under the Data Protection Law. Others have been told that their records do not exist when in fact they do. One victim told me that the psychiatrist they saw as part of the process had records which they had not been given or been allowed to have. Even the victim's lawyers may not have had sight to all police records, especially where they relate to allegations of abuse by people who have not been prosecuted. Is this fair? I do not think so. Although the determination process under the scheme is not a trial, it should be at least fair. One of the elements of the broader concept of a fair trial is the principle of equality of arms, which requires that each party be given a reasonable opportunity to present his or her case under conditions that do not place him or her at a substantial disadvantage vis-à-vis his opponent. That right means in principle the opportunity for the parties to a trial, or this process, to have knowledge of and comment on all the evidence adduced or observations filed, with a view to influencing in the court, or in this case the people making the decision on whether a claim is allowable or how much. This seems to me to be manifestly lacking under this scheme. As far as damage is concerned the scheme lawyers, together with the representative of Health and Social Services will consider the claim and make an assessment of the appropriate amount which should be awarded and the claimant's legal adviser will be consulted during this process. Bearing in mind what I have said before about the Health Department being conflicted, how can the very department that failed the children who were abused and tried to remove what they considered to be a troublesome Minister, who was criticising his civil servants for allowing child abuse to happen in its institutions and to act on complaints, be involved in the determination of whether someone should receive compensation and the appropriate amount that should be awarded? We then also see here that they have a band description range. That physical or sexual abuse, it is £10,000 is one. It goes up to rape or prolonged aggravated physical or sexual abuse going from anywhere from £25,000 to £60,000. They say these bands have been arrived at based upon specialist advice from leading U.K. barristers. Again, no detail of it. Now while the use of these bands may be the norm in the United Kingdom, I would like to see some justification for their use and alternative methods of assessment. It appears on the face of it to be too mechanistic. So much money for inappropriate touching on the outside of clothing.

[17:15]

So much money for inappropriate touching inside the clothing. So much for one rape or act of sodomy and so on. It does not appear to take full account of the trauma experienced and the effect on the individual without a full explanation of how one can decide whether or not it is appropriate. I would like some justification for that. We are also told that there can be no special damages, such as loss of earnings or loss of opportunity. Why are these excluded? What justification is there for excluding special damages? Some individual's lives have been completely ruined by their experiences in state institutions. They will never, ever be - I hate to say it - normal, because they have experienced such a traumatic event and they are going to need care. Now we are also told too that any payment for medical expenses would be subject to a maximum of £3,000 unless a special exemption is applied. Now why is the figure limited to a maximum of £3,000? As I have said, some people concerned may require support for the rest of their lives. Also, why are they required to pay the bills to the doctors themselves, and then claim back the money for the medical expenses,

up to the £3,000 sum? The point is they have to justify it; they have to produce things for it. Why are they not just getting the care that they actually require? Also, what are the special circumstances and who determines them? Now we are being told that if a person objects to the amount that they are being awarded a review will be conducted by independent English barristers at the level of Queen's Counsel and that 2 Queen's Counsel are to be retained to discharge this role, and agreed between the scheme lawyers and lawyers acting for the claimants. Well, who are these people? What experience do they have? What chambers do they represent? We know nothing. Also how will the equality of arms argument be handled? Will the Q.C.s (Queen's Counsel) have access to material the claimant's lawyers will not have? Will they have access to all the information? For example, just going back to the psychiatrist for the moment, the psychiatrist was told in one case that he was going to base the information just on the allegations made by the abuse survivor or a number of abuse survivors. But there were other people who have not been abused, who worked at the establishments, who also reported the same sort of abuses. That information was not going to be included, so the psychiatrist would not have had the full information. I am rather concerned about the equality of arms. Then we go on to the actual award. It says: "If the Q.C.s decide to enhance the amount" then it says that the decision is not binding on the Minister. On what possible grounds could the Minister refuse to pay out an enhanced compensation payment? Again, also bearing in mind the conflict of interest argument against the Department of Social Security and the Minister. Now, I am wondering whether this is the deterrent...

Senator F. du H. Le Gresley:

Could I just interrupt the speaker? On 2 occasions he has, by error, referred to the Health and Social Security Department.

Deputy M.R. Higgins:

I apologise for that.

Senator F. du H. Le Gresley:

It is Social Services, thank you.

Deputy M.R. Higgins:

Sorry. There is no implication of your department or the Minister in that department at all. Now I just wonder whether the... oh, sorry, I am coming on to the next one. There is the idea that in all cases in which the review recommends an increase in the award in the amount of 20 per cent or more, the costs of the review will be backed by the Minister, regardless of whether the enhanced payment is made or not. So the costs are paid, but they still will not get any compensation if the Minister does not want to pay it. So in any other case the costs of the review are to be met by the claimant, and either paid directly for by the claimant or deducted from the assessed award payable. I question whether this is a deterrent to prevent poorer people challenging the decision, as they may desperately need the money they will not be inclined to risk losing some of their award, no matter how unjust they think the award or the decision is. Finally, just coming on to the thing here, again, I am just curious. Many people have gone on, in fact, the *J.E.P. (Jersey Evening Post)* had an infamous article telling people that taxpayers are going to be spending millions of pounds of money on compensating the victims of abuse. I would like to know what the scheme lawyers are being paid by the States for their services. Are they receiving the same rates for partners that are listed for the lawyers representing the claimants? Also, whereas the lawyers representing claimants, if they put in a large bill it will be taxed, basically assessed to see whether it is valid or not, I just want to know whether the scheme lawyers' bills are going to be itemised, and whether they are also going to be subject to taxation by the Deputy Judicial Greffier. So basically, is there equality in legal representation? Now I have outlined here the concerns that I have, or questions that I have about this scheme. Just bear in mind, no States Member or States body has effectively scrutinised

the Council of Ministers' proposals. Unfortunately it is becoming more like most things. A comment was made earlier, but I cannot remember who said it, where they said - maybe it was Deputy Duhamel - that basically Ministers have far more power than perhaps we realise and this Assembly has even less. Now this scheme has been developed by the Council of Ministers and is being administered by them, but we do not have the full facts. I believe it should come back to the Assembly. Now, if it does come back to the Assembly, according to this proposition it has to come back within 90 days. We can have the debate, we can get answers to these questions and maybe questions that you have as well, and it will not cause ongoing delay or inconvenience or prevent closure to the abuse victims for the reasons I have already said. These claims will not be settled within that 3 months; some may be, but the vast majority will not be. Therefore, I am asking the States to support this proposition. Thank you.

The Bailiff:

Is this proposition seconded? **[Seconded]** Now, I have seen the Chief Minister.

Senator I.J. Gorst

I am going to suggest if we might rise for the evening, because my speech, I think Members would expect me to address some of the concerns that the Deputy has just raised, and in the paper that he circulated earlier today. So I have got quite a lengthy speech, and I fear, Sir, I think the best thing is to come back in the morning.

The Bailiff:

Does the Assembly agree that?

Deputy J.M. Maçon:

I wonder perhaps, in good order, whether it might not be more sensible also in that time if Deputy Higgins and the Chief Minister were to meet tonight to perhaps address some of his concerns before we meet tomorrow. Perhaps we can tackle a lot of these issues which really, I do not think will be best addressed here in this particular style. It is something to consider, Sir.

The Bailiff:

Very well.

Deputy S. Pinel of St. Clement:

May I just say that if the Deputy bringing the proposition had attended the Members' update and presentation by the scheme lawyers yesterday he would have had the answers to most of the questions that he asked in his long speech. **[Approbation]** Thank you.

Deputy M.R. Higgins:

In answer to the Deputy I had a crisis of my own yesterday and I could not make that meeting. Thank you.

The Bailiff:

Very well. Now does the Assembly agree we should adjourn then? Very well then, we will adjourn and reconvene at 9.30 a.m. when we will continue with this debate.

ADJOURNMENT

[17:23]