

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 5th NOVEMBER 2013

COMMUNICATIONS BY THE PRESIDING OFFICER	7
1.1 Welcome to His Excellency The Lieutenant Governor	7
The Bailiff:	7
1.2 Churchill Award for Courage – award to Ms. Wendy Trehiou	7
1.3 Notice of retirement - Deputy Greffier of the States, Mrs. Anne H. Harris.....	7
1.4 Death of former Lieutenancy Governor – General Sir Michael Wilkes	7
QUESTIONS.....	8
2. Written Questions	8
2.1 SENATOR S.C. FERGUSON OF THE MINISTER FOR HOME AFFAIRS REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:	8
2.2 SENATOR S.C. FERGUSON OF THE MINISTER FOR SOCIAL SECURITY REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:	13
2.3 SENATOR S.C. FERGUSON OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:.....	14
2.4 SENATOR S.C. FERGUSON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:.....	19
2.5 SENATOR S.C. FERGUSON OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:.....	49
2.6 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING ROAD ACCIDENT STATISTICS:	51
2.7 THE DEPUTY OF GROUVILLE OF THE PRESIDENT OF THE CHAIRMEN’S COMMITTEE REGARDING RECOMMENDATIONS MADE BY SCRUTINY PANELS:	52
2.8 SENATOR A. BRECKON OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE RECIPIENTS OF COMMUNITY SAFETY FUND GRANTS:	55

2.9	SENATOR A. BRECKON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROGRESS OF THE DEVELOPMENT OF THE FORMER JERSEY COLLEGE FOR GIRLS SITE:	57
2.10	DEPUTY R. G. LE HÉRISSEIER OF ST SAVIOUR OF THE CHIEF MINISTER REGARDING SUCCESSION PLANNING:	58
2.11	DEPUTY R. G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING EMPLOYMENT LICENCES:	58
2.12	DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE NUMBER OF ADDITIONAL DWELLINGS CREATED SINCE THE EARLY 1980'S:	59
2.13	DEPUTY J.A. HILTON OF ST. HELIER OF THE CHIEF MINISTER REGARDING CONTROL OF HOUSING AND WORK LICENCES:	60
2.14	DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING J.T.'S ACCEPTANCE OF CHEQUE PAYMENTS:	62
2.15	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DANWOOD MANAGED PRINT CONTRACT:	63
2.16	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE NUMBER OF PRINT COPIES BY STATES DEPARTMENTS:	64
3.	Oral Questions	64
3.1	Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding St. Mark's Hostel:	64
	Deputy J.A. Martin of St. Helier (Assistant Minister for Health and Social Services - rapporteur):	64
3.1.1	Deputy J.A. Hilton:	65
3.1.2	Deputy J.G. Reed of St. Ouen:	65
3.1.3	The Deputy of St. Ouen:	65
3.1.4	Deputy G.P. Southern of St. Helier:	66
3.1.5	Deputy J.A. Hilton:	66
3.2	Deputy G.P. Southern of the Minister for Social Security regarding savings from the 2014 Income Support budget:	66
	Senator F. du H. Le Gresley (The Minister for Social Security):	67
3.2.1	Deputy G.P. Southern:	67
3.2.2	Deputy M. Tadier of St. Brelade:	67
3.2.3	Deputy G.P. Southern:	67
3.3	Deputy R.G. Le Hérissier of St. Saviour of the Chairman of the Privileges and Procedures Committee regarding the removal of in camera debates in relation to appointments:	67
	Deputy J.M. Maçon of St. Saviour (Chairman, Privileges and Procedures Committee):	67
3.3.1	Deputy R.G. Le Hérissier:	68
3.3.2	Deputy R.G. Le Hérissier:	68
3.4	Deputy G.C.L. Baudains of St. Clement of the Minister for Treasury and Resources regarding Jersey Telecom Limited board members:	68
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	68

3.4.1 Deputy G.C.L. Baudains:.....	69
3.4.2 Deputy R.G. Le Hérisier:	69
3.4.3 Connétable A.S. Crowcroft of St. Helier:.....	69
3.4.4 Senator S.C. Ferguson:	70
3.4.5 Deputy T.A. Vallois of St. Saviour:	70
3.4.6 Deputy T.A. Vallois:	70
3.4.7 Connétable P.J. Rondel of St. John:	71
3.4.8 The Connétable of St. John:.....	71
3.4.9 Deputy G.C.L. Baudains:.....	72
3.5 Deputy T.M. Pitman of St. Helier of the Minister for Home Affairs regarding claims of corruption made by former Senator S. Syvret:.....	73
Senator B.I. Le Marquand (The Minister for Home Affairs):	73
3.5.1 Deputy T.M. Pitman:	73
3.6 Deputy G.P. Southern of the Minister for Housing regarding repairs to States rental housing:.....	73
Deputy A.K.F. Green of St. Helier (The Minister for Housing):.....	73
3.6.1 Deputy G.P. Southern:.....	74
3.6.2 Deputy G.P. Southern:.....	74
3.6.3 Deputy T.A. Vallois:	74
3.6.4 Deputy T.A. Vallois:	74
3.6.5 Deputy J.H. Young of St. Brelade:.....	74
3.6.6 Deputy T.M. Pitman:.....	74
3.6.7 Deputy T.M. Pitman:	75
3.6.8 Connétable D.W. Mezbourian of St. Lawrence:	75
3.6.9 Deputy G.P. Southern:.....	75
3.7 Deputy G.C.L. Baudains of the Minister for Health and Social Services regarding the H.P.V. vaccination:.....	75
Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):.....	76
3.7.1 Deputy G.C.L. Baudains:.....	76
3.7.2 Deputy G.C.L. Baudains:.....	76
3.7.3 Deputy G.C.L. Baudains:.....	76
3.8 Deputy M.R. Higgins of the Minister for Home Affairs regarding the binding over order imposed on the woman known as H.G. in the Korris Report:	77
Senator B.I. Le Marquand (The Minister for Home Affairs):	77
3.8.1 Deputy M.R. Higgins:.....	77
3.8.2 Deputy T.M. Pitman:	78
3.8.3 Deputy T.M. Pitman:	78
3.8.4 Deputy S.G. Luce of St. Martin:	78
3.8.5 Deputy M.R. Higgins:.....	79
3.8.6 Deputy M.R. Higgins:.....	79
3.9 Deputy R.G. Le Hérisier of the Minister for Health and Social Services regarding recommendations made by the Francis Inquiry investigating the Mid Staffordshire NHS Foundation Trust:	80
The Deputy of Trinity (The Minister for Health and Social Services):.....	80
3.9.1 Deputy R.G. Le Hérisier:	80
3.9.2 Deputy J.H. Young:.....	80
3.9.3 Deputy J.H. Young:.....	80
3.9.4 Deputy R.G. Le Hérisier:	81
3.10 Deputy T.M. Pitman of the Chief Minister regarding the ‘Access to Justice’ review:	81
Senator I.J. Gorst (The Chief Minister):	81

3.10.1	Deputy T.M. Pitman:.....	81
3.10.2	Deputy M. Tadier:.....	82
3.10.3	Deputy R.G. Le Hérisier:.....	82
3.10.4	Deputy T.M. Pitman:.....	82
4.	Questions to Ministers without notice - The Minister for Housing.....	83
4.1	Deputy J.H. Young:.....	83
	Deputy A.K.F. Green (The Minister for Housing):.....	83
5.	Questions to Ministers without notice - The Chief Minister.....	83
5.1	Deputy J.H. Young:.....	83
	Senator I.J. Gorst (The Chief Minister):.....	83
5.1.1	Deputy J.H. Young:.....	83
5.2	Deputy T.A. Vallois:.....	84
5.3	Deputy J.A. Hilton:.....	84
5.3.1	Deputy J.A. Hilton:.....	84
5.4	Deputy R.G. Le Hérisier:.....	85
5.5	Connétable S.W. Pallett of St. Brelade:.....	85
5.5.1	The Connétable St. Brelade:.....	85
5.6	Senator S.C. Ferguson:.....	85
5.6.1	Senator S.C. Ferguson:.....	86
5.6.2	Senator S.C. Ferguson:.....	86
5.7	Deputy M. Tadier:.....	86
5.7.1	Deputy M. Tadier:.....	86
5.8	The Deputy of St. Ouen:.....	87
5.9	Senator L.J. Farnham:.....	87
5.10	The Deputy of St. Martin:.....	87
5.10.1	The Deputy of St. Martin:.....	87
5.11	Deputy J.A. Hilton:.....	87
5.11.1	Deputy J.A. Hilton:.....	88
5.12	Deputy M. Tadier:.....	88
5.13	Deputy G.P. Southern:.....	88
5.13.1	Deputy G.P. Southern:.....	88
5.14	Deputy T.A. Vallois:.....	89
5.14.1	Deputy T.A. Vallois:.....	89
5.15	Deputy G.P. Southern:.....	89
5.15.1	Deputy G.P. Southern:.....	89
5.16	Deputy R.G. Le Hérisier:.....	89
5.17	Deputy T.M. Pitman:.....	90
5.18	Deputy G.P. Southern:.....	90
5.19	Deputy J.M. Maçon:.....	90
5.20	Deputy M. Tadier:.....	91
5.20.1	Deputy M. Tadier:.....	91
5.21	Deputy T.M. Pitman:.....	91
5.21.1	Deputy T.M. Pitman:.....	91
	PUBLIC BUSINESS.....	92
6.	Minister for Transport and Technical Services: vote of censure (P.129/2013).....	92
6.1	Deputy G.C.L. Baudains:.....	92

7. Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 7) (Jersey) Regulations 201- (P.132/2013).....	98
7.1 Senator I.J. Gorst (The Chief Minister):.....	98
7.1.1 Deputy R.G. Le Hérisier:	99
7.1.2 Senator P.F.C. Ozouf:.....	99
7.1.3 Senator I.J. Gorst:.....	100
7.2 Senator I.J. Gorst:.....	101
7.3 Senator I.J. Gorst:.....	101
7.3.1 Senator L.J. Farnham:.....	101
7.3.2 Deputy R.G. Le Hérisier:	102
7.3.3 Senator I.J. Gorst:.....	102
Mr. H. Sharp Q.C., H.M. Solicitor General:.....	102
8. Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) - deferred	103
9. Composition and election of the States Assembly: reform – proposal 2 (P.94/2013).	104
9.1 Deputy T.M. Pitman:	105
9.2 Composition and election of the States Assembly: reform - proposal 2 (P.94/2013): second amendment (P.94/2013 Amd.(2)).....	107
9.2.1 Connétable J. Gallichan of St. Mary:	107
LUNCHEON ADJOURNMENT PROPOSED.....	109
LUNCHEON ADJOURNMENT.....	109
9.2.3 Deputy G.P. Southern:.....	109
9.2.4 The Deputy of St. Mary:.....	109
9.2.5 Deputy T.M. Pitman:.....	110
9.2.6 Deputy J.A.N. Le Fondré of St. Lawrence:	111
9.2.7 Connétable S.A. Rennard of St. Saviour:	113
9.2.8 Deputy M. Tadier:	113
9.2.9 The Connétable of St. Mary:.....	114
9.3 Composition and election of the States Assembly: reform – proposal 2 (P.94/2013) - resumption.....	116
9.3.1 The Connétable of St. Helier:.....	116
9.3.2 Deputy M. Tadier:	118
9.3.3 Senator L.J. Farnham:.....	119
9.3.4 Deputy G.C.L. Baudains:.....	120
9.3.5 Deputy T.M. Pitman:	121
10. Composition and Election of the States Assembly reform - proposal 3 (P.98/2013)..	122
10.1 Deputy G.P. Southern:.....	122
10.1.1 The Deputy of St. Martin:	124
10.1.2 Deputy R.G. Le Hérisier:.....	124
10.1.3 Deputy R.C. Duhamel of St. Saviour:.....	125
10.1.4 Senator L.J. Farnham:	125
10.1.5 The Connétable of St. Helier:	125
10.1.6 Deputy J.A. Martin:	126
10.1.7 Senator S.C. Ferguson:.....	127
10.1.8 The Connétable of St. Mary:	127

10.1.9	Deputy M. Tadier:.....	127
10.1.10	Connétable L. Norman of St. Clement:.....	128
10.1.11	The Deputy of St. Ouen:	129
10.1.12	The Connétable of St. John:	129
10.1.13	Deputy G.P. Southern:	130
11.	Composition of the States Assembly: interim reform for 2014 and referendum on further reform (P.116/2013).....	132
11.1	Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):	132
11.1.1	Deputy J.A. Martin:	135
11.1.2	Deputy T.M. Pitman:.....	136
11.1.3	Deputy J.A.N. Le Fondré:	137
11.1.4	Deputy M. Tadier:.....	137
11.1.5	Deputy G.P. Southern:	139
11.1.6	The Deputy of St. Ouen:.....	140
11.1.7	Connétable J.L.S. Gallichan of Trinity :	140
11.1.8	The Deputy of Trinity:	140
11.1.9	Deputy P.J.D. Ryan of St. John:	141
11.1.10	Deputy J.M. Maçon:.....	141
12.	Composition and election of the States Assembly: reform – proposal 4 (P.117/2013)	143
12.1	Deputy A.K.F. Green.....	143
12.1.1	Deputy G.P. Southern:	145
12.1.2	Deputy G.C.L. Baudains:	145
12.1.3	The Deputy of St. Mary:.....	146
12.1.4	Deputy J.A. Martin:	146
12.1.5	Deputy A.K.F. Green:	147
13.	Social Security Tribunal: re-appointment of members (P.120/2013).....	149
13.1	Senator F. du H. Le Gresley (The Minister for Social Security):	149
	ADJOURNMENT.....	150

[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to His Excellency The Lieutenant Governor

The Bailiff:

Well, it is clear his Excellency cannot bear the thought of missing a further debate on the constitution of the States [**Laughter**] and so I am delighted to welcome him today. [**Approbation**]

1.2 Churchill Award for Courage – award to Ms. Wendy Trehou

The Bailiff:

Members will be aware that the trustees of the Churchill Award for Courage, which is an award which was established by this Assembly, have made an award to Ms. Wendy Trehou in recognition of her completing a double English Channel swim on 21st and 22nd of August and Members, I think, have been notified of that and it has been made publicly available. I would like to remind Members that there will be an award ceremony in the Old Library at 5.30 p.m. on Thursday when a presentation will be made, and I hope Members will keep it free and be able to attend and I am sure Members would wish to acknowledge her extraordinary achievement in this swim. [**Approbation**]

1.3 Notice of retirement - Deputy Greffier of the States, Mrs. Anne H. Harris

The Bailiff:

The next matter is that after a total of 23 years in the Greffe, of which 11 have been spent in her present post, the Deputy Greffier has given notice that she intends to retire at the end of April next year. There will be other occasions to pay tribute before her retirement to all she has achieved but in the meantime, while fully understanding her decision to retire, I, like Members I am sure, will be sorry to see her go. [**Approbation**]

1.4 Death of former Lieutenancy Governor – General Sir Michael Wilkes

The Bailiff:

Finally under A, Members will know that General Sir Michael Wilkes, a former Lieutenant Governor of the Island, passed away on 27th October. Sir Michael had a distinguished military career. Although he joined the Royal Artillery, he spent a considerable period in the S.A.S. (Special Air Service) and in 1977, he became its Commanding Officer. Later in 1986, he was appointed Director of Special Forces and his final posting, by which time he was a full General, was as Adjutant General. Not surprisingly, much of what he had to undertake in the S.A.S. is not in the public domain but a flavour can be obtained from the obituary in the *Daily Telegraph* which referred to his deployment to Aden where his troop was required to intercept arms and equipment on its way from the Yemen to the insurgents in the township and apparently at night, with his face darkened, and disguised in Arab dress, he would move through the alleys observing and disrupting the rebels. It may be hard to imagine Sir Michael successfully passing himself off as an Arab but the story does give some indication of his courage and skill as a soldier. Of course, we in Jersey know him best for the fact that he was Lieutenant Governor for 5 years until 2000 and we also know him as someone who had the good sense and judgment to marry a Jersey girl. [**Approbation**] His reputation as a man of action when a member of the S.A.S. did precede him and having seen the events of the Iran Embassy siege in London when windows were blown in to gain access, the Bailiff of the day, Sir Philip Bailhache, said at Sir Michael's swearing in that in order to avoid the risk of Sir Michael being tempted to choose a similar method of entry for the ceremony, he had given strict instructions that all doors would be left wide open. He was a popular Lieutenant Governor and he and his wife made a strong team. He took a great interest in the States and in the community side of his role. He was a large man, both in stature and in character. He

always had a twinkle in his eye and he had a great ability to put people at their ease and his humour was never far from the conversation. As Helier Clement said accurately in last night's *Evening Post*, there was always laughter when he was around. An example of this, which I like, was the story he told when his wife and he were invited to a country shoot. She suddenly cried out that she had been shot. It transpired she had been shot by another guest with shotgun pellets down her back and her legs. What Sir Michael had to say was: "My father fought throughout the Second World War; my son is in the Infantry and I spent most of my life in the Army and none of us ever managed to get shot." **[Laughter]** I last saw him when I sat next to him at dinner in the Jersey Field Squadron in early July of this year. He was his usual affable and entertaining self so it has come as a considerable shock to his many friends and admirers and, of course, his family, that illness has taken him so quickly. Sir Michael was a larger than life character. He served his country and this Island with great dedication and distinction. Our thoughts are with Lady Wilkes and their 2 sons as well as other members of the family. Now, I ask all Members to rise with me for a few moments in his memory.

[9:45]

QUESTIONS

2. Written Questions

2.1 SENATOR S.C. FERGUSON OF THE MINISTER FOR HOME AFFAIRS REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The majority of the Services which make up the Home Affairs Department are front-line services, whose roles are prescribed by Law.

The Department has a legal responsibility to do the following:

- To maintain an adequate and efficient Police Force for the Island, as prescribed by the Police Force (Jersey) Law 1974, which is to be superseded in due course by the States of Jersey Police Force Law 2012, some Articles of which are already in force
- To provide a States of Jersey Fire and Rescue Service by virtue of the Fire and Rescue Service (Jersey) Law 2011
- To provide the Jersey Customs and Immigration Service by virtue of the Customs and Excise (Jersey) Law 1999 and the Immigration Act 1971 as extended to Jersey by the Immigration (Jersey) Order 1993
- To administer the Prison and provide for the establishment and administration of institutions for young offenders by virtue of the Prison (Jersey) Law 1957 and the Prison (Jersey) Rules 2007
- To solemnise marriages and civil partnerships under the Marriage and Civil Status (Jersey) Law 2001 and the Civil Partnership (Jersey) Law 2012.

The duties of officers of the States of Jersey Police are contained within Article 2 of the Police Force (Jersey) Law 1974 and are "*to the best of his her power to cause the peace to be kept and preserved and prevent all offences, whether common law or statutory, against the person and property of Her Majesty's subjects and to take all such lawful measures as may be necessary for the purposes of*

bringing offenders with all due speed to justice.”

Under the States of Jersey Police Force Law 2012, the Minister has the overall responsibility for the functioning of the States of Jersey Police; for determining the ranks in the Force and the number of officers in each rank; and for setting policies in relation to the key aims and objectives of the Force (Article 3).

The Minister also has the responsibility for appointing the Chairman and, jointly with the Chairman, the members of the Police Authority (Article 5); and for laying the Annual Policing Report before the States Assembly (Article 20).

Under the Fire and Rescue Service (Jersey) Law 2011 there is a statutory duty for the States of Jersey Fire and Rescue Service to promote fire safety in Jersey (Article 6); to maintain a firefighting capability (Article 7); to rescue people and protect them from harm in road traffic accidents (Article 8); and to rescue people from dangerous places (Article 9). The Fire and Rescue Service routinely provides other services, such as humanitarian services and dealing with other emergencies such as land search and rescue and dealing with hazardous substances.

Officers of the States of Jersey Fire and Rescue Service also have responsibility under the Fire Precautions (Jersey) Law 1977 for processing applications for and issuing fire certificates to designated premises which meet required fire safety standards and investigating offences under the same Law.

Officers of the States of Jersey Fire and Rescue Service also have responsibilities under the Licensing (Jersey) Law 1974 for conducting inspections and submitting technical reports to Connétables / the Licensing Assembly in relating to fire safety in premises in respect of which an application for a Liquor Licence has been made and for conducting enforcement inspections in relation to fire safety in licensed premises.

Under the Petroleum (Jersey) Law 1984, the Fire and Rescue Service is responsible for ensuring the safe storage and conveyance of petroleum.

Jersey Customs and Immigration Service carries out varied work and this is reflected in the large number of pieces of legislation which contain provisions relating to functions carried out by the Service.

Under the Customs and Excise (Jersey) Law 1999 officers from the Jersey Customs and Immigration Service are responsible for collecting, accounting for and otherwise managing the revenues of customs and excise (Article 5(1)); controlling the importation and exportation of any goods prohibited or restricted by that Law or other enactment (Article 5(2)); approving premises for the storage, manufacture, production or process of goods under customs control (Article 15(1)); and granting licences to persons for the growing, production or manufacture of goods liable to excise duty (Article 39(2)).

Under the Immigration Act 1971, as extended to Jersey by the Immigration (Jersey) Order 1993, officers from the Jersey Customs and Immigration Service have responsibility for giving or refusing leave to enter the Bailiwick of Jersey to non-EEA nationals (Article 4(1)(a)); giving leave to remain and vary any leave as regards duration to non-EEA nationals, on behalf of HE Lieutenant-Governor (Article 4(1)(b)); varying any leave other than as regards duration to non-EEA nationals, on behalf of the Minister (Article 4(1)(c)); and issue work permits to qualifying non-EEA nationals on behalf of the Minister (Article 1(4)).

The Service also administers the granting of British Nationality on behalf of HE Lieutenant-Governor under the British Nationality Act Part 1; issues passports on behalf of HE Lieutenant-Governor by Royal prerogative; and carries out the legalisation of documents under the Hague

Apostille Convention.

Under the Goods and Services Tax (Jersey) Law 2007, Article 69(1), officers of Jersey Customs and Immigration Service collect, account for and otherwise manage the Goods and Services Tax on imported goods.

They also investigate the proceeds of criminal conduct under the Proceeds of Crime (Jersey) Law 1999 (Article 40(1)); and investigate drug trafficking under the Drug Trafficking Offences (Jersey) Law 1988 (Article 42(1)).

Under the Prison (Jersey) Law 1957 the Minister has responsibility for the general administration of the prison and prisoners (Article 3). He must present an annual report on the Prison to the States (Article 4); and must appoint a chaplain and a medical officer for the Prison (Article 7)

The Prison (Jersey) Rules set out the requirements which must be fulfilled in respect of the treatment of prisoners; their reception and records; accommodation; clothing; food; hygiene; medical treatment; welfare; property; religion; communications; work, education, counselling and recreation; discipline; security and control whilst in Prison.

The Department has further statutory duties, set out in other pieces of legislation (in alphabetical order):

Adoption (Jersey) Law 1961

- Maintenance of the Adopted Children Register and index and registers relating thereto (Article 24)
- Maintenance of the Adoption Contact Register (Article 27)
- Disclosure of birth records of adopted infants (Article 30)

Civil Partnership (Jersey) Law 2012

- Entries in the civil partnership notice book and display of a list of notices of civil partnerships (Article 7)
- Issue of licence of civil partnership (Article 9)
- Issue of certificate for solemnisation of civil partnership outside Jersey (Article 12)
- Approval of premises for the solemnisation of civil partnerships (Article 13)
- Solemnisation of civil partnerships on approved premises (Article 14)
- Appointment of delegates of the Superintendent Registrar for solemnisation of civil partnerships (Article 16)
- Keeping of books and registers relating to civil partnerships (notice book, registers of approved premises, delegates) (Article 17)
- Record and register civil partnerships (Article 18)
- All registrars to allow searches of registers in their keeping and to produce extracts in return for fees (Article 21)
- Minister to provide procedures for correction of errors (Article 22)
- Minister to specify by Order procedures and requirements for registration of civil

partnerships (Article 25)

- Report to the States on the number of civil partnerships in the previous year (Article 26)
- Inspection of registers every five years (Article 26)

Criminal Justice (Young Offenders) (Jersey) Law 1994

Provision or arranging for the provision of remand centres (Article 15A)

Explosives (Jersey) Law 1970

- Issuing of licences for the importation, manufacture, storage, use, sale, transfer, and conveyance of explosives (Articles 2, 3, 4, 5, 6 and 7)
- Preparation of a code of requirements relating to explosives (Article 17)

Firearms (Jersey) Law 2000

- Granting, varying and revoking firearm certificates where the applicant is the Connétable of the Parish in which the Connétable resides or a close member of their family (Article 2A)
- Maintenance of the Central Firearms Index (Article 8)
- Registration of firearms dealers and issuing certificates of registration (Articles 20, 21 and 22)

Gender Recognition (Jersey) Law 2010

- Re-registration of births (Schedule – paragraph 1)
- Amendment of entry in the Adopted Children Register (Schedule – paragraph 2)

Legitimacy (Jersey) Law 1973

Re-registration of births (Article 10)

Marriage and Civil Status (Jersey) Law 2001

- Entries in the marriage notice book and display of a list of notices of marriages (Article 8)
- Issue of licence (Article 11)
- Issue of certificate for solemnisation of marriage outside Jersey (Article 13)
- Entry in the register of buildings those buildings approved for the solemnisation of marriages (Article 15)
- Maintenance of a register of approved premises (Article 18)
- Appointment of delegates of the Superintendent Registrar (Article 19)
- Solemnisation of marriages on approved premises (Article 20)

- Keeping of book and registers relating to marriage (notice book, registers of buildings, authorised persons, delegates) (Article 22)
- Minister to appoint Superintendent Registrar and Deputy Superintendent Registrar (Article 41)
- Officers to take oath in Royal Court (Article 43)
- Provision of registers, forms and certificates (Article 47)
- Minister to specify by Order procedures and requirements for registration of births, stillbirths, marriages and deaths (Article 74)
- Report to the States on the number of births, stillbirths, marriages and deaths in the previous year (Article 75)
- Inspection of registers every 5 years (Article 75)
- All registrars to allow searches of registers in their keeping and to produce extracts in return for fee (Article 78)
- Minister to provide procedures for correction of errors (Article 79)

Police (Complaints and Discipline) (Jersey) Law 1999

- Presentation of the Annual Report of the Jersey Police Complaints Authority to the States (Article 29)
- Matters relating to the establishment of the Jersey Police Complaints Authority (Schedule 1)

Police Procedures and Criminal Evidence (Jersey) Law 2003

- Approval of devices for electronic fingerprinting (Article 55) and for taking electronic skin impressions (Article 57)
- Bringing into force Codes of Practice (Articles 61 and 62)

Regulation of Investigatory Powers (Jersey) Law 2007

- Appointment of a Technical Advisory Board (Article 17)
- Provision of staff and technical facilities to the Investigatory Powers Commissioner (Article 43)

Repatriation of Prisoners (Jersey) Law 2012

To make provision for facilitating the transfer of prisoners to jurisdictions outside the UK and the British Isles.

Road Traffic (Jersey) Law 1956

Approval of device for taking specimens of breath (Article 30)

Sex Offenders (Jersey) Law 2010

Responsibility for laying before the States the general agreement relating to the arrangements put into place to assess and manage people who pose a risk of sexual harm (JMAPP) and annual reports thereafter (Article 28)

Terrorism (Jersey) Law 2002

- To make an Order prescribing the procedure for applications and deproscription (Article 7)
- To inform the Minister for Economic Development of any designations made relating to control areas (Schedule 8)
- Officers from Jersey Customs and Immigration Service act as examining officers for the prevention of terrorism (Schedule 8)
- Designation of places where a person may be detained under Article 37 or Schedule 8 of the Law (Schedule 9)
- Issue of code of practice and Order relating to the audio recording of interviews under the Law (Schedule 9)

2.2 SENATOR S.C. FERGUSON OF THE MINISTER FOR SOCIAL SECURITY REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The Department has recently published the Minister's Report & Financial Statements 2012 which provides extensive detail on the aims and services provided by the Social Security Department.

The table below contains a list of the services that the Minister for Social Security is under a statutory obligation to provide:

Service	Statute
Income support is a non-contributory means tested benefit that provides targeted support for lower income households.	Income Support (Jersey) Law 2007
Health benefits including Short and Long Term Incapacity Allowance Invalidity Benefit Maternity benefits Adoptive Parents Grant	Social Security (Jersey) Law 1974

Home Carer's Allowance Pensioner benefits including Old Age and Survivors benefits Death Grant Insolvency Benefit Collection of Class I and II contributions including payment of States Grant and provision of Home Responsibility Credits, Student Credits and Unemployment Credits	
Medical and pharmaceutical benefit	Health Insurance (Jersey) Law 1967
Christmas Bonus	Christmas Bonus (Jersey) Law 2011
Television Licence benefit	Social Security (Television Licence Benefit) (Jersey) Law 2006
Food Cost Bonus	Food Costs Bonus (Jersey) Order 2013
Cold Weather Bonus	Cold Weather Bonus (Jersey) Regulations 2012
The department monitors and enforces:	Employment (Jersey) Law 2003 & Employment Agencies (Registration)(Jersey) Law 1969
The regulatory role for health and safety at work. This service is the means by which the Island complies with its responsibilities under the International Labour Organisation, Labour Inspection Convention, 1947 (No. 81)	Health and Safety at Work (Jersey) Law, 1989, and regulations in force under the Law. Employer's Liability (Compulsory Insurance) (Jersey) Law 1973, and regulations in force under the Law.

2.3 SENATOR S.C. FERGUSON OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The table below contains a list of the services that the Minister for Transport and Technical Services is required to provide under a statutory obligation.

Statute	Service
Liquid Waste	
Drainage (Jersey) Law 2005	<ul style="list-style-type: none"> • The provision, management and maintenance of the foul and surface water sewage system (including Drainage Design, Drainage Maintenance, Contract Management and Pumping Stations). • Treatment and Disposal of the Island’s Liquid Waste.
Sea Defence	
Drainage (Jersey) Law 2005	Includes “designated flood defense works” that are for the time being designated as a facility of general significance for the purposes of flood defence, by an Order made under Article 29;
Public Areas	
Policing of Beaches (Jersey) Law 1959 Policing of Parks (Jersey) Law 2005 Policing of Roads (Jersey) Law 1959	Control and enforcement of certain activities, together with the Parishes and Police, in Parks, Public Places, on Beaches and Roads.
Highways, Traffic and Transport	
Loi Sur La Voirie The laws detailed below provide specific powers to deliver aspects of these services or related services.	Requires the States to be responsible for Main Roads. The Minister for TTS acts for States in executing its responsibility for main roads, this role involves the TTS delivering the following services: <ul style="list-style-type: none"> • Provides common coordinated policy for Main roads, Traffic, Parking, Infrastructure improvements and maintenance and Planning considerations • Provide advice on amendments to traffic laws and administration • Advising the States on funding required to meet its responsibilities • Set construction and safety standards, inspect, provide, clean and maintain: <ul style="list-style-type: none"> → Carriageways

	<ul style="list-style-type: none"> → Safety treatments (anti-skid etc.) → Footways → Cycleways → Highway surface drainage system → Embankments and cuttings (Incl. design of remedial slope stabilization schemes) → Highway structures, bridges, retaining walls and parapets → Landscape areas, verges, hedges and trees → Fences and barriers → Traffic signs and bollards (mandatory, regulatory and advisory) → Road markings and studs → Traffic signals and pedestrian crossings <ul style="list-style-type: none"> • Provide and set standards for street lighting • Provide expert witness to Courts • Monitor accident data, design and construct safety improvement schemes • Liaise with the Police and others to implement accident reduction programmes • Collect and monitor traffic data, design and construct traffic and pedestrian improvement schemes • Negotiate acquisition of land for improvement schemes • Property purchase searches for road improvement lines • Comment on planning applications for highway and traffic implications • Provide advice to States Departments, developers, public and parishes, ensure consistency across road network and compliance with regulations
--	---

	<ul style="list-style-type: none"> • Provide advice on the Highway Code • Set standards for workmanship and safety in street works, including required qualifications standards • Coordinate, inspect and monitor utility street works • Provide advice on traffic diversions • Provide safer routes to school • Advise on routes for abnormal loads • Investigate and comment on suspected traffic damage to 3rd party property • Investigate, comment on and record 3rd party injury claims against Highway Authority • Provide winter salting service • Provide 24hr emergency safety response and clean up service for extreme weather events and road traffic accidents
Customary Law (Choses Publiques) (Jersey) Law	Administering the granting of permits for possession of public land, amending Highways Law.
Entertainments on Public Roads (Jersey) Law	Administering, coordinating and proving permits for events on the highway.
Highways (Jersey) Law	Administrating requests to place things on, in, above and through a Highway, grant licenses, make regulations for road humps, required sight lines, encroachments, compulsory purchases etc.
Public Utilities Road Works (Jersey) Law, plus the individual Service Company Laws, eg Gas, Water, Electricity and Telecoms	Controlling and coordinating road works and their quality
Roads (Drainage) (Jersey) Law	Enables surface water to be drained to land adjacent the highways.
Road Traffic (Jersey) Law including all the	Setting and administering the standards for

Parish Orders, Public Parking Places Order, Public Parking Places (Charges) Order, Disabled Persons Order, Disabled Persons (Badges for Motor Vehicles) Order, Pedestrian Crossings Order, Speed Limits Order, Construction and Use Order, Driving Licences Order, Driving Instruction Order, Highway Code, etc.	vehicles and driver licensing, including testing, Traffic management restrictions, including: One-way systems, waiting, setting and enforcement of parking regulations, setting of statutory parking charges, setting and administering the provisions for parking for Disabled Driver Badgeholders, speed limits, signs and markings, traffic control equipment etc.
Extinguishment of Roads (Jersey) Law	The administration of the extinguishment of roads.
Mains Roads Classification Act	Defines which roads the States are responsible for.
Motor Traffic (Jersey) Law	The regulation and inspection of public service vehicles and drivers, bus stops and taxi ranks.
Roads Administration (Jersey) Law	Administering the acquisition of land adjacent to a road for the purpose of road or visibility improvements.
Motor Vehicle Registration (Jersey) Law	Administration of the registration of motor vehicles.
Motor Traffic (Third Party Insurance)(Jersey) Law	Administration of requirements relating to the provision of motoring insurance companies.
Motor Vehicle (International Circulation) (Jersey) Law	Regulating requirements for vehicles and drivers visiting Jersey and Jersey vehicle and drivers visiting other jurisdictions.

The specific statutory duties in relation to service provision only account for a small part of what the Department actually delivers, for example the department is responsible for the disposal of the Island's solid waste, which is regulated by laws administered by the Planning and Environment Department.

Additionally the Department delivers services required by laws administered by other Authorities, such in compliance with Human Rights legislation, Health and Safety, Freedom of Information

protocol. In the future, this will also include anti-discrimination legislation which it is envisaged will provide mobility rights for disabled persons (recognising this TTS already try to adopt UK best practice in this area by providing for wheel chair accessible buses, dropped kerbs and audible signals at pedestrian crossings etc).

Details of the services TTS provide, including solid waste management, are listed on pages 9 and 10 of the 2013 business plan.

2.4 SENATOR S.C. FERGUSON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The following table shows the services provided by the Treasury and Resources Department which are considered essential to meet the relevant statutory requirements listed.

Policy and Regulation

SECTOR	STATUTE	KEY DUTIES	HIGH LEVEL SERVICES
Medium Term Financial Plan (MTFP) and Budget	PFL 2005 - Articles 7 to 13	Prepare and lodge for debate and approval by the States the MTFP and the annual budget.	<ul style="list-style-type: none"> • Financial planning function • Preparation and lodging of draft MTFP • Preparation and lodging of draft budget • Prepare growth expenditure schedule for the budget • Consider amendments to draft budget and respond through presenting comments or further amendments to original proposals • Preparation for budget debate to include briefing of States Members, Public and Media
Taxation Drafts	PFL 2005 – Articles 14 and 15	Arrange changes to the Taxation legislation due to budget proposals.	<ul style="list-style-type: none"> • Preparation and lodging of taxation draft • Model impact of Taxation draft if immediate effect is given
Expenditure	PFL 2005 – Articles 16 to 20	Ensure that authorised expenditure is used for the voted purpose.	<ul style="list-style-type: none"> • Monitor authorised expenditure and report to CMB, COM, Scrutiny and States

			<ul style="list-style-type: none"> • Monitor contingency expenditure • Authorise contingency expenditure as approved by the Council of Ministers through the Ministerial Decision (MD) process. • Authorise variations of heads of expenditure through the MD process or Delegated Decision (DD) process • Report to the States details of any approvals of budget variations at intervals of 6 months • Monitor income and adjust for variations accordingly • Prepare propositions for emergency expenditure
Borrowing and lending by the States	PFL 2005 – Articles 21 to 24	Oversee the borrowing and lending arrangements made by the States	<ul style="list-style-type: none"> • Oversee borrowing by the States making sure that any arrangement is compliant with the PFL • Prepare the required documentation for any new borrowing (Minister and Treasurer may be authorised to borrow) • Preparation and lodging of loans schemes (i.e. Starter Home Deposit Scheme) • Execute and monitor loans and loan schemes • Review, prepare and authorise guarantees and indemnities to be given on behalf of the States.
Information gathering	PFL 2005 – Articles 24A and 24B	Oversee information gathering for estimates for States funded bodies to be used in the MTFP and budget, as well as estimates requests from the States Assembly.	<ul style="list-style-type: none"> • Request and collect estimates for States funded bodies to be used in the MTFP and budget. • Provide these estimates to the Council of Ministers to be used in the MTFP and budget. • Provide procedures to be followed for providing these estimates • Refer the estimates to the Comptroller and Auditor General (C&AG) for any comment.
States Trading	PFL 2005 - Articles 25	Oversee States trading	<ul style="list-style-type: none"> • Preparation and lodging of

Operations	to 27	operations through financial control, administration and agreed returns to States. Creation of new States trading operation as approved by the States.	<p>propositions of any disparate or distinct area of operation of the States to become a States trading operation</p> <ul style="list-style-type: none"> • Monitor States trading operations to confirm that they comply with financial controls. • Prescribe financial controls to be observed by States trading operations by Order • Issue financial directions in respect of the financial control and administration of States trading operations • Review estimated income and expenditure of the trading operation and agree minimum contribution that the trading operation will be required to make to the income of the States.
Duties of the Treasurer	PFL 2005 - Article 28	Treasurer has responsibility to ensure the proper stewardship and administration of the Law and public finances of Jersey.	<ul style="list-style-type: none"> • Operation of Finance Advisory Board and Financial Management and Reporting Group • Decision making processes for the Minister for Treasury and Resources
	PFL 2005 - Article 32; and Public Finances (Accounting Standards) (No. 2) (Jersey) Order 2012	Treasurer to prepare annual financial statements in respect of accounts of the States	<ul style="list-style-type: none"> • Preparation of annual financial statement in respect of the accounts of the States in line with accounting standards prescribed by Order • Preparation and processing of Orders on accounting standards.
	PFL 2005 - Article 33	Treasurer to open bank accounts	<ul style="list-style-type: none"> • The Treasurer is required to open, operate and maintain bank accounts approved by the Minister
	PFL 2005 - Article 34	Financial directions	<ul style="list-style-type: none"> • The Treasurer creates, consults and issues financial directions to allow for the proper administration of the PFL and of the public finances of Jersey
Chief internal auditor	PFL 2005 - Article 35	Provide internal audit function to the States	<ul style="list-style-type: none"> • Ensure that the finances of the States are regulated, controlled and supervised in accordance with the PFL • Carry out audits of the transactions and internal

			controls and systems of States funded bodies
Accounting officers	PFL 2005 - Article 38	Duty of Treasurer as accounting officer of department	<ul style="list-style-type: none"> • Collect all monies owed and pay all monies owed by Treasury and other departments as appropriate. • Maintain proper accounts of all Treasury's financial transactions and proper records of those accounts • Accounting officer duties required under financial directions
Corporate Procurement	PFL 2005 – Articles 34 and 38 (2)(f)	<p>Financial Directions are issued by the Treasurer of the States under PFL Article 34. Compliance with Financial Directions is mandatory and not following them may lead to an offence being committed under Part 7 of the Law</p> <p>There are a number of Financial Directions that relate to spending public money. Compliance with these Directions is the responsibility of Accounting Officers, budget holders, finance Directors and anyone with authority delegated to them under a Scheme of Delegation.</p> <p>Accounting Officers are also charged under article 38 (2)(f) to ensure that the resources of the body are used efficiently and effectively.</p>	<ul style="list-style-type: none"> • Corporate Procurement provides advice, guidance and support to all Members of the States of Jersey with delegated authority under these Directions. The aim is to ensure that all procurement activity is in accordance with best practice within a framework that is open and transparent.
	United Nations Convention Against Corruption – Article 9	The States of Jersey (SOJ) is committed to this Convention in particular Article 9 – Public procurement and management of public finances	
Public Sector Pensions	Public Employees (Retirement) (Jersey) Law 1967	Administration of the Public Employees Contributory Retirement Scheme (PECRS)	<ul style="list-style-type: none"> • Collect PECRS contributions and pay pensions • Produce the Scheme accounts

	Teachers' Superannuation Law 1979	Approval for money to be invested Administration of the Jersey Teachers Superannuation Fund (J.T.SF) Approval for money to be invested	and have them audited <ul style="list-style-type: none"> • Hold assets of the Scheme pending investment • Collect J.T.SF contributions and pay pensions • Produce the Fund accounts and have them audited • Hold assets of the Fund pending investment
Shared Services	PFL 2005 – Articles 33(2) and 32(4) and 32(5)	Bank promptly Produce accounts	<ul style="list-style-type: none"> • Provide a cashiers and debt collection service to States Departments • Provide a range of shared service functions for the payment of staff and suppliers and collection of income such that annual accounts can be prepared. • Advise Departments on accounting requirements. Co-ordinate and collate Departmental financial returns to produce consolidated Annual Accounts for the States.
Management of Strategic Investments – Jersey Telecom, Jersey Post, JEC, JNWWC and States of Jersey Development Company	PFL 2005 – Articles 68 and 8(2)(d)	If the States Own in the name of the States, shares in a company, the Minister on behalf of the States may exercise rights and responsibilities for any liabilities attached to the Shares Where the company is an independently audited States body the Minister is responsible to the States for the Financial interests of the States in the Company	<ul style="list-style-type: none"> • Vote /Attend AGMs and meetings during the year • Regularly meet with Companies as Shareholder during the year (including preparation of shareholder packs) • Review of business and financial information received. • Creation and modification of Memorandums of Understanding (MOU) to ensure best practice for the Shareholder function. • Development and Maintenance of Shareholder

		Budgeting and MTFP	<p>Strategy</p> <ul style="list-style-type: none"> • Development and Maintenance of Shareholder Dividend Strategies • Ensure compliance with MOUs which are in operation. • Preparation of year end accounting valuations for the States’ Statutory accounts. • Collection and receipt of dividends. • Discuss with Economic Development (ED) any issues from their perspective (incl. JCRA). • Discussions on Strategic Plans and Budgets including KPIs – managing shareholder value. • In year discussions on Strategic Plans / Business plans for Gigabit/ Restructuring. • Consultation on Corporate governance issues / Directors and Chairmen’s appointments. • Presentation of Utility and SOJDC Accounts annually to the States. • Ensure Shareholdings have correct names/proxies in place as appropriate. • Ensure all Legislation in up to date and in line with current advances/strategies • Preparation of forecasted income for use in the Budget/MTFP in accordance with the law.
Strategic Investment in Jersey Telecoms (group)	<p>Telecommunications (Jersey) Law 2002</p> <p>And</p> <p>Telecommunications (Transfer) (Jersey) Regulations 2002 (this lists the shares issued on transfer)</p>	<p>Exercise the powers of the States in their capacity as holder of securities in a principal company (or in any other capacity regarding a principal company), but not the following powers (which may be exercised only by the States) –</p> <p>(a) the power to dispose of the shares or share rights in a principal company, or create or</p>	<ul style="list-style-type: none"> • The same as in “Management of Strategic Investments – Jersey Telecom, Jersey Post, JEC, JNWC and States of Jersey Development Company”, and in addition:- • To support the company in their Strategic Plans when seeking growth opportunities. • To provide financial support in various forms /guarantees/ infrastructure investments / loans as and when appropriate

		<p>dispose of security interests over those shares or share rights or otherwise charge those shares or share rights;</p> <p>(b) the power to authorize the issue of shares or share rights in a principal company to any person other than the States;</p> <p>(c) the power to vote on a resolution to wind up a principal company;</p> <p>(d) such other powers as the States have prescribed by Regulations.</p> <p>The Minister may make loans to the Company with conditions.</p> <p>The Minister may against the income of the States Guarantee loans to the company within a ceiling.</p>	<ul style="list-style-type: none"> • To present propositions to the States for the redemption/issue of shares as and when appropriate. • Liaise with Economic Development on any JCRA principles as and when appropriate. • Ensure all Legislation in up to date and in line with current approaches /strategies
Strategic Investment in Jersey Post (group)	<p>Postal Service (Jersey) Law 2004</p> <p>And</p> <p>Postal Services (Transfer) (Jersey) Regulations 2006 (this lists the shares issued on transfer)</p>	<p>Exercise the powers of the States in their capacity as holder of securities in a principal company (or in any other capacity regarding a principal company), but not the following powers (which may be exercised only by the States) –</p> <p>(a) the power to dispose of the shares or share rights in a principal company, or create or dispose of security interests over those shares or share rights or otherwise charge those shares or share rights;</p> <p>(b) the power to authorize the issue of shares or share rights in a principal company to any person other than the States;</p> <p>(c) the power to vote on a resolution to wind up a principal company;</p> <p>(d) such other powers as the States have prescribed</p>	<ul style="list-style-type: none"> • The same as in “Management of Strategic Investments – Jersey Telecom, Jersey Post, JEC, JNWWC and States of Jersey Development Company”, and in addition:- • To support the company in their Strategic Plans when seeking growth opportunities. • To provide financial support in various forms /guarantees/ infrastructure investments / loans as and when appropriate • To present propositions to the States for the redemption/issue of shares as and when appropriate. • Liaise with Economic Development on any JCRA principles as and when appropriate. • Ensure all Legislation in up to date and in line with current approaches /strategies

		<p>by Regulations.</p> <p>The Minister may make loans to the Company with conditions.</p> <p>The Minister may against the income of the States Guarantee loans to the company within a ceiling.</p>	
Strategic Investment in Jersey Electricity	Electricity (Jersey) Law 1937	Discussions around the impact of Electricity Tariffs as necessary – on behalf of the States	<ul style="list-style-type: none"> • Discussions around tariffs, in relation to changes in dividends, capital structures, majority shareholder expectation on dividends and long term growth. • Discussions with Economic Development around any operational issues which may impact the States shareholding. • Consideration and discussion of capital expenditures for the company. Provision of support and shared knowledge in this area. • Discussions around balance sheet management/ affordability of dividend payments /business reserves. • Raising of any Ministerial decisions on business/shareholder matters as deemed appropriate to seek approval from the States of Jersey • Ensure all Legislation in up to date.
Strategic Investment in Jersey Water	Water (Jersey) Law 1972	Discussions around the impact of Water rates and charges, as necessary – on behalf of the States	<ul style="list-style-type: none"> • Discussions around rates and charges, in relation to changes in dividends, capital structures, majority shareholder expectation on dividends and long term growth. • Discussions with the Planning and Environment Minister around any operational issues which may impact the States shareholding. • Consideration and discussion of capital expenditures for the

			<p>company.</p> <ul style="list-style-type: none"> • Discussions around balance sheet management/ affordability of dividend payments and reserves. • Raising of any Ministerial decisions on business/shareholder matters as deemed appropriate to seek approval from the States of Jersey • Ensure all Legislation in up to date.
States of Jersey Development Company (SOJDC) (formerly WEB)	No laws – but States approved under P.73-2010 the Structure and Governance of the new Company.	<p>The Minister for Treasury and Resources is politically accountable for the operation of the States of Jersey Development Company as identified in section 12 of the Report.</p> <p>Ensure the activities of SOJDC are reviewed and reported on regularly to the Minister for T&R, who is politically accountable for the operation.</p> <p>Minister to be a member of the Regeneration Steering Group (RSG) Meeting.</p> <p>Communication with SOJDC on relevant states Decisions</p> <p>Strategic and Business Plans</p>	<ul style="list-style-type: none"> • Voting at AGM's (including Directors remuneration) Approval changes to levels of non-Executive Directors remuneration and material changes to Executive Directors remuneration. • Attendance at the RSG meetings and liaison with other departments including Property Holdings. • Review and approval of SOJDC's decisions in compliance with P.73-2010 and the MOU. • Review and approval of SOJDC Strategic and Business Plans. • Ensure all Founding documents are up to date and in line with current approaches /strategies
Agricultural Loan Schemes	<p>Agricultural (Loans and Guarantees) (Jersey) Law 1974</p> <p>Agricultural (Loans) (Jersey) Regulations 1974</p>	<p>Provision of the accounting function to check repayments of existing and outstanding Agricultural loans.(administration sits with ED)</p> <p>Approval of the T&R Minister for issuing new</p>	<ul style="list-style-type: none"> • Ensure loans are accounted for correctly and together with ED repaid on time and that any arrears are addressed. • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with

		loans exceeding £150,000 or where the applicant's outstanding capital debt would exceed this under the Agricultural loans.	<p>auditors at year end.</p> <ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary to the legislation. • Review of ongoing security and hypothecs /re-registration for the loans with ED.
Dwelling Houses Loans Fund	<p>Building Loans (Jersey) Law 1950</p> <p>Public Finances (Jersey) Law 2005</p>	<p>Provision of accounting for the loans and Fund</p> <p>Note it is the Housing Minister which has the power to approve loans (however requests are made in consultation with the T&R Minister through the Public Finances Law)</p> <p>Changes to the prescribed rate of Interest in consultation</p> <p>Investment of Fund's moneys</p>	<ul style="list-style-type: none"> • Ensure the loans are accounted for correctly with the Housing department, including the chasing of arrears. • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with auditors at year end. • The Housing Minister consults with the T&R Minister when changing the rates of Interest. • Housing consult on the issuance of any new loans (however the Fund has seen little activity recently) • Creation/Review/Management of Investment Strategy. Including presentation of revised Strategies to the States. • Investment and Management of Monies through the Common Investment Fund (CIF) and directly in line with the Investment Strategy • Liaise with Investment Advisers • Preparation of Cash-flow forecasts for Investment Management Purposes.
99 Year Leaseholders Fund	<p>The Fund was incorporated under the Building Loans (Jersey) Law 1950</p> <p>Public Finances (Jersey) Law 2005</p> <p>Public Finances (Transitional Provisions)</p>	<p>Note it is the Housing Minister which has the power to approve loans (however requests are made in consultation with the T&R Minister through the Public Finances Law)</p> <p>Changes to the prescribed rate of Interest in consultation</p>	<ul style="list-style-type: none"> • Ensure the loans are accounted for correctly with the Housing department, including the chasing of arrears. • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with auditors at year end. • The Housing Minister

	(No. 1) (Jersey) Regulations 2005	Provision of accounting for the loans and Fund	<p>consults with the T&R Minister when changing the rates of Interest.</p> <ul style="list-style-type: none"> • Housing consult on the issuance of any new loans (however the Fund has seen little activity recently) • Management of cross charges across states departments
Assisted House Purchase Scheme	<p>The Assisted House Purchase Scheme was established by the States of Jersey in 1977 there is no law directly establishing it</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p>	Provision of accounting for the loans and Fund	<ul style="list-style-type: none"> • Ensure the loans are accounted for correctly with the Housing department, including the chasing of arrears. • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with auditors at year end. • Management of cross charges across states departments
Housing Development Fund	<p>Planning for Homes Report R/C 10/99</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p>	<p>Creation, Establishment and operation of new schemes under the law and regulations</p> <p>Provision of accounting for the Fund</p>	<ul style="list-style-type: none"> • Preparation of Fund accounts • Review of the Funds Strategy/propose amendments to the Strategy. • Work with Chief Ministers, Planning and Environment and Housing to design, implement and operate the scheme.
Postal Pension Fund	<p>Postal Services (Jersey) Law 2004</p> <p>Postal Services (Transfer) (Jersey) Regulations 2006</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p>	<p>Provision of accounting for the Fund (outside of the Group)</p> <p>Investment of Fund's moneys</p> <p>Seek advice of appropriately qualified persons for Investments</p>	<ul style="list-style-type: none"> • Preparation of Quarterly and Annual Fund accounts • Investment and Management of Monies • Preparation of Cash flow forecasts for Investment Management Purposes • Liaise with Investment Advisers
Various Trust and Bequest Funds (approx.. 200)	<p>PFL 2005 – Article 67</p> <p>Public Finances (Transitional Provisions)</p>	<p>Management and safeguarding of the Trusts' assets (separately from the Consolidated Fund)</p>	<ul style="list-style-type: none"> • Preparation of Quarterly and Annual Fund accounts • Investment and Management of Monies through the

	<p>(No. 1) (Jersey) Regulations 2005</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p>	<p>Provision of accounting for the Funds (outside of the Group)</p> <p>Investment of Fund's moneys</p> <p>Seek advice of appropriately qualified persons for Investments</p> <p>Trusts bank accounts</p> <p>Establishment/closure</p> <p>administrative support for several large funds</p> <p>Changes in Trustees</p>	<p>Common Investment Fund (CIF) and directly in line with the Investment Strategy</p> <ul style="list-style-type: none"> • Preparation of Cash flow forecasts for Investment Management Purposes • Appointment and retirement of Investment Managers/advisers/ custodians • Liaise with Investment Advisers • Manage, handle and account for trusts moneys bank accounts. • Internal Audit carrying out reviews of Trusts assets • Liaising with other States Departments to Establish or Close these Funds. • Working with departments to ensure the money is spent. • Provision of Administrative support for several large funds – including making fund distributions. • Where appropriate notifying the State of changes in Trustees / seeking their approval based on the Founding documentation.
<p>Strategic Reserve Fund</p>	<p>PFL 2005 – Article 4</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p>	<p>Provision of accounting for the Fund</p> <p>Investment of Fund's moneys</p> <p>Seek advice of appropriately qualified persons for Investments</p> <p>Transfers of moneys</p> <p>Withdrawal of moneys</p>	<ul style="list-style-type: none"> • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with auditors at year end. • Creation/Review/Management of Investment Strategy. Including presentation of revised Strategies to the States. • Investment and Management of Monies through the Common Investment Fund (CIF) and directly in line with the Investment Strategy • Appointment and retirement of Investment Managers/advisers/ custodians • Liaise with Investment Advisers • Preparation of Cash flow

			<p>forecasts for Investment Management Purposes.</p> <ul style="list-style-type: none"> • Transfer of moneys to/from the Consolidated Fund as approved by the States. • Raising Propositions for withdrawals of moneys for States Approval
Stabilisation Fund	<p>PFL 2005 – Article 4A</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p>	<p>Provision of accounting for the Fund</p> <p>Investment of Fund's moneys</p> <p>Seek advice of appropriately qualified persons for Investments</p> <p>Transfers of moneys from the Consolidated Fund</p> <p>Withdrawal of moneys</p>	<ul style="list-style-type: none"> • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with auditors at year end. • Creation/Review/Management of Investment Strategy. Including presentation of revised Strategies to the States. • Investment and Management of Monies through the Common Investment Fund (CIF) and directly in line with the Investment Strategy • Appointment and retirement of Investment Managers/advisers/ custodians as appropriate • Liaise with Investment Advisers • Preparation of Cash flow forecasts for Investment Management Purposes. • Transfer of money's from the Consolidated Fund into the Fund as approved by the States. • Raising Propositions for withdrawals of moneys for States Approval (moneys to be credited to the Consolidated Fund)
Consolidated Fund	<p>PFL 2005 – Article 3</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey)</p>	<p>Provision of accounting for the Fund</p> <p>Investment of Fund's moneys</p> <p>Seek advice of appropriately qualified persons for Investments</p>	<ul style="list-style-type: none"> • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with auditors at year end. • Creation/Review/Management of Investment Strategy. Including presentation of revised Strategies to the States. • Investment and Management

	Regulations 2005	Transfer of moneys in/out from other Funds.	<p>of Monies through the Common Investment Fund (CIF) and directly in line with the Investment Strategy</p> <ul style="list-style-type: none"> • Preparation of Cash flow forecasts for Investment Management Purposes. • Appointment and retirement of Investment Managers/advisers/ custodians • Liaise with Investment Advisers • Transfer of moneys in/out from other Funds (Strategic Reserve Fund, Stabilisation Fund, Currency Fund etc.) as approved under the Law.
Currency Fund	<p>PFL 2005 – Article 5</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p> <p>Currency Notes (Jersey) Law 1959</p> <p>Decimal Currency (Jersey) Law 1971</p>	<p>Provision of accounting for the Fund</p> <p>Investment of Fund's moneys</p> <p>Seek advice of appropriately qualified persons for Investments</p> <p>Transfer of moneys</p> <p>Ensure sufficient moneys held to meet moneys in circulation</p> <p>Issuance of Currency</p>	<ul style="list-style-type: none"> • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with auditors at year end • Creation/Review/Management of Investment Strategy. Including presentation of revised Strategies to the States. • Investment and Management of Monies through the Common Investment Fund (CIF) and directly in line with the Investment Strategy • Preparation of Cash flow forecasts for Investment Management Purposes. • Transfer of moneys to / from the Fund in accordance with the law as approved by the Minister.(via the Consolidated fund) • Monitor balances in circulation to the Fund balances – to ensure sufficient moneys are backed by the Fund and it is not deficient. • Issuance of Notes in denominations, not exceeding £100 within the limitations of the Law • Issuances of coins in denominations as the Minister shall determine and quantity, weight, design and

			<p>composition.</p> <ul style="list-style-type: none"> • Issuance of commemorative coins (this do not have the right to be recalled.) • Ability to make payments in relation to the issuances, in accordance with the laws. • Receipt and exchange of Currency notes at face value. • Power to recall currency notes and Coins (not commemorative) after publication in accordance with the Law. • Power to melt/break metal coins authorised by the Minister. • Ability to issue penalties if bank notes and currency notes are defaced.
Social Security (Reserve) Fund	<p>PFL 2005 – Article 3</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p> <p>Social Security (Jersey) Law 1974</p>	<p>Provision of accounting for the Fund</p> <p>Investment of Fund's moneys</p> <p>Seek advice of appropriately qualified persons for Investments</p>	<ul style="list-style-type: none"> • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with auditors at year end. • Creation/Review/Management of Investment Strategy in consultation with the Minister for Social Security. Including presentation of revised Strategies to the States. • Investment and Management of Monies through the Common Investment Fund (CIF) and directly in line with the Investment Strategy in consultation with the Minister for Social Security. • Appointment and retirement of Investment Managers/advisers/custodians. • Liaise with Investment Advisers. • Preparation of Cash flow forecasts for Investment Management Purposes in consultation with the Social Security Department. • Discussions on the outcomes of Actuarial Reviews with the Social Security Minister.

Health Insurance Fund	<p>PFL 2005 – Article 3</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p> <p>Health Insurance (Jersey) Law 1967</p>	<p>Provision of accounting for the Fund</p> <p>Investment of Fund's moneys</p> <p>Seek advice of appropriately qualified persons for Investments</p>	<ul style="list-style-type: none"> • Preparation of Monthly/Quarterly and Statutory accounts at year end. Including Liaison with auditors at year end. • Creation/Review/Management of Investment Strategy in consultation with the Minister for Social Security. Including presentation of revised Strategies to the States. • Investment and Management of Monies through the Common Investment Fund (CIF) and directly in line with the Investment Strategy in consultation with the Minister for Treasury and Resources • Preparation of Cash flow forecasts for Investment Management Purposes in consultation with the Social Security Department. • Discussions on the outcomes of Actuarial Reviews with the Social Security Minister.
Common Investment Fund (CIF)	<p>PFL 2005 – Article 3</p> <p>Public Finances (Transitional Provisions) (No. 1) (Jersey) Regulations 2005</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p>	<p>Management of the Fund</p> <p>Provision of accounting for the Fund and the individual Investment Pools in the Fund</p> <p>Quarterly Investment Meetings</p> <p>Seek advice of appropriately qualified persons for Investments</p>	<ul style="list-style-type: none"> • Creation/Review/Management of Investment Strategies for each Investment Pool in consultation with the various participants and Ministers (as appropriate). • Appointment and retirement of Investment Managers/advisers/custodians. • Liaise with Investment Advisers. • Monthly and Annual Statutory Accounting and Investment Management Reporting. • Quarterly review of all Investments and meeting with Investment Managers.
Borrowing	<p>PFL 2005 – Articles 21 and 22</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p>	<p>Authority to borrow / arranging borrowing</p> <p>Repayment/return from borrowing</p> <p>Reporting on borrowing</p>	<ul style="list-style-type: none"> • Minister may borrow for short term, if <25% of the prior year income. • The Minister may borrow for up to 10 years £1m in any one transaction, £3m in a year and £10 m in total without going to the States. • Take proposals for borrowing

		<p>Enter into approved borrowing arrangements</p> <p>Management of central borrowing, accounting, administration reporting and budgeting (as and when it occurs)</p> <p>Budgeting and Forecasting</p>	<p>to the States of a larger scale/long term view.</p> <ul style="list-style-type: none"> • Decide on security /covenants of loans. • Appointment of Advisers to assist in developing the best borrowing solution. • Appointment of rating agencies (as appropriate.) • Preparation and review of cash flow forecasts, for capital expenditure. • Evaluate that the moneys can be repaid by income from the capital project or generated savings over the period of the borrowing. • Reporting every 6 months on new borrowing to the States. • Review of legislation for borrowing and relevance of limits. • Accounting for borrowing, reporting and administering any borrowing in existence. (as and when it occurs.) • Preparation of forecasted costs for use in the Budget/MTFP in accordance with the law.
Lending	<p>PFL 2005 – Article 23</p> <p>Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005</p>	<p>Authority to Lend</p> <p>Deciding on Terms and conditions of lending</p> <p>Reporting on Lending</p> <p>Creation, Establishment and operation of new schemes under the law and regulations</p> <p>Management of central loans, accounting, administration reporting and budgeting. (some have been approved by the States/Previous Committee Structures/Minister)</p>	<ul style="list-style-type: none"> • The Minister may lend £500k in any one transaction, £3m in a year, £10m in total for no more than 20 years. • Minister to determine terms and conditions of loans – security, interest rates, covenants, durations. • Take propositions to the States for approval where outside of the Ministers limits. • Work with Chief Ministers to design, implement and run new schemes (e.g. Pilot Starter Home Deposit loan Scheme.) • Reporting every 6 months on new borrowing to the States. • Review of legislation for lending and relevance of limits.

		Budgeting and Forecasting	<ul style="list-style-type: none"> • Preparation of forecasted income for use in the Budget/MTFP in accordance with the law. • Accounting for central loans, administration – chasing and collections. Quarterly and Annual reporting of these loans.
Guarantees / Letters of Comfort	PFL 2005 – Article 24 Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005	Offer Guarantees or Indemnities Reporting on Guarantees/Indemnities Offer letters of Comfort	<ul style="list-style-type: none"> • The Minister may offer Guarantees or Indemnities either directly or seek States Approval. • Raising propositions to the States for their approval of guarantees as appropriate. • Accounting for these at year end. • Reporting every 6 months on new Guarantees/indemnities to the States. • Review of legislation for issuing guarantees and indemnities. • Provision and renewal of letters of comfort (mainly for the Housing Trusts.) • Valuation of the potential exposure for the Housing Trusts for yearend accounting purposes.
Housing Trust Relationships	Individual governing documentation establishing the 4 Housing Trusts	Review any proposals where the Housing and Treasury and Resources Ministers consent is required	<ul style="list-style-type: none"> • Research and Review Housing Trust Proposals which require both the Housing and Treasury and Resources Minister’s Consent (mainly around collateral.) • Approvals for any new Housing Trusts financing arrangements. • Review with housing the governing documentation as and when appropriate.
Insurance	Public Finances (Jersey) Law 2005	Protection of States Assets (no direct clause relates to this)	<ul style="list-style-type: none"> • Provision of insurance across States Departments and other relationships.
Bank Accounts	PFL 2005 – Article 33 Public Finances (Transitional Provisions) (No. 2) (Jersey)	Opening and closing of bank accounts by the Treasurer Management of Bank	<ul style="list-style-type: none"> • Bank account relationship management. • Appointment/retirement of bankers. • Management of authorised

	Regulations 2005	Accounts (various currencies) Financial management of currency	<p>signatory listings.</p> <ul style="list-style-type: none"> • Opening / Closing of Bank accounts. • Daily management of cash balances to maximise returns. • Cash-flow forecasting sterling and currency • Financial management of currency exposure on a quarterly basis to the Treasury Advisory Panel. (Implementing decisions – such as placing of hedges to provide protection and manage currency exposure when deemed appropriate) • Ensure professional practices are adhered to and strategic controls in place.
Public Employees Contributory Retirement Scheme (PECRS)	<p>Public Employees (Retirement) (Jersey) Law 1967</p> <p>Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989</p> <p>Public Employees (Investment of Fund) (Jersey) Act 1972</p> <p>Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989</p> <p>Public Employees (contributory Retirement Scheme) (Jersey) Regulations 1967</p>	<p>Assets of the scheme held by the Treasurer on behalf of the Committee</p> <p>Investment of moneys (cash and stocks/shares /investments etc.)</p> <p>Review of Schemes T&Cs</p> <p>Attendance at committee meetings</p> <p>Annual Accounts</p> <p>Selection of Committee of Management</p>	<ul style="list-style-type: none"> • Treasurer to collect employees' contributions for investment. • Meet reasonable expenses of administering the scheme and any remuneration as defined under the 1989 regulations. • Placing moneys on deposit. • Approval of the Investment Strategies. • Investment of moneys in accordance with the Law and on direction of the Committee. The Minister may determine when an investment shall not be made. • Consent for the appointment of Investment Managers/Advisers/ Custodian/ Actuary as proposed by the Committee. • Review of schemes Terms and Conditions in light of actuarial valuations with the Committee (including admitted bodies). • The Minister may at any time require the Committee of management to direct the actuary to carry out a review and report to the Minister. Should happen a minimum of every 5 years.

			<ul style="list-style-type: none"> • Presentation of actuarial reviews to the States. • Pension Payments (separate department in Treasury) • Attendance at Committee meetings on behalf of the Minister for Treasury and Resources (Quarterly.) • Preparation of annual accounts, which are audited. Copies to be provided to the Committee and the Actuary. • Selection of one-half of the employer representatives by the Minister for Treasury and Resources (the rest by Chief Ministers and representative associations) • Recommend the Chairman for the Committee. • The States may empower the Minister to extend the application of the Scheme. • Administration for collating and issuing packs for meetings.
Jersey Teachers' Superannuation Fund (J.T.SF)	<p>Teachers' Superannuation (Jersey) Law 1979</p> <p>Teachers' Superannuation (Administration) (Jersey) Order 2007</p> <p>Teachers' Superannuation (Existing Members) (Jersey) Order 1986</p> <p>Teachers' Superannuation (New Members) (Jersey) Order 2007.</p>	<p>Assets of the scheme held by the Treasurer on behalf of the Committee</p> <p>Investment of moneys</p> <p>Attendance at meetings</p> <p>Annual Accounts</p> <p>Selection of Management Board</p>	<ul style="list-style-type: none"> • Receipt of moneys from members contributions to the scheme and re-admitted members. • Selection of 2 of the employer representatives for the Management Board by the Minister for Treasury and Resources (the rest by Chief Ministers and Minister for Education, Sports and Culture.) • Management of moneys for investment in accordance with the directions of the Management Board. • Recommend the Chairman for the Committee. • Agreement on the appointment of Investment Managers and terms of remuneration by the Management Board and the Minister for Treasury and Resources. • Consent on the appointment

			<p>of Custodians.</p> <ul style="list-style-type: none"> • Consult with the Minister for Treasury and Resources for the appointment of an Actuary for the Fund. • Inspection and Review of Investment Manager reports. • Approval of the Investment Strategy. • Receipt of Actuarial Review reports by the treasury and Resources Minister. The Minister lays these before the States. • Preparation of Fund Accounts and to have them audited. The Management Board and Actuary to receive copies. • Attendance at meetings on an observatory basis. • Administration for collating and issuing packs for meetings.
Public Markets (Jersey Property Holdings)	Public Market (Administration) (Jersey) Regulations 1947	General Administration of the Markets	<ul style="list-style-type: none"> • Superintend the general administration of the markets • Cause the gates of the Markets to be opened or closed in accordance with agreed opening hours • Permit a lessee to have access to his shop or stall at reasonable times • Permit any other person to be within the Markets • Ensure that the buildings and all parts of the Markets are in a fit state of repair • Letting of shops and stalls within the Markets • Keep a register of leases granted
JPH support to Accounting Officers	PFL 2005 – Article 38	JPH support to Accounting Officers	<ul style="list-style-type: none"> • JPH supports the requirement for Accounting Officers to provide for the resources of the body to be used efficiently and effectively
JPH support to 'Persons in Control' to ensure compliance with Health and Safety	Health and Safety at Work (Jersey) Law: 1989	JPH also provides a support service for the 'Persons in Control' to ensure that public buildings comply with	<ul style="list-style-type: none"> • Site risk profiling and annual risk assessments • Working examination / inspection of a pressure

Legislation		relevant Health and Safety legislation. JPH ensure that compliance with the following legislative and other best practice requirements are delivered by contractors through its maintenance contracts	<p>system (s)</p> <ul style="list-style-type: none"> • Working/ rest examination / inspection of item(s) with pressure system(s) • Examination / inspection for heating water, supply boilers and connected systems • Electrical examination / inspection (Annual Visual) • Management of exposure to asbestos in workplace buildings and structures • Asbestos management - Type 2 surveys and subsequent re-inspections • Annual maintenance and certification of fall arrest system • Annual maintenance and certification of local extract ventilation tenants responsibility • Annual maintenance and certification of safety and access systems • Annual maintenance and certification of travelling ladders • Annual maintenance of pool lift • Annual safety check of gas services by testing it • Annual maintenance of disabled equipment • Portable Appliance Test Tenants Responsibility (inspection) • Annual maintenance and certification of gym equipment
	Management of Exposure to Asbestos in Workplace Buildings and Structures - Approved Code of Practice (AcoP 8)		<ul style="list-style-type: none"> • Management of exposure to asbestos in workplace buildings and structures • Asbestos management - Type 2 Surveys and subsequent re-inspections
	Lifts (Jersey) Regulations: 1990		<ul style="list-style-type: none"> • Thorough examination / inspection of lift or hoist • Maintenance/ servicing of

			<ul style="list-style-type: none"> goods hoists Maintenance/ servicing of vehicle lifts maintenance
	B.S./ EN 13015: 2001 Maintenance for lifts and escalators - Rules for maintenance instructions		<ul style="list-style-type: none"> Thorough examination / inspection of lift or hoist Maintenance/ servicing of goods hoists Maintenance/ servicing of vehicle lifts maintenance
	Chains, Ropes and Lifting Gear (Jersey) Regulations: 1980		<ul style="list-style-type: none"> Thorough examination / inspection of lifting equipment
	Electricity at Work (Jersey) Regulations: 1983		<ul style="list-style-type: none"> Electrical fixed wire testing/ inspection Report of electrical examination (Annual Visual / Inspection) Portable appliance test tenants responsibility Lightning protection inspection
	HSE Guidance INDG 236: 2004		<ul style="list-style-type: none"> Portable appliance test tenants responsibility
	B.S. 5266 -: 1999		<ul style="list-style-type: none"> Monthly maintenance and battery discharge tests of emergency lighting Annual maintenance of emergency lighting generators
	B.S./ EN 1176 -: 1997		<ul style="list-style-type: none"> Annual maintenance of external play equipment Quarterly maintenance of external play equipment
	B.S. 5839 -: 2002		<ul style="list-style-type: none"> 6 Monthly maintenance of fire alarms
	B.S. 5306 -:2003		<ul style="list-style-type: none"> Annual maintenance of fire extinguishers
	Cranes and Lifting Appliances (Jersey) Regulations: 1978		<ul style="list-style-type: none"> Annual maintenance of fork lift trucks Thorough Examination / inspection of Lifting Equipment
	LoLER: 1998		<ul style="list-style-type: none"> Hoists SAFed Testing Lifts SAFed Testing Routine safety checks on lift ancillaries
	PUWER: 1998		<ul style="list-style-type: none"> Hoists SAFed Testing

			<ul style="list-style-type: none"> • Lifts SAFed Testing • Routine safety checks on lift ancillaries
	B.S. 4737 - 4.3: 1998		<ul style="list-style-type: none"> • Annual maintenance of intruder alarm
	ACoP L8: 2004		<ul style="list-style-type: none"> • Monthly temperature recording and check on water services - Legionella Water Temp Record • Bi-annual testing of Water Services - Legionella Risk Assessments
	B.S. 6651: 1999		<ul style="list-style-type: none"> • Inspection of lightning protection
	B.S. 5446 - : 2000		<ul style="list-style-type: none"> • Routine annual maintenance and certification of the smoke detectors
	B.S. 5839 - 6:1995		<ul style="list-style-type: none"> • Routine annual maintenance and certification of the smoke detectors
	B.S. 5306 Part 2		<ul style="list-style-type: none"> • Routine annual maintenance and certification of the sprinkler installations • Routine annual maintenance and certification of the sprinkler back-up generator installations
	LPC Technical Bulletin No. 6		<ul style="list-style-type: none"> • Routine annual maintenance and certification of the sprinkler installations • Routine annual maintenance and certification of the sprinkler back-up generator installations
	Routine maintenance/ servicing in accordance with either Manufacturer Recommendations or Industry "Best Practice" to prolong useful and economic lifespan.		<ul style="list-style-type: none"> • Access control • Air conditioning • BMS control panels • CCTV • Disabled equipment • Drainage pumping stations • Drainage systems • Electric doors • External blinds • Flood lighting • Pipework in conjunction with Gas-Fired Boilers, CHP's and

			<p>Heating Installations</p> <ul style="list-style-type: none"> • Heating control panels • Irrigation • Night storage heating • Pest control • Seating • Shutters / doors • Swimming pools • Windows
	Routine annual maintenance/ servicing to bespoke DfESC generic Specifications for differing building services		<ul style="list-style-type: none"> • Mechanical Services
Income Tax	Income Tax (Jersey) Law 1961	<p>Issue annual tax returns</p> <p>Calculate and issue income tax assessments</p> <p>Process appeals against assessments to income tax</p> <p>List appeals against assessments to income tax for hearing by the Commissioners of Appeal</p> <p>Levy penalties and surcharges for late submission of income tax returns and late payment of income tax</p> <p>Recover arrears of income tax through the Petty Debts and Royal Courts</p> <p>Administer the Income Tax Instalment System (ITIS)</p> <p>Administer the payment on account regime</p> <p>Process repayments of income tax</p> <p>Administer the income tax provisions relating to the failure to file a tax return or fraudulently or negligently making incorrect statements</p>	<ul style="list-style-type: none"> • Administer: <ul style="list-style-type: none"> ○ 36,000 Companies ○ 72,000 Personal Tax Base ○ 4,500 Employers (for IT IS) • Examine and assess tax returns and accounts to determine and calculate an annual liability to tax amounting to revenue of circa; <ul style="list-style-type: none"> ○ Corporate £96m ○ Personal £361m • Issue and administer some 50,000 ITIS effective rate notices • Assist some 55,000 taxpayers in person at a Help Desk and handle over 100,000 incoming calls. • Enter into dialogue and corresponded with the tax profession and general public into liabilities to tax, appeals and disputes, tax rulings and interpretation of tax law and concession and practice. • Undertake investigation into non-compliance and collect

		Administer the income tax provisions in relation to superannuation funds and pension schemes	<p>back taxes with penalties (of circa £1.5m / £2m tax per year)</p> <ul style="list-style-type: none"> • Tax legal action for recovery of unpaid taxes though Petty Debts Court and the Royal Court (circa 360 summonses issued for a value of £4m) • Prepare and present cases for hearing by the Commissioners of Appeal • Review applications for approval of superannuation funds and pension schemes and action breeches of conditions of approval as provided within the provisions
	Income Tax (Prescribed Limit and Rate) (Jersey) Regulations 2004	Application of the income tax prescribed limit and rate provisions to 1(1)(K) resident individuals subject to income tax	<ul style="list-style-type: none"> • Applied in the annual income tax assessments of 1(1)(k) resident individuals
	Income Tax (Superannuation Funds) (Jersey) Order 1972	Approval of superannuation funds, alteration of rules, deduction of contributions and repayment of contributions and payment of lump sums	<ul style="list-style-type: none"> • Review applications for approval of superannuation funds and pension schemes and action breeches of conditions of approval as provided within the provisions
	Income Tax (Purchased Life Annuities) (Jersey) Order 1959	Determining whether an annuity is a purchased life annuity and, if so, what proportion of the annuity constitutes a capital element.	<ul style="list-style-type: none"> • Review applications for approval of the capital element of the annuity
	Income Tax (Actuarial Equivalents) (Jersey) Order 2002	Administering the provisions relating to the purchase of sufficient securities issued by the UK Government yielding an income having an actuarial equivalent which secures that an individual is entitled to a Minimum Retirement Income not less than the Jersey Old Age Pension	<ul style="list-style-type: none"> • Approval of trusts which provide for a draw down contract
Goods and Services Tax	Goods and Services Tax (Jersey) Law 2007	<p>Register businesses for GST</p> <p>Determine eligibility for group registration</p>	<ul style="list-style-type: none"> • Ensuring that the liability to register has been met on time. • If a voluntary registration that the criteria for registration

		<p>Cancelling Registration</p> <p>Granting exemption from registration</p> <p>Charge GST on the importation of Goods into Jersey</p> <p>Give directions to ensure a business has a GST representative</p> <p>Processing GST Returns and Statements and payments</p> <p>Give relief on GST to charities and Overseas Trading companies</p> <p>List International Service Entities</p> <p>Impose penalties and surcharges where a GST Return has not been paid or is late</p> <p>Issue Assessments and surcharges where applicable and direct taxable person to account for GST on goods or on the assessment of goods</p> <p>Refund;</p> <p>GST DIY dwelling scheme,</p> <p>Public Sector,</p> <p>Bad Debts,</p> <p>Overpayments GST</p> <p>Appeals</p> <p>Ascertain if offences committed</p>	<p>have been met</p> <ul style="list-style-type: none"> • Vary group registrations • Exercised under the application of the Customs and Excise (Jersey) Law 1999 • Obtaining security and also requiring a person to pay on account • Take action to recover the money as a debt due to the States Of Jersey • Review premises, goods, services records, to ensure that the rules on place, valuation, and time of supply have been met. That exemptions and rates of GST applied correctly. Ensuring that output and input tax correctly calculated
	<p>Goods and Services Tax (Jersey) Regulations 2007</p>	<p>Ensure substantiation of amounts of GST</p> <p>Ascertain that treatment of second hand goods correct</p> <p>Relief for charities on</p>	<ul style="list-style-type: none"> • Check where persons have applied the margin scheme for second hand vehicles that the correct procedure has been followed • Ensuring GST has been paid and that goods and services have been used in accordance

		expenses Refunds of GST to persons not established in Jersey	with the charitable business <ul style="list-style-type: none"> Ensuring that the requirements of the scheme have been met
	Goods and Services Tax (International Services Entities) (Jersey) Regulations 2008	Calculate the fee for Listing of ISEs Give ISE relief on supplies to them	<ul style="list-style-type: none"> Ensure the fee has been calculated correctly based on the registered entity and entities and that it is eligible to be listed as an ISE. Ensuring that the conditions relating to refunds have been met
Land Transaction Tax	Taxation (Land Transactions) (Jersey) Law 2009 Taxation (Land Transactions) (LTT Statements and Receipts) (Jersey) Order 2009	Tax levy on share transfer transactions involving immoveable property in Jersey	<ul style="list-style-type: none"> Processing Land Transaction Tax forms and payments and responding to queries
International Tax	Taxation (Implementation) (Jersey) Law 2004	Enabling legislation to allow the States to make Regulations implementing agreements with, and obligations owed to, the governments of other countries and territories regarding or relating to taxation, and for connected purposes	<ul style="list-style-type: none"> Received 140 TIEA requests between 2010 & 2012. Requests can lead to detailed and protracted litigation
	Taxation (Implementation) (Disclosure Facility) (Jersey) Regulations 2013	Obligates Jersey financial intermediaries to contact clients regarding Memorandum of Understanding between Jersey & UK	<ul style="list-style-type: none">
	Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005	Annually receive and process information and/or retention tax from paying agents to 27 EU member states	<ul style="list-style-type: none">
	Taxation (Double Taxation) (Jersey) Regulations 2010	Framework around which Competent Authority handles and responds to TIEA requests from most	<ul style="list-style-type: none">

		countries	
	Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008	Framework around which Competent Authority handles and responds to TIEA requests from most countries	•
	Taxation (United States of America) (Jersey) Regulations 2006	Framework around which Competent Authority handles and responds to TIEA requests from USA.	•

THE FOLLOWING TAX INFORMATION AGREEMENTS (TIEAS) ARE ADMINISTERED BY THE TAXES OFFICE

Countries	Date Signed	Ratified by Jersey	Ratified by other Party	Entry into Force
USA	November 2002	May 2006	November 2002	23 May 2006
Netherlands	June 2007	February 2008	December 2007	1 March 2008
Germany	July 2008	January 2009	July 2009	28 August 2009
Sweden	October 2008	March 2009	November 2009	23 December 2009
Norway	October 2008	March 2009	September 2009	7 October 2009
Iceland	October 2008	March 2009	October 2009	3 December 2009
Finland	October 2008	March 2009	December 2008	3 August 2009
Denmark	October 2008	March 2009	March 2009	6 June 2009
Greenland	October 2008	March 2009	March 2009	6 June 2009
Faroese	October 2008	March 2009	June 2009	21 August 2009
United Kingdom	March 2009	July 2009	November 2009	27 November 2009
France	March 2009	July 2009	July 2010	11 October 2010
Ireland	March 2009	July 2009	April 2010	5 May 2010
Australia	June 2009	November 2009	January 2010	5 January 2010
New Zealand	July 2009	November 2009	September 2010	27 October 2010
Portugal	July 2010	September 2010	March 2011	9 November 2011
People's Republic of China	October 2010	January 2011	October 2011	10 November 2011
Turkey	November 2010	February 2011	August 2013	11 September 2013
Mexico	November 2010	February 2011	February 2012	22 March 2012
Canada	January 2011	March 2011	December 2011	19 December 2011
Indonesia	April 2011	July 2011	(2 nd Half 2013)	(2 nd Half 2013)
Czech Republic	July 2011	November 2011	March 2012	14 March 2012
South Africa	July 2011	November 2011	January 2012	29 February 2012
Argentina	July 2011	September 2011	July 2011	9 December 2011
India	November 2011	April 2012	January 2012	8 May 2012

Japan	December 2011	April 2012	June 2013	30 August 2013
Poland	December 2011	April 2012	August 2012	1 November 2012
Italy	March 2012	May 2012	(1 st Half 2014)	(1 st Half 2014)
Austria	September 2012	November 2012	March 2013	1 June 2013
Latvia	January 2013	March 2013	(2 nd Half 2013)	(2 nd Half 2013)
Brazil	January 2013	March 2013	(2 nd Half 2013)	(2 nd Half 2013)
Switzerland	September 2013	January 2014	(1 st Half 2014)	(1 st Half 2014)

Note: dates in brackets are the expected dates based on the latest information from the country concerned.

KEY DUTIES AND HIGH LEVEL SERVICES PROVIDED IN RESPECT OF TAX INFORMATION AGREEMENTS

Only a competent authority can make a request to Jersey's competent authority for information under the terms of a Tax Information Exchange Agreement (TIEA)

Completion of a TIEA request

The request is required to be made through the completion of a form and constitutes a confidential communication between the requesting competent authority and the competent authority of Jersey. To ensure that any request is processed without delay:

- the form must be completed in English
- all sections must be completed
- as much detail as possible should be included
- reference should be made on the form to any additional attachments
- once completed, the form must be signed

Jersey Competent Authority

The Jersey Competent Authority for Jersey's international tax agreements is the Minister for Treasury and Resources. The administration of Jersey's international tax agreements is entrusted to the office of the Comptroller of Taxes, as the authorised representative of Jersey's Competent Authority. Persons authorised to represent the Minister are:

- Comptroller of Taxes
- Deputy Comptroller of Taxes (International)
- Deputy Comptroller of Taxes

THE FOLLOWING DOUBLE TAXATION AGREEMENTS (DTAs) ARE ADMINISTERED BY THE TAXES OFFICE

- Double Taxation Relief (Arrangement with the United Kingdom) (Jersey) Act 1952
- Double Taxation Relief (Arrangement with Guernsey) (Jersey) Act 1956
- Double Taxation Relief (Shipping & Air Transport Profits) (French Republic) (Jersey) Act 1964

Others:

Countries	Date Signed	Ratified by Jersey	Ratified by other Party	Entry into Force
Malta	January 2010	June 2010	February 2010	19 July 2010

Estonia	December 2010	March 2011	December 2011	30 December 2011
Hong Kong China	February 2012	May 2012	June 2013	(July 2013)
Qatar	March 2012	May 2012	November 2012	22 November 2012
Singapore	October 2012	January 2013	May 2013	2 May 2013
Guernsey	January 2013	June 2013	May 2013	9 July 2013
Isle of Man	January 2013	June 2013	May 2013	10 July 2013

Partial Double Taxation Agreements (DTAs)

Australia	Faroes	Greenland
New Zealand	Poland	Denmark
Finland	Germany	Iceland
Norway	Finland	

KEY DUTIES AND HIGH LEVEL SERVICES PROVIDED IN RESPECT OF DOUBLE TAXATION AGREEMENTS

These agreements are primarily administered at both corporate and personal tax levels within the Taxes Office to ensure that companies and individuals are eligible to relief from double taxation.

EUROPEAN SAVINGS DIRECTIVE (EUSD) ; LIST OF REPORTABLE COUNTRIES

Austria	Belgium	Bulgaria
Cyprus	Czech Republic	Denmark
Estonia	Finland	France
Germany	Greece	Hungary
Ireland	Italy	Latvia
Lithuania	Luxembourg	Malta
Netherlands	Poland	Portugal
Romania	Slovak Republic	Slovenia
Spain	Sweden	United Kingdom

KEY DUTIES AND HIGH LEVEL SERVICES PROVIDED IN RESPECT OF THE EUROPEAN SAVINGS DIRECTIVE (EUSD)

In accordance with the Directive, annually receive and process disclosure of information and /or retention tax from 'Paying Agents' to 27 EU Member State countries.

2.5 SENATOR S.C. FERGUSON OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The Minister for Education, Sport and Culture is required to provide a number of services under the Education (Jersey) Law 1999 and the Day Care of Children (Jersey) Law 2002 –

(1) Education (Jersey) Law 1999

The Education Law sets out a range of educational services that must be provided, and these are listed below in the order in which they appear in the law.

For the purposes of the law, a ‘child’ is defined in Article 1 as a person who has not attained the age of 19 years, whilst a ‘young person’ means a child who is over compulsory school age.

Article 11 Duty of Minister with respect to child of compulsory school age

The Minister shall ensure that there is available to every child of compulsory school age full-time education appropriate to the child’s age, ability and aptitude.

Article 29 Duty of Minister in relation to child with special educational needs

(1) The Minister shall ensure that the identity of every child who has special educational needs is determined, and the special educational provision required by the child assessed from time to time.

(2) The Minister shall ensure that there is available to every child who has special educational needs the special educational provision required by the child.

Article 38 Register of non-provided schools

(1) The Minister shall cause to be maintained a register in which there shall be entered non-provided schools in respect of which an application has been granted under Article 40.

The Minister may attach or vary conditions of registration, in accordance with Article 40(5).

Article 46 Duty of Minister to young persons

The Minister shall ensure that there is available education appropriate to the reasonable needs of the generality of young persons, having regard to their different abilities and aptitudes.

Article 47 Duty of Minister with respect to higher and vocational education

The Minister shall facilitate attendance, in Jersey or elsewhere, by any person who has not previously undertaken a course of higher or vocational education, on such a course of higher or vocational education as is appropriate to the person’s abilities and aptitudes.

Article 54 Duty of Minister to make available guidance etc

(1) The Minister shall cause to be made available –

(a) information concerning the manner in which the Minister’s duties under this Law are to be discharged; and

(b) guidance concerning the manner in which the Minister’s functions under this Law are to be exercised.

Article 62 Medical and dental inspection

(1) The Minister shall make facilities available in provided schools for the medical and dental inspection of children and may make facilities available for the medical and dental treatment of children.

Article 64 Duty of Minister with respect to evaluation of schools

(1) The Minister shall cause every school in Jersey to be evaluated, so often as the Minister considers appropriate, as to the quality of education provided by it and the educational standards achieved in it.

(2) Day Care of Children (Jersey) Law 2002

Article 2 Registration of day care accommodation and day carers

(1) The Minister shall keep registers of day care accommodation and day carers and such registers shall be open to inspection at all times.

The Minister may attach or vary conditions of registration, in accordance with Articles 2(4) and 2(5).

Article 5 Certificates of registration

(1) Where the Minister registers a person under Article 2 the Minister shall issue the person with a certificate of registration.

2.6 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING ROAD ACCIDENT STATISTICS:

Question

Will the Minister set out for Members, in tabular form, details of road accidents for each of the last three years including the number of fatalities, serious and minor injuries and the total estimated cost to the community of each kind of accident?

Given that as part of the Sustainable Transport policy the States voted unanimously in November 2010 that Transport and Technical Services would formally adopt within one year a specific target for road accident reduction by the end of the policy period (2015) and bring a report to the States outlining what the target would be and the reasoning which supported it, could the Minister inform Members what progress, if any, has been made with this important work?

Answer

Road traffic collision data is collected and published by the States of Jersey Police. The latest States of Jersey Police report for 2012 published the following table which details the breakdown of slight, serious, and fatal road traffic collisions for the years 2010 to 2012.

	Slight	Serious	Fatal	Total
2010	314	65	3	382
2011	300	48	1	349
2012	282	55	2	339

Transport and Technical Services receive detailed data from the States of Jersey Police annually and use the data as part of the routine monitoring and analysis of the road network and to inform the development of highway improvement schemes.

The cost to the community of road traffic collisions has not been calculated using local Jersey data, however, the UK Department for Transport publish such information for the preparation of cost benefit analyses for UK road schemes. Table 4a from TAG Unit 3.4.1 “The Accidents Sub-Objective”, gives the average value of prevention per road accident, for a road in the built up area with a speed limit of 40mph or less at 2010 values and prices as:

Accident severity	Fatal	Serious	Slight	All injury
Value of prevention	£1,820,760	£206,791	£21,556	£63,334

I am pleased to inform Members that substantial progress has been made on the preparation of the Road Safety Strategy, within which targets will be set for the reduction of road traffic collisions, especially those resulting in personal injury. Following detailed stakeholder consultation development of the Road Safety Strategy is nearing completion. Public consultation on speed limits policy and a targeted consultation (with parents and youngsters) on young motorcyclist safety will be carried out before the end of this year. Analysis of the latter consultations and some further research on certain other issues is required. I then intend to publish a white paper for full consultation in January next year.

2.7 THE DEPUTY OF GROUVILLE OF THE PRESIDENT OF THE CHAIRMEN’S COMMITTEE REGARDING RECOMMENDATIONS MADE BY SCRUTINY PANELS:

Question

Would the President set out the following –

- (a) how many recommendations have been made by Scrutiny panels since their inception under the shadow Scrutiny system?
- (b) how many of these have been accepted (setting out this information by reference to the 3 year terms of each Assembly since Scrutiny was first established)?
- (c) does the President consider that Scrutiny views are more valued by the Assembly in the current Assembly than in previous Assemblies before 2011?

Answer

- (a) The total number of recommendations made by Scrutiny Panels since the start of Shadow Scrutiny is 1036.
- (b) With regard to the number of the above recommendations which have been accepted, it should be noted that prior to 1st October 2009 there was no standardised format for Ministers to respond to Scrutiny reports and recommendations. Up until that date, many Ministerial responses merely expressed views and gave a general commentary on the subject matter, frequently commenting on findings as opposed to recommendations. The majority of responses gave no indication as to whether the Minister accepted the recommendations or not. Consequently, it is not possible to provide accurate data in respect of Ministerial

acceptances or otherwise before that date.

Some progress has been made since the introduction of the standardised Ministerial Response Template, whereby there is a dedicated box for Ministers to indicate their acceptance or rejection of each recommendation. In the main this is successful but it has led some Ministers to partially accept some recommendations, accept in principle or accept subject to certain qualifications. Equally some Scrutiny Reports and recommendations have required two or more Ministers to respond to the same recommendations. This does not enable accurate provision of data as requested.

2006-2008

Since Scrutiny was first established within the Ministerial government structure at the end of 2005, for the first 3 year term until 2009, statistics relating to the number of recommendations which were accepted is not available. This is due to the fact that during this term there was no obligation on Ministers to state whether recommendations were accepted or otherwise and responses continued to be mainly commentaries on the work and report of the Panels.

However, 279 recommendations were made.

2009-2011

In an attempt to answer the question as fully and as informatively as possible, as explained above, some improvements to Ministerial Responses occurred after 1st October 2009. Figures supplied below are based solely on when a Minister has fully accepted recommendations and does not, nor cannot, make a judgement based on generalised comments. With the above in mind, the figures for the term 2009-2011 are as follows:-

Recommendations made	465
Recommendations accepted	232 (50%)

NB1: 167 recommendations received no acceptance or rejection. These were usually replaced by comments or no comments were required due to forthcoming States debates on the matters (as in the case of 11 recommendations)

NB2: During the four month period from June 2009, when the first Ministerial Response was received to October 2009 when the response template was introduced, 69 recommendations received general comments. During the 27 month period from 1st October 2009 to the end of that three-year term in December 2011, just 52 recommendations received general comments.

2012 – to date

The figures below provide the total number of recommendations made plus those which were accepted fully. There have been a number of recommendations which have been “accepted in principle”, “partially accepted”, “substantially accepted” or accepted subject to certain conditions. These have not been included in the figures below.

Recommendations made	208
Recommendations accepted	126 (61%)

NB1: a further 9 recommendations were accepted in principle, and 8 noted, 6 were subject to a States debate and 10 were subject to consideration by four different

Ministers.

NB2: During the 17 months since the first Ministerial Response was presented in June 2012 to date only 12 recommendations received comments only.

Given that Ministers and Departments have accepted above 50% of recommendations over the last 5 years, and that Scrutiny work has concerned itself increasingly with policy in development, this in itself demonstrates that, not only does Scrutiny influence and benefit these policies, but that Ministers themselves recognise the importance and value of Scrutiny.

Further information

It would be remiss of me as President of the Chairmen's Committee not to raise the awareness of Members that Scrutiny successes must not be assessed on accepted recommendations alone. Scrutiny plays an ongoing influential but importantly independent rôle in the development of policy. Influence, which is not easily assessed, can occur through other means than the production of Scrutiny Reports. Indeed, influence can play its part early in a Scrutiny Review thereby not necessitating the production of a Scrutiny Report. A recent example of this is Prescription Charges; the Minister withdrew the proposition after Scrutiny hearings had started. Equally Scrutiny can influence through interim reports whereby no recommendations are made such as the Housing Transformation Programme.

Scrutiny Reviews have influenced Ministers to the extent whereby policies and legislation has been amended by the Minister prior to the Scrutiny Report being released such as the amendment to the draft Public Finances (Jersey) Law. Unfortunately, as mentioned above, measuring influence can be problematic for example in terms of raising the level of States debates and related outcomes.

I make these points merely to reinforce, that whilst an analysis of accepted recommendations is interesting and does form some basis of assessment in respect of the work of Scrutiny Panels, it is inconclusive.

- (c) Scrutiny was established to produce evidence-based reports to influence Ministers, to hold them to account, to be public-facing and to raise awareness of other States Members, often on matters which were to come before them for debate. It was not established to provide Scrutiny Panel Members "views" to the States Assembly.

I believe that such evidence-based information is valued by the Assembly today as has been in the past. I also believe that Scrutiny has greatly evolved since 2005 through the use of the Ministerial Response template, through the agreed Statement of Intent/Purpose in 2011 and through agreed procedures for the status of Scrutiny meetings and Hearings. Having said that I am not complacent and recognise that there is always room for improvement.

There have been numerous comments made in the States Assembly in respect of Scrutiny over the years. They vary from such comments as "Scrutiny is ignored" and "Scrutiny Panels have been used for political purposes" to "I would welcome the involvement of members of the Scrutiny Panel" or "the Scrutiny contribution has been extremely valuable" [Hansard 2005-2011]

More recently there have been calls made by States Members for Scrutiny Reviews to take place so that the Assembly is better informed: one such matter was the Incorporation of Ports of Jersey. Then there are the references back. It must be considered that if the Assembly didn't value the work of Scrutiny, they wouldn't support a reference back to a Scrutiny Panel so that that Panel can undertake work to raise awareness of the matter to the States.

Some quotes from Hansard 2012/2013 to date are:

- “They [Scrutiny] have done some really fantastic reports”,
- “The Council should accept this because they could lose this, and it is silly. They absolutely believe they are right, send it to Scrutiny for the, you know, 10 out of 10”,
- “Scrutiny has done a very good and quick job at this and I was very encouraged by the presentation yesterday by the panel. When I read the Scrutiny Report, I too was encouraged”
- “I would just like to add my compliments along with the Council of Ministers for the quality of this review from Scrutiny.”

In conclusion, I am extremely appreciative and heartened (as all States Members should be) by the excellent work that continues to take place across the Scrutiny Panels during this three year term. As a passionate believer in the scrutiny function, I will continuously strive to identify ways of strengthening it further as machinery of government evolves moving forward.

2.8 SENATOR A. BRECKON OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE RECIPIENTS OF COMMUNITY SAFETY FUND GRANTS:

Question

Can the Minister identify who received grants from the Community Safety Fund in the years 2007 to 2010 (inclusive) and for what purposes?

Answer

Grants from Safety Fund

Organisation	Amount Granted	Purpose
2007		
Fire Service	£3000	Replacing smoke detectors in pensioners' homes.
Communicare Pre-school Group	£110	11 booster seats.
Child Accident Prevention	£2595	Training Programme for Health Professionals in reducing the number of children suffering accidental burns.
Child Accident Prevention	£520	Printing leaflets for Safety in Action Week.
2008		
Fire Service	£7000	Replacing smoke detectors in pensioners' homes. (balance from 10k application in 2007).
Police – Road Safety Officer	£7950	Purchase of a Driving Simulator for pre-driver training

Child Accident Prevention	£2000	Purchase of safety equipment (stair gates, fire guards, etc)
Building a Safer Society Strategy	£5184	Continue Taxi Marshal trial through the summer months.
Transport & Technical Services	£36977*	Introduce part-time speed limits at 9 primary school sites (*estimated sum was higher, amount expended stated).
2009		
Road Safety Panel	£8106 and £8150	Run two publicity campaigns; rear seat belt legislation; changes to child seat belt legislation.
Ambulance Service	£10000	Producing 40,000 booklets containing advice and tips on first aid and other emergency information.
Fire Service	£10000 and £2000	Installing smoke detectors in low-income and vulnerable homes. Providing fire safety literature in energy efficiency packs.
Jersey Women's Refuge	£5150	2009 awareness campaign
Les Vaux Housing Trust	£5570	Fencing at play area
Child Accident Prevention Jersey	£745 and £17436	Fire safety booklets and purchase of safety equipment
Speed Limit Group	£40552*	Additional intelligent speed limit signs for parishes (*estimated sum was higher, amount expended stated).
St John's Ambulance	£16984	Inflatable First Aid Tent, equipment and trailer
Road Safety Panel	£2250 and £10031	Interactive road safety packs for schools and running an anti drink/drive campaign
Mont a l'Abbe School	£100	Booster seats for Foundation Stage children
Fire Service	£2690	Two Bluetooth Safety Messaging Units
2010		

Christians Together in Jersey Housing Trust	£9513	Install table top speed humps at Le Benefice Estate in Les Marais, St. Clement
Road Safety Panel	£6719	Reflective strips and cycle lights for pedestrians and cyclists
Youth Service	£10470	Equipment for On-2-Wheels
Parish of St John	£8500	CCTV equipment for new skateboard facility
Parish of St Saviour	£3500	Additional intelligent speed limit sign
TTS	£6000	Part-time speed limit signs for school zones.

November 2010

Total granted to date = £249802

2.9 SENATOR A. BRECKON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROGRESS OF THE DEVELOPMENT OF THE FORMER JERSEY COLLEGE FOR GIRLS SITE:

Question

Given that the Chairman of the Jersey Development Company mentions in the Annual Report for 2012 (R.29/2013 refers) that the Jersey College for Girls site “has been derelict for over 12 years” and that “a planning application will be made early in 2013, with construction likely to begin following the granting of a planning consent”, can the Minister provide details of the progress of this development and explain the cause of the delay of approximately 150 homes on this site?

Answer

Progress on this development so far has included;

- The production of a detailed Environmental Impact Assessment, including an Ecological Survey, which has been on-going through the Summer months to assess impact on protected species;
- Work to develop plans for the repatriation of the existing Library in the old College Building, undertaken in conjunction with the current school;
- In response to concerns from some parents of pupils at Janvrin School, the States of Jersey Development Company and Jersey Property Holdings have been working with the Education Department and Janvrin School to agree the design of an acceptable alternative parking solution.
- Preliminary discussions with neighbours in respect of impact on parking provision ; and
- A feasibility study to establish the viability of constructing basement parking (or other usable space) beneath the front lawn of the school, produced at the request of the Environment

Minister.

An initial Planning application was lodged in March 2013, since when, following a request by the Environment Minister, the scheme has been reviewed to consider increasing the number of Affordable Units allocated on the site. The Regeneration Steering Group has determined that the number was to be increased from 40 to 75 – this change has meant that further work has been required, before an amended application could be made.

An amended planning application, which considers both the increased Affordable Unit allocation and addresses the parking provision in the immediate area including Janvrin School, will be submitted before the end of the year.

It is anticipated that work will commence approximately 9 months following the granting of planning consent.

2.10 DEPUTY R. G. LE HÉRISSIER OF ST SAVIOUR OF THE CHIEF MINISTER REGARDING SUCCESSION PLANNING:

Question

Would the Chief Minister identify the departments who do not have an effective succession planning policy in place and would he elaborate on how “effectiveness” is measured and/or assessed?

Answer

As I indicated in my response to Deputy Le Herissier on this subject (22nd October) we are committed to ensuring that the good practices already underway in those departments, which I previously cited, will be adopted across the board within the next twelve months.

Succession plans are being developed across all States departments and this is characterised by a greater emphasis on leadership and management training in order to provide our employees with the skills that will allow them to move up through the organisation. To this end funding has been set aside in the M.T.F.P. (Medium-Term Financial Plan) since January, as I mentioned in my previous answer. As part of the Reform programme we intend to return to survey our staff regularly to gain an understanding of the effectiveness of related programmes such as succession planning and talent management.

2.11 DEPUTY R. G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING EMPLOYMENT LICENCES:

Question

Would the Chief Minister state the number of employment licences still in use, by the economic sector, and clarify whether such licences can be withdrawn before their expiry date and, if not, can he identify what steps he is proposing to prevent such licences exacerbating the unemployment situation?

Answer

As at end December, 2012 (showing actual permanent “registered” staff employed by sector and permissions for registered staff in each sector):

Registered Staff - December 2012 Analysis					
				Actual Staff	Permissions
Agriculture and Fishing				300	267
Manufacturing				40	71
Electricity, Gas and Water				20	41
Construction and Quarrying				190	397
Wholesale and Retail Trades				720	1,190
Hotels, Restaurants & Bars				1,870	2,151
Transport, Storage & Communication				130	116
Financial and Legal Activities				690	1,393
Computer and related activities				40	43
Miscellaneous Business Activities				490	591
Education, Health and Other Services				410	628
				4,900	6,888

The number of licences has reduced from just over 9,000 at the beginning of 2010.

Alongside this, requests for over 1,000 additional “registered” staff have been refused in the last 3½ years, with employers being directed to the “back to work” team instead.

Permissions for “registered” staff under the new Control of Housing and Work (Jersey) Law, 2012, can be withdrawn at any time, so long as a person is not employed against that permission, i.e. permission cannot be withdrawn if the effect is to make someone lose their employment.

In addition, conditions can be applied such that any new recruit be an “entitled” or “entitled for work” person.

The “Interim Population Policy” currently under development will, among other things, outline in detail practical steps to promote the employment of “entitled” and “entitled for work” staff using the new Law. The “Interim Population Policy” is expected to be lodged in December.

2.12 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE NUMBER OF ADDITIONAL DWELLINGS CREATED SINCE THE EARLY 1980’S:

Question

Will the Minister inform the Assembly of the number of additional dwelling units in the island which have been given planning approval and building construction completed for each of the last three decades since population targets and projections were first considered by the States in the early 1980’s?

Answer

The Department of Environment and its predecessors have been monitoring dwelling completions since 1986.

According to the Department’s records, the net number of new homes completed since 1986 is 11,478. This can be broken down into five year periods as follows:

1986 to 1990	-	1,791 homes
1991 to 1995	-	2,287 homes

1996 to 2000	-	1,332 homes
2001 to 2005	-	3,011 homes
2006 to 2010	-	2,081 homes
2011 to 2012	-	976 homes
Total	-	11,478 homes

My Department will continue to monitor housing supply and detailed information is provided in the annual published Residential Land Availability statements.

2.13 DEPUTY J.A. HILTON OF ST. HELIER OF THE CHIEF MINISTER REGARDING CONTROL OF HOUSING AND WORK LICENCES:

Question

- Would the Chief Minister provide Members with a table showing the number of licences held by companies and the type of licences held for the period January 2010 until July 2013 inclusive?
- Comparing statistics for the period January 2010 until July 2013 would the Chief Minister show by year the number of licences which came up for renewal where the number of non-local licences has been reduced?
- Does the Chief Minister have evidence that companies inflated the number of non-local licences originally applied for but never used and, if so, how many have had their non local licences reduced and by how many?
- Of the new applications received during the period January 2010 until July 2013, how many applied for non local licences, how many were granted and for what type of businesses?
- How many companies hold registered licences? How many of those companies have been reviewed in the past three years and how many non local/registered licences have been removed, if any?
- Since the Control of Housing and Work Law came into force, how many licences have been reviewed? How many licences have had their Registered category reduced and, if none, the reason why?

Answer

Note: The term “registered” is used in this answer, being equivalent to persons called “non-locally qualified” until 1st July, 2013.

- The below table shows number of undertakings licenced as at each year end, i.e. inclusive of January 2010 – June 2013. These licences are issued to permit an undertaking to trade, include a description of the undertaking being performed, and may include permissions for staff. (As at end June 2013, 3,500 of these undertakings were single person businesses, compared to 2,700 in December 2009).

	Number of Undertakings
Dec-09	6,699
Dec-10	7,107

Dec-11	7,475
Dec-12	7,802
Jun-13	7,942

- b) The below table shows the number of licences which came up for renewal where permissions for registered staff were reduced:

	Number of licences reviewed where permissions for registered staff were reduced
2010	92
2011	165
2012	155
Q1 - Q2 2013	77

- c) No.
- d) The below table shows number of permanent “registered” permissions granted to new businesses applying to commence an undertaking. These permissions were spread across a range of sectors, with most of the permissions being for a single member of staff.

	Number of “registered” permissions granted to new businesses
2010	66
2011	20
2012	12
To end June 2013	18

In each of the years, the following requests were refused from existing *and* new businesses: 2010, 390; 2011, 334; 2012, 200; to end June 2013, 125). It is not possible to separately analyse numbers refused between existing and new businesses under the old Law, although this will be possible under the new Law.

- e) 2,024 businesses held permission for registered staff as at 1st November, 2013.

All licences with permission for staff are reviewed, either every 3 years, or sooner, as such all these licences will be reviewed in a period to not exceed 3 years from either previous review or issue.

The below table shows number of licences reviewed in each year, the number of licences reviewed where registered permissions were reduced, and the number of “registered” permissions removed:

Number of Licences	Number of licences reviewed where	Number of "registered"
---------------------------	--	-------------------------------

	Reviewed	permissions for registered staff were reduced	permissions removed
2010	836	92	571
2011	1,135	165	421
2012	1,182	155	405
To end June 2013	720	77	283
Totals	3,873	489	1,680

- f) 432 licences have been reviewed since the 1st July, 2013 (when the new Law came into force). Of these licences, 47 businesses have had their registered permissions reduced, removing 209 registered permissions to total. (Note: Of the 432 licences reviewed, many will not include any permission for registered staff).

2.14 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING J.T.'S ACCEPTANCE OF CHEQUE PAYMENTS:

Question

Would the Minister, as representative of the shareholder, advise the number of J.T. customers who have usually paid their 'phone bill by cheque and who will need to seek alternatives when J.T. removes this option? Would the Minister further explain why this payment option is being removed?

Answer

The Minister is advised that the popularity of cheque payments has fallen dramatically over the last number of years, with less than 7% of J.T.'s customers now using this method of payment – down from 21% just 5 years ago.

J.T. advises that there are a number of reasons it is moving to discontinue the practice of directly accepting cheques from November 2013, which include the following:

1. Any J.T. customer who has a chequebook, and hence a bank account, can have a debit card, with almost all banks making no charge to issue debit cards. These can be used to pay phone bills by calling J.T. customer services, a process that is cheaper (no stamp or envelope needed) and more convenient (no need to leave the home) than writing out and posting a cheque;
2. The introduction of Payzone has been warmly welcomed by many customers as they appreciate the ability to pay their bill at their local convenience store. In particular, customers who were disappointed when sub-post offices stopped accepting bill payments some time ago are very pleased at this innovation; and
3. The cost of processing cheques continues to rise and it is not unknown for the amount J.T. receives to be less than the cost of processing the payment.

Finally, to put this into context, account must be taken of the many alternative means of payment accepted by J.T, which include:

1. **Direct Debit** - quick and simple to set up; automatic payments to save time; £10 off the

next bill when setting up a Direct Debit;

2. **Online banking** - make payments online; convenient and straightforward; available 24 hours a day, 7 days a week direct from customers' homes;
3. **Monthly Debit/Credit card** - automatic monthly payment; securely stored card details; J.T. carry out all processing;
4. **Automated payment line** - automated phone service available 24 hours a day, 7 days a week; simple, flexible, and easy to use by dialling 882882;
5. **Pay by Cash** - pay at the Post Office, Broad Street; simple, easy and instant; and
6. **Payzone** –All that is required is a recent J.T. bill and an immediate receipt is provided. At their discretion, some of these convenience stores will accept cash or cheques. There are currently 105 Payzone retailers in Jersey, as listed on J.T.'s web site.

2.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DANWOOD MANAGED PRINT CONTRACT:

Question

Will the Minister advise Members of -

- a) the commencement date for the Danwood Managed Print Contract and the date at which it will end;
- b) details of any break clauses;
- c) details of what will happen if Danwood or Sharp are unable to continue with the contract due to company failure;
- d) the States liability under the contract, if any, with SG Finance?

Will the Minister agree to release the part of the BDO Report that was redacted relating to the Standstill Clauses?

Answer

In the absence of express permission of third parties, it is not possible to respond in detail to sub questions b), c) and d) without the risk of compromising commercial confidentiality and/or exposing the States of Jersey to potential legal liability.

An Internal Audit Report was distributed in confidence to States Members on 22nd October 2013 which provides detail on the points raised.

If the Deputy requires further clarification on elements of the content of the above report, he is most welcome to attend a full briefing by officers within the Treasury and Resources Department.

- a) The Contract commenced on 1st September 2011 and ends on 31st August 2019.
- b) and c) The Contract contains standard termination provisions in relation to service level default, insolvency and change of control (*clauses 25 and 27 of the contract*). A fuller explanation can be provided in briefing.
- d) The Contract contains payment obligations. A fuller explanation in relation to the remittance of payments under the Contract can be provided in a briefing as offered above..

[On the question of redaction, the Deputy is referring to paragraph 1.6 of the redacted Internal

Audit Report in which the reader is directed to a second paragraph reference 2.28. This is an incorrect reference that has occurred in the drafting of both the full and redacted reports and should read paragraph reference 1.27. There has been no redaction in respect of the Standstill period.]

2.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE NUMBER OF PRINT COPIES BY STATES DEPARTMENTS:

Question

Will the Minister advise Members of the total number of print copies made internally by each States Department during the calendar year 2012, broken down into department and the cost of these copies against each department?

Answer

This information is not available at this level of detail because at the end of December 2012 the Managed Print Solution (MPS) accounted for only 15% of the total machines to be installed. At the end of September 2013 the rollout of machines is now 65% of the machine total with only three sites to be completed. Full deployment of MPS to all sites is on target for the end of November 2013. Detailed site specific information on actual volumes and billed costs is being captured using the software that is installed as part of this contract and will build on a month by month basis. In November 2014 it will be possible to have one year's worth of accurate data.

Until this is available the information that was gathered on a site by site basis in 2010 by Instasu Chosa is being used as a baseline. In the period May 2012 until September 2013, for the sites where MPS has been deployed there has been a 60% reduction in the number of machines installed. The previous volumes (Insatsu survey) for these machines installed under MPS have reduced from 13,991,000 copies to 12,811,000 (8% reduction) and costs have reduced from £514,000 to £316,000. This has resulted in savings of £198,000.

Using actual billed data for September 2013 and modelled costs for the three remaining sites the anticipated annual cost to print shows that the States are on target to achieve anticipated annual savings of £250,000.

3. Oral Questions

3.1 Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding St. Mark's Hostel:

Does the Minister consider that the correct decision was made when St. Mark's Hostel was closed to make way for a facility aimed at accommodating 16 to 25 year-olds together and, if so, why?

The Bailiff:

I gather, Assistant Minister, you are going to answer this question?

Deputy J.A. Martin of St. Helier (Assistant Minister for Health and Social Services - rapporteur):

Yes. The closure of St. Mark's Hostel was a planned closure over the last 4 years. It came initially from a recommendation in the Scrutiny Report S.R.6 done in 2009 to ask the Health and Social Services Department to get a strategy for 16 to 25 year-olds. I must point out that Strathmore and Field View - and we do now have 3 other facilities for care leavers who are in our care - are not

necessarily the same. We were finding more and more young people who were not known to our services being homeless for one reason or another.

3.1.1 Deputy J.A. Hilton:

The reason I asked that question was because at a recent Scrutiny Panel hearing in July, I brought the subject up of St. Mark's Hostel being closed and my concern around 16 to 25 year-olds being housed in one establishment. Members will be aware 2 weeks ago, we were given a presentation by the Scottish Care Inspectorate who were invited to Jersey to look at the facilities available here who looked after children and in their report, and I quote, they say: "An adolescent hostel where significant improvements have been made following our inspection is now to close. The current residents will move to a voluntary sector hostel which includes young people in their 20s. Little consideration has been given to the consideration to the potential risks this may hold for vulnerable 16 year-olds living with 25 year-olds." The question I would like to ask the Assistant Minister, in light of the fact that the Health and Social Services Department invited the Scottish Care Inspectorate back to the Island to inspect the premises, is what action does the Minister intend to take to address this concern?

Deputy J.A. Martin:

Well, we have discussed this and I did know where the question came from because I and my Minister and the Minister for Home Affairs were very saddened to read this, and I will admit that we must have not communicated our strategy very well to the S.C.I. (Scottish Care Inspectorate) when they returned. There are 2 young people from St. Mark's who went across to Strathmore. We now ensure every 16 and 17 year-old are looked after ... I oversee this with the Assistant Minister for Social Security and the Assistant Minister for Housing by meeting monthly with the shelter manager and officers to make sure this is a smooth transition. Everything so far ... and as I say, these are not children necessarily known to us. When I met some of the youngsters at Strathmore, they were staying in Jersey. Their parents had left. They had been brought here when they were about 7. Their parents had left because their work had dried up and they could not get any other work. This was their home, they were not leaving so we have to house them. We work with them, key workers, there are 17 there at the moment between, I think we have got 7 17 and 18 year-olds and 7 up to 22 to 23. They are all in education except 3 and the oldest 2 will be moving into Roseneath. It is a complete strategy and, as I say, I am keeping an eye on it with the other Ministers involved.

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

Listening to the Assistant Minister, do I understand the fact that the department is not planning to take any action regarding the comments made by the Inspectorate?

Deputy J.A. Martin:

I just have to reiterate. The action we have to take is that we did not get across our strategy because, we were tasked in, I think it was S.R.6 of 2009, to look into children who find themselves homeless. They may be coming out of prison, they may not have been known to our services, but they were literally sleeping on friends' couches until friends' mums got fed up with them and then they were finding themselves homeless. St. Mark's was never going to be that facility. St. Mark's was too small. Strathmore is big enough to segregate off and at the moment, we are looking at it monthly. It is working well. The only delay I would say that we would like to happen soon, and I am assured it will happen at the very end of November, is the opening of Roseneath for the moving on of some of the 23 and 24 year-olds. In fact, there are only 2 that will be moving on because they are that age.

3.1.3 The Deputy of St. Ouen:

Just as a follow-up. It is still not clear, and maybe the Assistant Minister can answer this particular question, does she believe it is acceptable to accommodate 16 to 25 year-olds together?

Deputy J.A. Martin:

The one good thing about having Field View, the other 3 flats and Strathmore now, every young person is assessed and one 16 year-old who came to our notice not through our services was not offered Strathmore. They were then offered Field View and that is where they went because we felt they felt that it was more appropriate and this will continue. There are key workers. There is a project called the Star Project, which is an international tool apparently that is used to measure the engagement of younger people and I am told that the mixture is working better than having 7 or 8 16 year-olds all in one place together from the staff and the young people themselves.

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

In her monitoring of the situation, has the Assistant Minister come across any particular problems with the mixing of 16 and 17 year-olds with 25 year-olds?

Deputy J.A. Martin:

Sorry, I never got the very first word in my what's-it, pardon?

Deputy G.P. Southern:

In your monitoring.

Deputy J.A. Martin:

Oh, monitoring, sorry. I thought you said "voluntary". There will be problems. I think we have solved a problem. We have now found a place that young people can go, they are assessed and there was an increasing number. The minute Strathmore opened we had 17 young people between the ages of 17 and 22. Now, in St. Mark's, we were only accommodating 4. Where were these young people before? They were sleeping on someone's floor or sofa.

3.1.5 Deputy J.A. Hilton:

My question had nothing to do with young people sleeping on people's sofas. It is all about strategy. The Assistant Minister said they obviously did not get the strategy across to the Scottish Care Inspectorate when they came over. The Scottish Care Inspectorate have said in their report that they believe that vulnerable young people are being put at risk and my question to the Assistant Minister is are you going to take note of this and do something about it and move those teenagers out of Strathmore or stop putting people in their 20s into Strathmore with drug and alcohol problems with vulnerable 16 year-olds? So my question is: what is the Assistant Minister going to do about that?

Deputy J.A. Martin:

I think the Deputy is misquoting the report. They said we need to get a strategy. I said we have not got the strategy across. Yes, there will be older people in Strathmore and younger people with different problems. The Deputy has asked me to move these young people out. There is nowhere for me to move them to. This is our strategy and it is working. It is being monitored monthly, as I said, by 3 Ministers, officers and, at the moment, it is new but this is the strategy and this is what we will carry on doing.

3.2 Deputy G.P. Southern of the Minister for Social Security regarding savings from the 2014 Income Support budget:

Has the Minister shared the means by which he plans to deliver £3 million of additional savings from his 2014 income support budget with the Minister for Treasury and Resources and if so, does he have that Minister's agreement yet and if not, when will he do so?

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

Within the Medium-Term Financial Plan, I committed the department to deliver £3 million of additional savings from tax-funded expenditure. This was agreed by the Council of Ministers, including the Minister for Treasury and Resources, and approved by this Assembly. I intend to make a formal statement to the Assembly on my proposals for the £3 million of savings in the New Year. Prior to this, I will be sharing the proposals with my Scrutiny Panel for their comment. I did not need the specific approval of the Minister for Treasury and Resources. The Minister for Treasury and Resources will want confirmation that the savings will be delivered which I am confident they will.

3.2.1 Deputy G.P. Southern:

Does the Minister believe that it is good practice to keep policy secret from this House until after the date when it should be in place? Is there a precedent for this and does the Minister believe that it is good Ministerial practice?

Senator F. du H. Le Gresley:

I am not hiding anything. It is policy under development and until I have the final decisions, I am not prepared to share it with this House or the public.

3.2.2 Deputy M. Tadier of St. Brelade:

In order to meet his £3 million of additional savings, would the Minister consider extending the 1 per cent long-term health tax to those earning over £125,000?

Senator F. du H. Le Gresley:

With respect, that has absolutely nothing to do with this question because the Long-Term Care Fund is being paid out of a new charge and not out of tax-funded benefits.

3.2.3 Deputy G.P. Southern:

What word of comfort does the Minister have for those people who are dependent on income support to survive and what assurance can he give that their survival is not threatened by this secret policy which he refuses to reveal before it needs to be in place?

Senator F. du H. Le Gresley:

I can assure people listening who may be on income support that I will deal with this matter in the most sensible and appropriate way so as not to create problems for their finances.

3.3 Deputy R.G. Le Hérissier of St. Saviour of the Chairman of the Privileges and Procedures Committee regarding the removal of in camera debates in relation to appointments:

Would the Chairman advise the Assembly of the progress made, if any, in implementing P.205/2009, 'Appointments made by the States: revised procedures', which removed the need for in camera debates in relation to appointments and state when he expects the agreed actions to be fully implemented?

Deputy J.M. Maçon of St. Saviour (Chairman, Privileges and Procedures Committee):

As the Deputy will know, my committee came into being in July this year and has not had a chance to fully consider this matter. However, I am advised that from the decision of adopting P.205/2009 in February 2010, that instructions were given to the Law Officers' Department in order to make this decision come into force. I am advised that while that initial work was undertaken, there was a problem with the way in which ... when people are appointed to the panels, how they are dismissed, and that created a new tranche of work that had not been envisaged at the time. This has meant that it has had to go back to the Law Officers' Department for further consideration and, as the Deputy will know, there is a huge tranche of work that is within the Law Officers' Department with which they are progressing and, at this time, I am unable to tell the Deputy when this will come to final fruition.

[10:00]

3.3.1 Deputy R.G. Le Hérissier:

As the Chairman would know, this has now taken 4 years. Is he saying that the hold-up is with the Law Officers' Department or with the Law Draftsmen or with P.P.C. (Privileges and Procedures Committee) itself? I wonder if he could clarify where the actual hold-up is and what steps he is taking to overcome them.

Deputy J.M. Maçon:

Just to clarify, I am advised that it is with the Law Draftsmen and that progress is ongoing and I am advised by the Greffier, as the officer looking after this particular matter, that it is under constant review. Again, the only way to advance this particular matter would be for it to be given priority during the law drafting process. The only way to achieve that would be to get the Chief Minister or another Minister to agree to defer another piece of work and while I have not asked them to do that at this stage, I am sceptical about whether that would occur.

3.3.2 Deputy R.G. Le Hérissier:

Given that, in fact, there was a very good proposition produced by the P.P.C. of 2009, would the Chairman fully commit himself to progressing the results and has he, for example, looked at the notion of an omnibus law rather than a vast series of individual laws to amend every appointment procedure?

Deputy J.M. Maçon:

As I began, my committee has not managed to have been able to consider this particular matter so therefore the suggestion that the Deputy makes, while he is welcome and we would be happy to discuss it, certainly under the work that P.P.C. is currently considering, I certainly cannot make any commitment before 2013 Christmas to progress this particular matter, though I am happy to meet with the Deputy to discuss this matter come the New Year.

3.4 Deputy G.C.L. Baudains of St. Clement of the Minister for Treasury and Resources regarding Jersey Telecom Limited board members:

Would the Minister, as shareholder representative, advise who appoints the board members of Jersey Telecom Limited and whether he has still confidence in the board?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

Under Article 71 of the Company Standard Table (Jersey) Order 1992, which has been adopted by J.T. (Jersey Telecom) Group Limited, directors are appointed at the Annual General Meeting and upon advice, it is for the Minister for Treasury and Resources to decide on how to vote and whether to appoint such directors or reappoint them as each of their term of office comes to an end. Given

the vast experience of the current members of the board, each of whom not only have been appointed following a proper thorough recruitment process and my own experience and the Treasury and Resources Department's experience of dealing with them, including holding them to account and regular dialogue, I can confirm to the Deputy that I have full confidence in the current board.

3.4.1 Deputy G.C.L. Baudains:

I thank the Minister for the first part of his answer. Regarding the confidence in the board, we all know that Jersey Telecom has unilaterally phased-out cheques. There are a lot of questions about the fibre into homes and customer service has all but ceased to exist. How does the Minister justify his confidence in the board when it appears to me that Jersey Telecom seem more concerned with matters convenient to itself than its customers?

Senator P.F.C. Ozouf:

We are coming on to debate Deputy Baudains' proposition of a vote of censure to the Minister for Transport and Technical Services and there are some parallels between what Deputy Baudains has said in respect of J.T. and T.T.S. (Transport and Technical Services). If I may say so, Deputy Baudains is expressing some frustration on micro detail on implementation. I think it is fair to say that Deputy Baudains does not like the fact that there is an incorporated J.T. entity. Perhaps that is because of experience as a member of the previous Telecommunications Board. I think it is disproportionate to link the withdrawal of cheques and problems in digital Gigabit rollout with translating that to lack of confidence in the board. J.T. is a big organisation, a multi-million pound organisation, and they perform well although there are obviously ongoing business issues that need to be dealt with. That does not and that should not lead to a lack of confidence and a nuclear button effectively of a lack of confidence and throwing out the board. I think we need some proportionality.

3.4.2 Deputy R.G. Le Hérissier:

I wonder if the Minister could outline the conditions under which the board would lose his confidence and does he not accept, particularly, for example, with the current queuing system at the J.T. office which almost requires a Ph.D. in mathematical logic... would he not accept that there is a point at which customer service does become a key issue?

The Bailiff:

I think the first part of the question has to be out of order, Deputy, as a hypothetical question.

Senator P.F.C. Ozouf:

Does that meet the Ph.D. requirement for the queuing system? **[Laughter]** I think Deputy Le Hérissier is one of those Members... I am not sure whether or not he has been into J.T. Well, if he has done so, does he really think it is appropriate during parliamentary question time to suggest that a queuing system at a shop is linking into ... I think we need to raise the level of the debate. We have got important issues to deal with and Members need to get out of the weeds and deal with the strategic issues that are dealing with these companies and I am happy to engage with Members, with Deputy Le Hérissier, with Deputy Baudains, on the important issues that we do need to discuss with J.T. There are big decisions about J.T. now into the future about what we are going to do and we need to engage on that level and certainly those are the discussions that I have with my Assistant Minister and the Treasury and Resources Department on the board, not on queuing systems and on the withdrawal, if I may say, of cheques, which is a standard business practice across utilities across the United Kingdom and other countries.

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

With literally hundreds of local people engaged in the Gigabit rollout and in other telecommunications services in the Island, does the Minister share my view that this kind of questioning is hardly good for their morale and would he further agree with me that States Members with questions about telecommunications should take up the offer, as I have done - I do not know if Deputy Baudains has done - from J.T. to visit their headquarters and to find out more about it before they raise questions in the Assembly? **[Approbation]**

Senator P.F.C. Ozouf:

Yes.

3.4.4 Senator S.C. Ferguson:

If we are getting out of the weeds, perhaps the Minister would like to comment on the fact that the wholesale price of 2 megabyte connections has been put up by 28 per cent by J.T. to other companies within the Island.

Senator P.F.C. Ozouf:

I do agree that there is a debate to be had and that is an active debate that I am having with my colleague, the Minister for Economic Development, on the trade-off of effectively data costs generally and the costs that J.T. have in relation to the prevention or otherwise of business and those are the debates. We have got a segregation of duties between myself acting as the shareholder representative and the Minister for Economic Development being responsible for regulation, and it is appropriate for there to be a constructive tension in those discussions and catalysed by Digital Jersey. We are looking at some of those issues and those are some of the things that I think we need to signal that we need to have a debate next year about data costs. I think J.T. is doing a reasonable job in relation to that and I have said to all people who are criticising J.T.'s prices, I need the evidence to show that there is an issue and I will take that up with the board at a strategic level.

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

Could the Minister advise how he objectively assesses the performance of the board and therefore justify his confidence?

Senator P.F.C. Ozouf:

Yes, that is an excellent question. What happens in the dynamics, and again I am always willing to invite Members into the Treasury and Resources Department to look and see ... kick the tyres almost in relation to the way that we hold entities to account. As far as J.T. is concerned, and this is the case for all of the utilities, a business plan is set out, a 3-year plan is normally the kind of business planning horizon that we set out. We consider that at an annual meeting. It is presented to the Treasury and Resources Department. The Treasury Utilities Team look at the performance of that and that is monitored on an ongoing basis. The Assistant Minister and I and the Treasurer of the States meet with the Chairman and the Executive and sometimes other members of the board on a regular basis. I think it is 4 times a year we sit down together and it is against effectively the setting and agreeing of a business plan and then the monitoring of that business plan through the year that we assess that performance and while the numbers are not large, we have at least one dedicated person within the Treasury and Resources Department that is looking at the business advice and that provides the Assistant Minister and I with a briefing note on the performance of the business plan and the actual performance going through the year. I hope that is helpful for the Deputy.

3.4.6 Deputy T.A. Vallois:

Can I just ask if the Minister believes that the business plan is therefore robust enough?

Senator P.F.C. Ozouf:

Indeed the business plan is robust enough and while the business plan itself is not a document that is capable of being published because obviously it will contain lots of commercially sensitive information, I would invite the Deputy if she is interested, and indeed any Member, to come in and see the kind of qualitative, quantitative information that we look at in terms of looking at the assessment of the performance of J.T. But I think it is worth saying that J.T. has performed extremely well. There have been some very difficult decisions that J.T. have taken in terms of reduction of staff, reducing costs in order to pass on lower costs to their customers, dealing with the issue that Senator Ferguson raised. I regard telecommunications costs for domestic households and businesses in Jersey as absolutely vital and we are looking at J.T. to be efficient in order to do that, and I think they are doing a very valuable job and they also provide, of course, a very important dividend stream in the future for the States Assembly, some of which we have reduced to allow Gigabit to happen.

3.4.7 Connétable P.J. Rondel of St. John:

Could the Minister tell us how many customers that J.T. currently have, given that in correspondence way back in 1986, they had 60,000-odd customers and if anything ... recently in correspondence had from the department, they tell me that 7 per cent of their customers only pay by cheque. Thereby that equates to something of those numbers from 1986 of 4,000 and it really hurts me to say in black and white that they are claiming that those people who pay by cheque are the bad payers. Will the Minister tell us how many customers they currently have, please?

Senator P.F.C. Ozouf:

I do not know that and I do not call that information in and there is no point for the Connétable of St. John to chastise me for not knowing how many customers J.T. has compared to 1986. I know one thing. It is probably less because we have got competition in the marketplace and that is a good thing. Competition works, competition always works in the marketplace in order to keep J.T. responsive to market demands. In relation to the pay issue, I realise that for some people withdrawing of cheques has been a problem but J.T. also recognised the cost of doing business. Members cannot have it both ways. They cannot expect J.T. to be efficient and productive and still effectively use an antiquated system for bill paying. Most people have debit cards. That is the easiest way in order to pay a bill, on the telephone, easily made through their call centre which I have done, which is easy to do. I think we need to move on from this world. Cheques are old technology. We need to move into a modern efficient way and we should not be criticising organisations that we have major shareholdings in for doing the right thing in terms of making sure that they reduce their operational costs and giving customers as J.T. has clearly said with Payzone retailers, *et cetera*, there are lots of places you can pay your telephone bill easily.

3.4.8 The Connétable of St. John:

The Minister mentions major shareholdings. We own 100 per cent of Jersey Telecom, so we are told, or has something been hived-off that we do not know about? The Minister also mentions other areas that Telecom is involved with. Will he also tell us how we are tied-up with call centres in the U.K. (United Kingdom) which are taking staff off this Island and they are getting in the U.K. and therefore the Island are losing employment within the Island?

The Bailiff:

I am sorry, Connétable, I think we have drifted too far now from the original question.

Senator P.F.C. Ozouf:

I can answer briefly the issues of J.T. and paying cheques. I have got a list of Payzone retailers. I think there are 65 retail establishments which take J.T. payment, quite apart from the fact that most people will have a debit card in order to be able to make a simple phone call to pay their bill. Are we really saying that in this world that withdrawing cheques, which is a standard arrangement... you cannot pay a cheque buying a supermarket grocery bill, you cannot make cheques in all sorts of different ways. It is old technology. It is paper-based. It is expensive to work and are we really saying to J.T, because we own them, that they have to run and continue to use cheque payments? We need to move on and we need to help people in order to embrace new ways of paying and new ways of embracing the fact that ... the reality of the people working with their own finances.

The Connétable of St. John:

Am I permitted to come back in on that, Sir?

[10:15]

The Bailiff:

Well, no, you have had your 2 Connétable, and we have already spent well over 10 minutes on this question so I am now going to return to Deputy Baudains for the final question.

3.4.9 Deputy G.C.L. Baudains:

We have heard about arguments with the regulator which I believe is costing a lot of money and a declining service to its customers. Anybody who has ever tried to phone up Jersey Telecom to report a fault or something gives up after about half an hour. Does the Minister agree that the board is neglecting its customers and may well lose customers and income as a result?

Senator P.F.C. Ozouf:

I think Deputy Baudains' comments are unfair and are unrepresentative of the facts.

Deputy G.C.L. Baudains:

But they are true.

Senator P.F.C. Ozouf:

Well, they are perhaps true in Deputy Baudains' mind. J.T. need to be congratulated for the business performance that they have carried out, the dividends that they pay to the States, the investment in infrastructure that they are making and competing in a fast-moving technological almost lightning-speed world; and we need a Jersey Telecom which is responsive to customer needs which is responsive to technology. I think that we need to stop using our privileged positions in this Assembly to have pot-shots when Deputy Baudains may not have been able to get through to J.T. on one occasion in order to deal with a fault. That is not the experience that I have. My phone would be red-hot if there were issues about J.T. not performing in terms of customer responsiveness, and it is not the case and I can see from other Members of this Assembly that they do not share that view.

The Bailiff:

Very well. Deputy Higgins, do I understand you do not wish to proceed with your question?

Deputy M.R. Higgins of St. Helier:

Yes, Sir, that is correct. I am taking other avenues, including writing to the Attorney General, thank you.

The Bailiff:

Very well, thank you.

3.5 Deputy T.M. Pitman of St. Helier of the Minister for Home Affairs regarding claims of corruption made by former Senator S. Syvret:

Would the Minister inform Members whether the Chief Officer of the States of Jersey Police in response to allegations made to the police by former Senator Stuart Syvret relating to corruption, advised Mr. Syvret that his concerns had been referred to a local legal firm and they had been deemed groundless? If so, which legal firm was utilised and why?

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

I am assuming that the matters to which Deputy Trevor Pitman refers relate to a complaint made by Mr. Syvret to the States of Jersey Police in May 2012. The allegations made by Mr. Syvret were not new and were both complex and numerous, totalling some 60 separate allegations. Inquiries and independent legal assessment by the Jersey law firm Carey Olsen concluded early this year when Mr. Syvret was advised in March 2013 by the Deputy Chief Officer of Police that there was no new evidence to support his assertions of criminality, the majority of matters having already been subject to earlier consideration, investigation and where appropriate, action. The independent legal assessment was sought by the police from Carey Olsen because that firm had previously been involved in advising in relation to similar complaints.

3.5.1 Deputy T.M. Pitman:

I thank the Minister for that and for revealing which firm it was. Could he just clarify, was the information, the decision as it was, put across to Mr. Syvret in writing or was it verbal? Does the Minister know if that can be verified in any way?

Senator B.I. Le Marquand:

There was a letter written by the Deputy Chief Officer of Police and that is what I have quoted in my answer.

3.6 Deputy G.P. Southern of the Minister for Housing regarding repairs to States rental housing:

Will the Minister inform Members what budget is allocated currently and historically to response repairs in the States rental housing, how this sum was arrived at, how much of this sum goes on 'fair wear and tear' costs on re-lets, what role re-charges to tenants plays in funding and what plans, if any, are under consideration in this area in respect of the new housing company?

Deputy A.K.F. Green of St. Helier (The Minister for Housing):

The response repair service provided by the Housing Department is a reactive service. It deals with unplanned maintenance issues which arise on a day-to-day basis and which are normally raised by the tenants. As such, it is difficult to budget for these items accurately as they are demand-led but I can advise the Assembly of the costs in recent years: 2010, £2 million; 2011, £1.7 million; 2012, £1.8 million; 2013, £1.7 million and we estimate that it will be about £1.6 million for 2014. A different budget is allocated for the refurbishment of vacant units when there is a change of tenant. The cost of this service is as follows: 2010, £1.2 million; 2011, £900,000; 2012, £900,000; 2013, £700,000 forecast and 2014 £800,000 budgeted. When a unit is allocated, it will be in a clean and good state of repair for the incoming tenant. Tenants are expected to keep their homes in a reasonable state of decoration and repair throughout their tenancy. When tenants move out they are expected to return the home in the same condition that it was allocated in. Tenants are asked to repair anything which has been damaged or destroyed other than through fair wear and tear. There

are no plans under consideration to alter the current tenancy arrangement on voids policy. This was created in partnership with the Tenants' Forum in 2009. This aims to make outgoing tenants accountable for the standard of the property and so liable for re-charge if they fail to repair anything which has been damaged or destroyed through any other reason other than 'fair wear and tear.'

3.6.1 Deputy G.P. Southern:

This depends on the definition of 'fair wear and tear' I suppose but, for example, is it possible that someone having lived in a house or a flat for up to 10 years should be charged over £1,000 to put the flat back to its original condition when they have been there for over 10 years?

Deputy A.K.F. Green:

It is possible depending on the condition of the unit when they vacate it.

3.6.2 Deputy G.P. Southern:

Does the Minister think that charging social housing tenants sums of over £1,000 is appropriate when these social housing tenants have difficulty making ends meet anyway at the best of times?

Deputy A.K.F. Green:

If tenants keep their homes in a fair and reasonable condition, they will not get a bill.

3.6.3 Deputy T.A. Vallois:

Could the Minister advise what he means by a fair condition?

Deputy A.K.F. Green:

That is subjective and I accept that and that is why I believe the condition reports which I intend to sign a Ministerial Order for, to bring into force in January for all landlords to be working to, the condition reports will help with that.

3.6.4 Deputy T.A. Vallois:

Does the Minister advise tenants before moving into a property to take photos of the property, so therefore if there are any issues when moving out, that that can be reasonably argued with the department?

Deputy A.K.F. Green:

That is precisely the route we will be going down with the condition reports.

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

Would the Minister confirm that some States rental housing that may have been occupied for a very long time, the definition of 'fair wear and tear' is so difficult and that some of the windows, for example, are in such poor condition that they would qualify for energy conservation assistance from the budget of the Minister for Planning and Environment? Could the Minister confirm that that is the case, that there are works definitely needed to many housing properties which really are overdue?

Deputy A.K.F. Green:

Yes, and I thought we had discussed this in great detail in P.33/2013 on 16th May this year. That is exactly why we have got a refurbishment programme and we intend to put right things like windows and double-glazing and it is all in the plan.

3.6.6 Deputy T.M. Pitman:

This is not an attack on the Minister but when you visit some States properties that I have in the past and you could put your hand into a crack in the wall and almost waggle it about outside, which certainly was the case in The Cedars, when you have got rot and damp that is rotting people's clothes, to what extent is that taken into consideration when people are then to be asked to keep their properties in a fair condition when, as really Deputy Young said, they probably were not in a fair condition in the first place?

Deputy A.K.F. Green:

Structural defects are not the responsibility of the tenant. They are the responsibility of the department and I think that the particular building that Deputy Pitman is referring to is under repair at the present time because what he described is what we found, certainly on the top floor of La Collette and other flats in La Collette, but they are structural repairs for which the department takes responsibility.

3.6.7 Deputy T.M. Pitman:

I am not suggesting that the Minister would blame individuals for structural faults but what I am saying is the knock-on effects of those problems within properties. To what extent are those taken into consideration where people inherit a property that really is not in fair condition by anyone's imagination?

Deputy A.K.F. Green:

It is taken into consideration but, as I say, structural repairs are clearly the responsibility of the department and we do not tend to shirk that responsibility. So if there is a crack between the ceiling and the wall that is our responsibility.

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

Will the Minister advise how the appeal process works?

Deputy A.K.F. Green:

The appeal process normally goes through my officers and in extreme cases, it sometimes ends up with myself: so normally through the officers and then to myself if need be.

3.6.9 Deputy G.P. Southern:

Drawing clear distinction between property that is damaged or where that is negligent, how much was generated by re-charges on re-lets last year?

Deputy A.K.F. Green:

I do not have that information.

Deputy G.P. Southern:

Will the Minister supply that information, please?

Deputy A.K.F. Green:

Yes.

3.7 Deputy G.C.L. Baudains of the Minister for Health and Social Services regarding the H.P.V. vaccination:

Following the recent media release by the Head of Healthcare Programmes, the Clinical Lead for Immunisation and the Medical Officer of Health regarding H.P.V. (Human Papilloma Virus)

vaccination, can the Minister advise whether the views expressed are compatible with her own in this matter?

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

Firstly, before I give my response, I would like to correct a point in the Deputy's question. There was no media release. The comments made by the Medical Officer of Health and her team were made in response to an approach from the media. Human Papilloma Virus or H.P.V. is a deadly form of cancer of the cervix that kills one to 2 women in Jersey each year. That is one or 2 too many and it would be irresponsible of me as the Minister for Health and Social Services not to make a vaccine against the disease as widely available as possible. The H.P.V. vaccine programme in Jersey commenced in 2008 and it mirrors that being used across 120 countries worldwide, including the U.K., Australia and Canada. Like all vaccines, it has undergone vigorous testing before being licensed for use and its safety is underpinned by the U.K. and European regulatory agencies for medicine. This vaccine will save the lives of young girls who would otherwise be at a risk of developing cervical cancer so yes, my views are exactly in line with those expressed by the Medical Officer of Health.

3.7.1 Deputy G.C.L. Baudains:

I have several questions and I guess I will start with this one. The Medical Officer of Health has stated that Gardasil has no major safety issues and is a major step forward. I take it the Minister agrees with that. That is what was reported when, in fact, there have been thousands of adverse reactions across the world, including death. The vaccination has been proven to be less than 1 per cent effective and we all know not long ago, Tamiflu, which is a completely useless product, cost the Island millions. So does the Minister not agree that we should be able to rely on public health information and not have to do our own research to get to the truth?

The Deputy of Trinity:

It is scaremongering. Gardasil is a highly effective anti-cancer vaccine. Over 100 million doses have been given safely in 120 countries and I have named a few already. Any new drug goes through specific clinical trials and part of that trial is to put out any side-effects that come but the side-effects, which are minor, are outweighed by the actual benefit that it will give to young girls to try and prevent or lower the risk of getting cervical cancer.

3.7.2 Deputy G.C.L. Baudains:

Is the Minister aware that the manufacturer of Gardasil – Merck - it was they who funded the study that declared Gardasil safe? Is she aware that the same company are known for falsifying drug trials, including mumps vaccine and infamous for the deaths of 38,000 with its drug Vioxx. So I ask the Minister what assurances can she give first of all - unlike in other countries that she has mentioned - that none of her staff are receiving inducements to sell these products; and given the information from her department is inaccurate not only on this but on other issues as well, what action she will be taking to ensure in future the public are accurately informed?

[10:30]

The Deputy of Trinity:

I take great offence that the Deputy has insinuated that the Public Health team might take a cut in the drug manufacturer's ... I will leave it there. Every drug goes through very rigorous testing and we look at expert bodies such as the U.K. Joint Committee on Vaccination and Immunisation, the U.K. Department of Health, the Medicines and Healthcare Product Regulatory Agency, and European Medicines Agency before making any decisions about offering vaccines in Jersey.

3.7.3 Deputy G.C.L. Baudains:

Earlier on, the Minister mentioned Canada. Is the Minister aware of the Canadian medical study which included a list of Gardasil side effects of death, convulsions, paresthesia, paralysis, Guillain-Barré syndrome, transverse myelitis, facial palsy, chronic fatigue syndrome, autoimmune disorders, deep vein thrombosis. I will not go on. Is the Minister aware of information out there on this drug?

The Deputy of Trinity:

He is scaremongering. Over 100 million doses of this drug are given around the world and to 120 countries. If there were the side effects that the Deputy has listed, well, it would not have got further than past the clinical trials. We know that when the clinical trials are made, they always put side effects in any drug, whether it is the common drug, paracetamol, aspirin or such like, it does not mean that you should stop taking the medicine; it has gone through vigorous testing.

3.8 Deputy M.R. Higgins of the Minister for Home Affairs regarding the binding over order imposed on the woman known as H.G. in the Korris Report:

Will the Minister explain to Members whether the woman known as H.G. in the Korris Report was bound over to leave the Island and, if so, would he advise whether she was removed from the Island in her pyjamas and left destitute at a United Kingdom airport?

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

The harassment case to which the Deputy refers dates back to October 2010 and the latest Korris Report was published in March this year. The fact that the woman known as H.G. in this case was sentenced for harassment on 11th October 2010 is a matter of public record. H.G. was legally represented in court at her sentencing by a Jersey lawyer and supported in court by both a mental health patient advocate and by friends from Winchester who were in Jersey on holiday at the time. H.G. pleaded guilty to one charge of harassment. Her lawyers invited the court to deal with sentencing in the case by way of a binding over order to leave the Island, and H.G. consented to this. She was appropriately dressed in daywear attire when appearing at court, as was the case when she left the Island. The States funded her flight to Southampton later that afternoon. The States of Jersey Police assisted in the recovery of personal possessions in storage at a St. Brelade address for her before leaving the Island. I am unable to advise on her onward travel or other arrangements from Southampton.

3.8.1 Deputy M.R. Higgins:

A supplementary. I think the Minister's response is misleading; I will put that down to the information he has been given. The lady concerned was in her pyjamas, she had no underwear, she had a cardigan over her pyjamas, that was all. The police officers took her back. On the way to the airport, she asked if she could go home and get some clothes. They would not allow her to go in and get them; they got some plastic bags with goods that were going to a charity shop and she was basically left in the U.K. with no money. What I would say to the Minister is: is that how we should be treating people in the 21st century? What sort of impression is it giving to people outside this Island? The tactics used are very similar to that of a totalitarian state.

Senator B.I. Le Marquand:

I am afraid that much of the information being given by the Deputy is wholly inaccurate. The fact is that this young lady had spent 2 weeks in prison prior to coming before the court for sentencing. To suggest that she would be in prison for 2 weeks and that the prison authorities would allow her to be taken down to Police Headquarters in her pyjamas is, frankly, totally ludicrous and totally inaccurate. As I say, he is completely overlooking the fact that she had spent 2 weeks in custody prior to her sentencing. The information which I have given is the information I received from the

police; it is totally in accord with what I would expect. Now, whether or not on arriving in the U.K. she had money, I simply do not know, but the fact is she was receiving support in Jersey, both from the mental health patient advocate and also there were 2 friends who happened to be on the Island at the time who were there. I find it very hard to believe that between those they would not have made some sort of suitable arrangements. The functionality of my department in this area is the functionality of the police officers in carrying out the court order in relation to the binding over order, and that functionality is, first of all, to hold the individual in custody for a period and then to place them on a flight or on a boat out of the Island. In addition to that, they assisted the lady in seeking to regain possession of items which she had in the Island to take with her.

3.8.2 Deputy T.M. Pitman:

I have to ask, are we getting extra time for these very long answers? I hope we are. My question is this: in the Korris Report, pages 41 and 48, the author recommends that H.G.'s arrest and deportation should be investigated as the matter is not being investigated by Dame Heather Steel, as it is not considered to be a church matter. Does the Minister agree that the matter should in fact be the subject of an inquiry instigated by the States itself and, if not, why not?

Senator B.I. Le Marquand:

The use of the term "deportation" is inaccurate in this context. Here, we have a situation in which a person's lawyer invites the court to deal with the matter by way of a binding over order with a condition of leaving the Island and not returning for 3 years. If there are concerns in relation to the manner in which the young lady was dealt with, I am aware that earlier this year the Chief Minister commissioned a report from the Jersey Independent Safeguarding Chair into the care and welfare of H.G. in respect of these matters, and the outcome of that report is expected some time in the future, but I have no particular details on that other than the fact that such a report has been commissioned by the Chief Minister.

3.8.3 Deputy T.M. Pitman:

A supplementary? It is not an attack on the Minister, as I am sure he is not responsible for all these things, but the examples of how Jersey flouts the absolute right to a fair trial process are growing weekly. The evidence we are hearing is so different. Does that not in itself suggest that, really, to put people's minds at rest, that the Minister should initiate an inquiry?

Senator B.I. Le Marquand:

It is a matter of public record what happened in the courts. I have in front of me, not only a copy of the charge sheet for sentencing purposes, but also a transcript, albeit one which has been edited out to remove certain details and information, of both hearings which took place. That is a matter of public record. If Members are interested to try to obtain a copy of the edited matter, they should approach the Magistrates' Court Greffier to see if he will provide them with such a copy, otherwise, they can go and listen to the tape recording. These matters are not held in secret; this is a public, open court. Some of the information which I have given today comes directly from those transcripts.

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

I would like to agree with Deputy Pitman inasmuch as we are used to having contrary views across the House but, in this case, the 2 versions of events seem to be very far apart. Could I ask the Minister if he would be prepared to meet Deputy Higgins to try to ascertain where Deputy Higgins' version of events comes from and if it is truthful?

Senator B.I. Le Marquand:

I do not think there is any point in that, personally. I have invited Deputy Higgins on many occasions to come and talk to me about many different matters in which we have a difference of opinion; he never wants to come and talk to me, but if he wants to come and talk to me on this matter, I will happily see him.

Deputy T.M. Pitman:

I will come too.

3.8.5 Deputy M.R. Higgins:

I might say that I will be bringing matters to the House regarding what I want to speak to the Minister for Home Affairs about. As far as H.G. is concerned, perhaps the Minister will explain to us a number of strange things that happened: (1) she was arrested and spent 11 hours in custody before she was charged; perhaps he can tell us why there was the delay; (2) perhaps he can also tell us why the police did not bail her - she had accommodation, she had a job and she was of good character; (3) and also perhaps he can tell us why the police objected to her having bail at the court appearance on 27th September.

Senator B.I. Le Marquand:

I cannot answer the first question; it is far too detailed and it was going beyond the area of the initial question back into earlier time. Again, if Deputy Higgins would care to look at the transcript of the hearing, he will see precisely what was said by the prosecution and he will see precisely the thought processes of the Magistrate concerned in relation to the matter. It was established during the course of the hearing that, in fact, she did not have a home to go to, that the person with whom she had been staying was unwilling to have her back again. That is on the record of the transcript.

3.8.6 Deputy M.R. Higgins:

I must address that last point about the person not having a home. The police phoned the landlord and said about H.G. and asked whether she lived and everything else and whether she could go back. They would not tell her what the nature of the charge was. The woman was aware of the fact that police had arrested her in the morning, the police would not say why she was being charged. For all they knew, she could have been a mass murderer and they would have been in danger so, as a consequence, because the police would not tell them why she had been arrested, they would not necessarily have her back in the home. I think it is monstrous to say otherwise. This is a stain on Jersey's character and it is not going to go away.

Senator B.I. Le Marquand:

I have absolutely no knowledge of that; all I can say is what is in the transcript. While I am on my feet, could I possibly correct a mistake I made in answer before to a question of Deputy Trevor Pitman on the previous answer? It is a matter of correction.

The Bailiff:

Yes.

Senator B.I. Le Marquand:

This was in relation to the first set of questions by Deputy Trevor Pitman. I erroneously said that there had been a letter to Mr. Syvret setting out the position from which I had quoted. In fact, I now see, on checking it, that there was an email.

Deputy T.M. Pitman:

Thank you, Minister, for that clarification.

3.9 Deputy R.G. Le Hérissier of the Minister for Health and Social Services regarding recommendations made by the Francis Inquiry investigating the Mid Staffordshire NHS Foundation Trust:

In the light of recent events at the Mid-Staffordshire N.H.S. (National Health Service) Foundation Trust, and the recommendations made by the subsequent Francis Inquiry, would the Minister state how, if at all, she will be applying the recommendations to Jersey.

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

All reports published at any time are reviewed to identify any opportunities for learning further or enhancing our services across Health and Social Services. The Francis Report made 290 recommendations, a third of which related to the role of the regulation of the N.H.S. I am pleased to say that we have already in place processes that would address some of the other concerns highlighted in the Francis Report. Nevertheless, we have established an oversight group to review this and any other independent inquiries' reports and we shall identify and respond to any other issues that may be related to our health services in Jersey.

3.9.1 Deputy R.G. Le Hérissier:

I wonder if the Minister could tell the House who are the members of that group and when does she expect the group to report?

The Deputy of Trinity:

The oversight group is from clinicians and management from the hospital, Family Nursing Services, the Care Federation, voluntary and community sector and also I think there are some G.P.s (General Practitioners) involved too. They will do an action plan but they will also consider the other reports that have come out since, which is the Beswick Report, the Keogh Report, and I understand that the Royal Colleges of Physicians and Surgeons have reviewed and will make their recommendations too. So it is a wide-ranging listing of recommendations which we need to put in the pot and review.

3.9.2 Deputy J.H. Young:

The Francis Report included numerous references to the Care Quality Commission in the U.K. which provides an independent body for investigating complaints and to maintaining and reporting of clinical standards. Can the Minister say whether or not any such equivalent arrangements exist in Jersey and, if not, will she, in this review she has been describing, be having a look at how we can cover that same ground in Jersey?

[10:45]

The Deputy of Trinity:

The C.Q.C. (Care Quality Commission) only regulates in England; Wales and Scotland have their own regulatory body. As you know, we do not have any regulatory body but that is part of the ones being addressed in the Regulation of Care Law, which will come to this Assembly the middle of next year.

3.9.3 Deputy J.H. Young:

A clarification, if I may. Could the Minister confirm that that arrangement she cited does include independent investigations against matters that go wrong?

The Deputy of Trinity:

The Regulation of Care will include an inspection and regulatory group and we are working in conjunction with Guernsey and the Isle of Man, because they are in similar circumstances. As it

stands at this present moment in time, the only regulation and inspection goes into nursing and residential homes and so none of the Health and Social Services Department is regulated, which, when I became Minister, I felt that was important that we put regulation in place. But it is in the law coming next year, hopefully, if this House approves it.

3.9.4 Deputy R.G. Le Hérisssier:

One of the overarching findings of Mid-Staffordshire was the total detachment and alienation of staff from patients, which was incredibly sad. The Minister has read out a very impressive list of participants in the study, but the patients are not mentioned, or the population. Will she set up a structure so that there is feedback from patients and the broader population which can inform the future structures to bring about greater independence?

The Deputy of Trinity:

Indeed. That is already in place. One of the main features that came out of the Francis Report was listening to patients and to our staff, and we have a great range of measures already in place. We might not have the law in place, but it does not mean to say that we are not doing the work. I would stress a lot of work is being done to make sure that that hospital and the Health and Social Services Department is fit for purpose and is safe for patients, because that is my main priority. Going back to the patients, listening to patients is important and is paramount. We have a full complaints system, including compliments, we have a newly set-up listening post which is when patients and their relatives feel that there is something not quite right, or even to give praise. That is done through an independent group. We have a patient advisory panel; we investigate everything and we have a proper whistle-blowing procedure for grievances, and we also participate in the national patient surveys.

3.10 Deputy T.M. Pitman of the Chief Minister regarding the ‘Access to Justice’ review:

Can the Chief Minister inform Members whether he will be seeking applications of interest in joining the ‘Access to Justice’ review from among the States Members?

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

I informed Members in September of my intention to undertake a review of Access to Justice. As a result, a number of Members have already made expressions of interest. I would be pleased to hear from any other Member who is interested in working to support this review.

3.10.1 Deputy T.M. Pitman:

I thank the Chief Minister for that. I made my interest known in a meeting way back with Deputy Shona Pitman and, indeed, with the Chief Minister and Senator Routier, so I hope I have been considered for a place. However, my question is this: the review is to be called “Access to Justice”, yet ordinary people finally being able to afford a good lawyer will be of little worth if the justice eventually meted out in the courts is not up to E.C.H.R. (European Court of Human Rights) standard. My question is thus: will the Chief Minister be willing to include in that review an assessment of people’s experiences when they reach our courts? I think the 2 are very clearly interwoven, and I hope the Chief Minister would agree.

Senator I.J. Gorst:

It is quite difficult to understand exactly what the Deputy was asking. I have no reason to doubt whatsoever that the justice meted out by our judiciary is anything other than human rights-compliant. If the Deputy is saying it would be a useful part of the process to understand individual members of our community and concerns that they might have about particular processes, i.e. they

might feel that processes are old-fashioned, not necessarily using technology in the way that we might want them to do or changes in that regard, then the Deputy is absolutely right.

Deputy T.M. Pitman:

A supplementary, Sir?

The Bailiff:

I will just see if anyone else wants to ask anything. Deputy Higgins?

Deputy M.R. Higgins:

I would just like to publically declare I would be interested in joining the panel, just so it is on the record.

3.10.2 Deputy M. Tadier:

Would the Chief Minister say publicly whether or not there will be an opportunity for the public to engage in this consultation of the 'Access to Justice' review and how that might work?

Senator I.J. Gorst:

It is too early to say exactly how it might work and I see in my absence from the Island, the questioner has lodged his own proposition asking that the Assembly is involved in some of these decisions, so we shall have to see what transpires from that. I would expect that members of the public would engage with the review; that would seem to be absolutely right and proper. Developing a process where that can be appropriately handled is something that we need to give thought to.

3.10.3 Deputy R.G. Le Hérissier:

Could the Chief Minister clarify, given the very broad comments he made, will the study look into issues like the structure of the system, accessibility on the basis of cost, on the basis of user-friendliness, *et cetera*? Will it be as broad as that, or is it possible for people to approach the system in a cost-effective way?

Senator I.J. Gorst:

I do not see the difference between the 2 parts of the Deputy's question.

3.10.4 Deputy T.M. Pitman:

I think the Chief Minister did very well to answer my question, as he apparently did not understand it but, yes, I am asking quite a simple question: will he be willing to carry out within that review an assessment of ordinary people's experiences of accessing our justice system and the experience, the satisfaction or otherwise that they get at the end of it? Because I am afraid many instances are not European Court of Human Rights-compliant. I know, I have been there myself.

Senator I.J. Gorst:

Once again, I have no reason to doubt that the justice delivered by our judiciary is anything other than human rights-compliant, any applicant before the court - forgive me for not using the correct technical terms there - if they are dissatisfied with a judgment meted out from the Royal Court, they can appeal, they can appeal then on to the Privy Council and they can onward appeal if they think there is a human rights issue as well. So I do not think that should be a concern. Do we need to understand if members of our community feel there is an issue with regard to access to justice? Absolutely, we do. We know that the Law Society of Jersey have suggested that they feel there is an issue with regard to legal aid and, by extension of that, that must mean there is an issue with regard to access to justice if that is not working in a way that we might like it to be. Of course, we

will need to understand individuals' experiences in order to formulate, if we see there is a need, to change the current system.

4. Questions to Ministers without notice - The Minister for Housing

The Bailiff:

Very well, that brings questions on notice to an end, so we come then to questions without notice and the first period is to the Minister for Housing. Does any Member have any question? Yes, Deputy Young?

4.1 Deputy J.H. Young:

Can the Minister advise the Assembly whether he is going to be in a position to provide the Island Plan review inquiry that is shortly to take place with the information on the requirement for over-55 housing throughout the Island? I ask because I am aware there are a number of sites being put forward which depend on that, and I would like the Minister to tell us whether he is able to make sure the information is provided.

Deputy A.K.F. Green (The Minister for Housing):

At the end of September this year, through the Housing Gateway - that is the system by which people who are residentially qualified can get on to the Social Housing Waiting List - there were 764 homes required at the end of September. Of that, to answer Deputy Young's question, 288 are applicants from over-55 year-olds, so I have that information.

The Bailiff:

Does any other Member wish to ask a question of the Minister? Very well, we bring the questions to the Minister for Housing to an end. **[Laughter] [Approbation]**

5. Questions to Ministers without notice - The Chief Minister

The Bailiff:

The Chief Minister now has virtually half an hour for questions to the Chief Minister. Deputy Young?

5.1 Deputy J.H. Young:

Could the Chief Minister tell us whether he has had the opportunity to look at the issue of the law in relation to allowing pension sharing, particularly in the matters of divorced couples in later life? This is the issue that I raised with him some time ago in the context of the public sector pension scheme. Could he confirm that this is a matter he is taking forward and tell us when he expects to be able to bring forward some proposals for this to happen?

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

Unfortunately, while the Deputy raises a very good point with regard to the way that pensions need to change into the future, it is not a piece of work which has moved forward at this time and I cannot today give him the timescale of when it might, but I shall certainly go away and see if it cannot be taken forward. It is difficult as I stand here to think what the appropriate body might be to do so, because it impinges very much on the Treasury and Resources Department, but it might also be something that the Legislation Advisory Panel might wish to consider.

5.1.1 Deputy J.H. Young:

If I could just also ask the Chief Minister to check with the Legislation Advisory Panel because I did write to the Attorney General about this and I had a letter which said that this was something which it was his understanding was on this panel's agenda. I would like to be confident that that is the case and that this matter will be coming forward.

Senator I.J. Gorst:

While that might be a body that can start to undertake this piece of work, and I am not sure that they have, it is far broader and will need to have quite wide public consultation as well.

5.2 Deputy T.A. Vallois:

Could the Chief Minister advise whether there are any plans to restructure and change the role of the States Employment Board?

Senator I.J. Gorst:

Yes. It is being considered by the States Employment Board about whether the current system that we have got in place of politicians who should be dealing with strategy, and to some extent policy, is appropriate in today's world for them also to be pulled directly into human resources issues around recruitment, *et cetera*. No final decision has been taken; it will need to be consulted upon in the first instance with the Council of Ministers, then with the Scrutiny Panel, and with States Members more broadly.

5.3 Deputy J.A. Hilton:

I would like to refer to written question number 13, which was to the Chief Minister. In that question I asked of the Chief Minister's Department, I was informed that the total number of undertakings up to June 2013 was 7,942. When asked what was the number of licences that had been reviewed so far, because in answer to another part of the question I am told that all the licences are reviewed every 3 years, the answer given to the end of June 2013 was 3,873. Could the Chief Minister explain to me why, in fact, all of the licences have not been reviewed in the past 3 years?

Senator I.J. Gorst:

That is a very good question that I do not have the detailed numbers to at this point. What I can say is that under the new law, all licences can be reviewed now in real time, and that is an important change.

[11:00]

The department has not yet got to the point where it has been able to review all those licences, but over the next 6 to 12 months we will see many more licences and I hope we will get to a point where all licences will have been reviewed within that timescale. Reviewing those licences and stripping out non-local positions within those licences is critical to our controlling population.

5.3.1 Deputy J.A. Hilton:

A supplementary? Is the Chief Minister confirming that all those licences will be reviewed within the next 6 months? There are currently 4,000 licences outstanding needing to be reviewed.

Senator I.J. Gorst:

I am just looking at the Minister responsible for this particular area and asking him how long he needs. I did say 6 to 12 months; I would hope that we could undertake it within that period of time, but it may, of course, take slightly longer, as sometimes these things do. But I should say that the Assistant Minister responsible and myself are absolutely committed to doing this piece of work

because, as I said, it is fundamental to our policy of controlling migration, it is also fundamental to our policy of getting local people who are unemployed into work.

5.4 Deputy R.G. Le Hérissier:

Building upon Deputy Vallois' question about the future role of the States Employment Board, given the considerable turnover of human resource directors in recent years, could the Chief Minister outline whether he sees any changes to that role and how he will deal with the issues that appear to have been thrown up?

Senator I.J. Gorst:

Yes, I do. The Deputy is right. It is a very difficult balance, and I think sometimes we, in this Assembly as well, struggle with having appropriate succession planning and what that means and what that looks like within departments and yet, at the same time, wishing positively to bring individuals in from outside of Jersey because of new ideas, new approaches and experiences that they might have had elsewhere that we need to develop our system. We like to think of ourselves as unique and I believe we absolutely are unique; there are some areas where we are like other jurisdictions and there are others that we are completely different from. We have a unique political system, Members in this Assembly like to know operational matters as well as policy and strategy, that is not always helpful, and for some members of staff that causes difficulty. We are quite a highly politicised community, members of staff can say something and find themselves on the front page of a local paper or in the media; that is not what would happen elsewhere. So that transformation from one environment to another can be very difficult and I think that what that really shows us is that we must be much more committed - I know that this is something that the Deputy agrees with - to appropriate succession planning, at the same time acknowledging that we will need to bring people in.

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

Could the Chief Minister inform the House what areas we are collaboratively working with Guernsey on at the present time and, specifically, whether he has any more information on collaborative working on the financial service ombudsman?

Senator I.J. Gorst:

I do not have an update from a fortnight ago when the Connétable asked me the same question. The Economic Development Department assure me that they are still on track to deliver in the first quarter of next year, that the law is ... I am just recalling whether it is drafted or in the process of being drafted. As I said, however, in answer to the Connétable, I am personally of the opinion that it must be done and brought forward as a joint ombudsman with Guernsey. I understand from the Economic Development Department that that, at this stage, is not a blockage to bringing forward in that timescale.

5.5.1 The Connétable St. Brelade:

Could I have a supplementary? I believe there was a debate last week in the States of Guernsey in regards the ombudsman. Have you received any information in regards to that to date?

Senator I.J. Gorst:

I do not have any update with me this morning.

5.6 Senator S.C. Ferguson:

How does the currently-constituted States Employment Board enforce its decisions across the States as a whole?

Senator I.J. Gorst:

This is, I think, one of the reasons why there needs to be some change to the States Employment Board. The process that we have started that we use in the Treasury and Resources Department and the Finance Law is to give codes of practice to ensure that all departments are acting in the way that the Treasury and Resources Department and this Assembly wish them to act. I think that is a model that we could usefully use with regard to H.R. (human resources) issues so that you would end up with politicians involved in policy formulation and strategy but very clear codes of practice lying under a law that departments have to comply with. I think that would be far better than the way in which it perhaps currently operates.

5.6.1 Senator S.C. Ferguson:

A supplementary? How will the States Employment Board encourage departments to employ Islanders wanting to return to the Island?

Senator I.J. Gorst:

We already encourage by the way that the departments voluntarily comply with the new Control of Housing and Work Law and previously complied with the Regulation of Undertakings and Development Law. However, there are changes that need to take place and the process that I have just described is a very good way of doing such a thing. You could have a code of practice in regard to that particular issue. We can pass information down across the departments, but currently each department, rightly, makes its own decision, takes the best individual that they think is appropriate for the job within their local or non-local criteria.

5.6.2 Senator S.C. Ferguson:

But how will the Chief Minister enforce the code of conduct?

Senator I.J. Gorst:

Codes of practice. In exactly the same way that the Treasury and Resources Department currently does: if they are breached, then there are penalties for the department and there are implications of a breach.

5.7 Deputy M. Tadier:

Would the Chief Minister advise the Assembly whether all of his Ministers enjoy his confidence?

Senator I.J. Gorst:

I have no reason to say anything other than that.

5.7.1 Deputy M. Tadier:

By extension, the Chief Minister will be aware that there has been a vote of no confidence lodged in one of his Ministers today, the Minister for Planning and Environment. Will he be supporting that move or will he be standing by his Ministers?

Senator I.J. Gorst:

I have not yet seen any such proposition. I was aware that something was due to be lodged; obviously, I will have to consider it carefully, as with every single Member. These are the issues that I raised during the Machinery of Government Review. It lies in the hands of this Assembly which individual Member of the States sits in which Ministerial post. I am not sure that is a satisfactory state of affairs, but it is the one that we currently have to operate under.

The Bailiff:

No, you have had 2 already.

Deputy M. Tadier:

To confirm, the Chief Minister said he does have confidence ... I think Senator Ferguson had at least 2 supplementaries.

The Bailiff:

You have had 2, Deputy, I am sorry.

5.8 The Deputy of St. Ouen:

What actions have been taken by the Chief Minister to co-ordinate policies across all States departments and is he satisfied with the progress to date?

Senator I.J. Gorst:

I am never satisfied, I always think that we can do better, that is why I am in this job. My Assistant Minister now has a very strong role when it comes to social policy and co-ordinating that; we now have a new Social Policy Unit in the Chief Minister's Department with probably 3 individuals, and their role is to co-ordinate policy right across departments. They have done some very good work in some areas and there are other areas which, if I am going to be frank with the Deputy, we are finding more difficult to build consensus across departments where perhaps there are different desired outcomes, but good progress is being made. One of those particular areas is with regard to the alcohol and licensing strategy, and I am pleased to say that in very short order, we will be producing a consultation on that. That has taken many months to develop a co-ordinated approach, which is absolutely fundamental so that we get the strategy right.

5.9 Senator L.J. Farnham:

I just wondered if the Chief Minister could confirm what action has been taken following the recent support of his proposal to establish political accountability for justice. Could he confirm that the process is underway within his department and explain what has happened to date?

Senator I.J. Gorst:

Yes, I can, and an earlier question on notice was in regard to the very first piece of work arising from that proposition.

5.10 The Deputy of St. Martin:

Given the reports in the media yesterday that Guernsey representatives have been meeting M.P.s (Member of Parliament) in England and are potentially weeks away from an agreement over L.V.C.R. (Low Value Consignment Relief) in relation to home-grown items, specifically horticultural products, can I ask the Chief Minister if Jersey has been making similar representations on behalf of Island growers?

Senator I.J. Gorst:

We have been watching very closely the work that our colleagues in Guernsey have been undertaking in this regard and we will continue to watch very closely.

5.10.1 The Deputy of St. Martin:

Would the Chief Minister expect Jersey to be treated in exactly the same way as Guernsey if they managed to reach an agreement?

Senator I.J. Gorst:

If there is to be any change, and I cannot say that word clearly enough, then I see no reason why we should be treated in any way different from our colleagues in Guernsey.

5.11 Deputy J.A. Hilton:

Has the Chief Minister concerns that our present system of granting senior civil servants extensions to their 5-year contracts inhibits their attempts to bring about change in culture across the Civil Service for fear of losing their jobs?

Senator I.J. Gorst:

I am not sure which particular contracts the Deputy is referring to. Of course, there is always that concern that change is not comfortable and sometimes we can take up a job which involves change but find that job comfortable. Perhaps that is one of the reasons why this Assembly has struggled to reform itself and therefore I do not think any other job or individual might be any different. I am not sure that it is necessarily to do with the length of the contract, but one thing I would say, I think now that we have got momentum going in the reform programme, yes, we have still got one or 2 important milestones to achieve in the next month or so, but I think we have gained such momentum now that there is no going back. Those departments that are rolling out 'Lean' and a whole-systems approach to their operations, like the Social Security Department and the Health and Social Services Department, I do not think they want to go back to the old way of operating. They are looking to the future because they recognise it is better for them as staff and it is better for the customers that they are in business to provide a service to.

5.11.1 Deputy J.A. Hilton:

A supplementary? Does the Minister not agree with me that if those senior civil servants had been brought from the U.K. on fixed contracts and so were going to have to relocate back to the U.K. after 5 years, might be more prepared to put their heads above the parapet because they have not got anything to lose?

Senator I.J. Gorst:

The reverse argument is that an individual coming to live in our community and bringing their family and is absolutely committed to Jersey's future, because that is where they see their future, might be more persuaded to make the difficult decisions to improve the service to redesign what we are offering so that it is better for their future and family's future as well.

5.12 Deputy M. Tadier:

Will the Chief Minister advise whether there are any plans or if there are currently being lessons given to the Council of Ministers in the Chinese language?

[11:15]

Senator I.J. Gorst:

Not that I am aware of currently. Of course, Ministers that do visit China on business have a briefing with a local individual who understands China well and also speaks that language, but the Deputy's suggestion that perhaps we should have a little bit of language tuition prior to a visit as well is a very good idea, although perhaps it fills me with dread personally.

5.13 Deputy G.P. Southern:

I have just glimpsed through my answers to questions and I find the phrase: "Interim population policy." Does the Chief Minister not consider that an interim population policy is an oxymoron?

Senator I.J. Gorst:

Absolutely not.

5.13.1 Deputy G.P. Southern:

Can the Minister explain to me how an interim population policy is designed to work and effectively control any population?

Senator I.J. Gorst:

As excited as the Deputy appears to be about the subject, perhaps if he waits a few more weeks, he will be able to see.

5.14 Deputy T.A. Vallois:

Could the Chief Minister advise, in his role of co-ordinating the Ministers' portfolios, what priority he has given to licensing laws?

Senator I.J. Gorst:

That is a piece of work that we have been co-ordinating. I think it is extremely important that licensing law needs to come with alcohol strategy so that Members of this Assembly and members of the community understand what the implications might be and what we are trying to achieve by changing any licensing law. The consultation document is dated November, there are quite a few days still to run in November prior to it being published, but I hope that it will be published in very short order; I think it is going to the Council of Ministers on 13th November, so it should be published shortly thereafter.

5.14.1 Deputy T.A. Vallois:

A supplementary? Does the Chief Minister believe it is appropriate that, considering the Green Paper was produced in 2009, we are only now, in November 2013, producing another consultation paper?

Senator I.J. Gorst:

That is a good question and perhaps I felt that I had answered it when I answered the Deputy of St. Ouen in what I thought was a candid manner, in that this is an area which has been more difficult to co-ordinate than I would have liked, but we are now finally seeing that co-ordination and perhaps that difficulty is one of the reasons why so much time has elapsed.

5.15 Deputy G.P. Southern:

Given the Chief Minister's commitment to transparency and co-operation, does the Chief Minister have a view on the Minister for Social Security's decision to withhold policy in preparation until after the date it is due to be making savings in 2014, and does he accept that this effectively does not mean transparency, it means secrecy?

Senator I.J. Gorst:

I do not accept that at all and I have nothing further to add to the Minister for Social Security's comments in answer to a similar question earlier this morning.

5.15.1 Deputy G.P. Southern:

Is it his intention to treat that as a precedent and encourage other Ministers not to reveal their policies until well after they are in place?

Senator I.J. Gorst:

The Deputy accused me of using a term which he described as an oxymoron. I am not sure how a policy can be in place if it has not been developed.

5.16 Deputy R.G. Le Hérisier:

Apropos an earlier question from Deputy Hilton, would the Chief Minister not acknowledge that the rate of withdrawing permissions of job licences is very slow and, in the report on her question, for example sites where only just over 200 have been withdrawn, would he not say in the current economic situation that this is appalling slowness?

Senator I.J. Gorst:

Staff are going through in an appropriate fashion. Would I like to see them doing it faster, yes, of course, I would. When I say that, they are going to say they are working as fast as they can, and I know that the Assistant Minister is ensuring that they are working as fast as they can. If they need extra resources to help with this piece of work then perhaps that is something that we will need to consider.

5.17 Deputy T.M. Pitman:

I will have to get a bigger light, Sir. Data Protection; I think it still comes under the Chief Minister. Can I therefore ask him is he not concerned to see a U.K. M.P. again speaking out this week about what has been described as the abuse of our Data Protection Law in the case against former Senator S. Syvret, and does the Chief Minister intend to engage with our U.K. cousins to see if we can iron out any different interpretations on this important law?

Senator I.J. Gorst:

I have answered many questions on this particular subject and I stand by the answers that I have previously given in this place. I am not aware of the particular M.P. who has made these comments, but if I might take a gamble and guess who it is, I suspect it is the same M.P. that criticises his own judicial system in many regards.

5.18 Deputy G.P. Southern:

Does the Chief Minister have any information on when the J.F.S.C. (Jersey Financial Services Commission) may produce its report on the activities of HSBC Middle East, as promised earlier in the year?

Senator I.J. Gorst:

No, I do not, but I can take that issue up. Sir, perhaps I could ask a point of order ...

The Bailiff:

Chief Minister, I am afraid, because so few questions were asked of the Minister for Housing, you are in for up to half an hour. **[Laughter]** For the rest of us, it seems it has only just started.

Senator I.J. Gorst:

You are very kind, Sir. **[Laughter]**

5.19 Deputy J.M. Maçon:

Will the Chief Minister confirm his ongoing support for the Data Protection Office for the hard work that it does and also what conversations he has had in order to motivate that particular team, who sometimes feel that they do not get the support that they deserve?

Senator I.J. Gorst:

The Deputy makes a very good point. Although the Data Protection Commissioner is an appointment not a staff member as such, we sometimes forget that our staff look to us as politicians as their employer and therefore I believe that we do have a duty of care in that regard. We have seen over the last week a Member of this Assembly writing in the media, in terms which I found extremely distasteful, about members of staff, and I can only think that, if the shoe was on the other foot and I was the employee and I saw such terms being written about me by the individual that I consider to be an employer, I would be extremely disappointed. The Data Protection Commissioner is doing a sterling job on behalf of this community, it is extremely difficult, it is one of those jobs, Sir, much like your own, that 100 per cent of the time, 50 per cent of people are going to be disappointed with the decision that you make.

5.20 Deputy M. Tadier:

The question relates to the Rehabilitation of Offenders Law. Has the Chief Minister been asked or approached by the Data Protection Department to bring forward amendments that would deal with current inadequacies in that law to do with spent convictions?

Senator I.J. Gorst:

I am not aware of such. That is not to say that such correspondence has not been undertaken with my officers and is finding its way up to my desk through the usual process.

5.20.1 Deputy M. Tadier:

As a supplementary: if, for whatever reason, that is not forthcoming, will the Chief Minister make a point to speak to the Data Protection Commissioner on that issue? I know it is something which she feels strongly about and has approached in the past the Jersey Human Rights Group on, and it is an issue which I think is important for consideration?

Senator I.J. Gorst:

I thank the Deputy for raising it and I will do just that.

5.21 Deputy T.M. Pitman:

Data Protection again. When you highlight faults or failings, it does not mean you are attacking a member of staff, *per se*, or highlighting that for no reason, I would like to ask the Chief Minister, does he not at least find it a concern - and I am not here to defend the gentleman - that we have one individual in prison as a result of use of the Data Protection Law, and yet we have another gentleman who, it is evidenced, if he cares to go down to the police station, is the subject of multiple complaints for cyber bullying, and he has been given more than £100,000, if you work at the ratio of States money, taxpayers' money, to bring that prosecution against former Senator Syvret. Syvret is in court, this man is running free still spreading hate. Does the Chief Minister not think that is a concern? Because it surely should be, whoever you want to consider in this. It does not matter who it is, if it is Mr. Syvret or anyone else, the law has got to apply to everyone.

Senator I.J. Gorst:

As I understand it, an individual was sentenced to 3 months for contempt of court, not an issue for me to deal with but an issue which the court has dealt with. As I have said before to the Deputy, if he has got concerns about the way that the Data Protection Law is framed, then let us have that debate and that discussion in this Assembly. We are a Legislature, we should be changing the law if we think it is not fit for purpose or we think, with respect, that the interpretation given by the judiciary when reaching its decisions is one that we have not anticipated. We should then come forward and amend the law. That is what our job is. If we have concerns about it, let us do that.

5.21.1 Deputy T.M. Pitman:

A supplementary. I sometimes wonder if the Chief Minister deliberately misunderstands questions. The problem here is not with changing the law, it is that the law is being abused. Even lawyers will tell him that. The law must be applied equally to whoever that person is. In this case, the evidence, the facts, which are rather important, show quite clearly that it has not been. Is that not a concern? Does that not need looking into as Data Protection comes under his stewardship?

Senator I.J. Gorst:

I really have nothing further to add. If the law is capable of being abused in a fashion from the way that it is framed, then we should change the way that it is framed.

The Bailiff:

I am sorry, Deputy, but now time has run out on us. Before we move on, I inform Members that the Deputy of St. Martin has lodged projet, P.148, entitled: “Minister for Planning and Environment: Vote of No Confidence.”

PUBLIC BUSINESS

6. Minister for Transport and Technical Services: vote of censure (P.129/2013)

The Bailiff:

So there are no matters under J or K so we come to Public Business, and the first matter is the Minister for Transport and Technical Services: vote of censure - Projet 129 - lodged by Deputy Baudains. 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 censure the Minister for Transport and Technical Services, Deputy K.C. Lewis of St. Saviour, for his failure to deal adequately as Minister with the 11 matters listed in the report of Deputy Gerard Clifford Lemmens Baudains of St. Clement, dated 14th October 2013.

6.1 Deputy G.C.L. Baudains:

Before I get into the details of why I brought this proposition, there are a couple of points I would like to clarify to start with. First of all, why did I bring this motion and not one of no confidence, because some people have posed that question. I did give the matter a great deal of thought and I came to the conclusion - because what I am trying to address is a number of failures rather than one major disaster – that I believe, in the circumstances, a no confidence motion was probably not appropriate. I have to say, if successful, this censure motion does not, as the Council of Ministers have suggested in their comments, amount to a lack of confidence making the Minister’s position untenable; I am not trying to get the Minister out of his job, I want to make that perfectly clear. The second issue I want to address is what a censure motion achieves, because I realise some newer Members may not be familiar with it and, indeed, a few members of the public have suggested that these is no point because it does not really do anything.

[11:30]

If that was the case, we would not have it in our armoury and I would not be wasting my time bringing it. It would be like saying that a police caution counts for nothing or that probation is a complete waste of time. A censure motion, if successful, is a declaration by this Assembly that it is not happy with the action of one of its Members, in this case, the performance of the Minister for Transport and Technical Services. I look upon it as the equivalent of a written warning that one might see in the private sector. I hope that clarifies the rationale behind this proposition and I would also add, having read the comments of the Council of Ministers, I think it is very sad that it does give its unqualified support for and confidence in the Minister. It perhaps might have been better not commenting because I am afraid that gives the impression that the Ministers would support any fellow Minister, no matter how poor his performance, presumably on the basis that the party must stick together and come before anything else, and I do find that unfortunate. What has the Minister done or not done to deserve this debate? Members will no doubt have noticed that over the last probably year or so, I have put quite a few questions, both oral and written, and the Minister refers to that in his comments. I have found the answers in practically every case unhelpful. I will go into more detail when I address some examples that I gave in my report. I have to say that is only a selection, they are not just the only ones, it is by no means exhaustive. But the general situation has been that on nearly every occasion the Minister has failed to properly

answer questions or, in some cases, avoided it. In my view it is not because he is being coy or difficult. I think he is trying to do his best. But it is because he simply does not know the answer and that is what really does concern me, because if our Ministerial system is to work at all Ministers have to lead their departments, to be in charge, but this Minister does not give me that impression. He appears to be more the department spokesperson than their leader and not really know what is going on, which is a shame because he is a jolly nice fellow, I get on with him very well, and he means well, but ... I am not joking. He just is not performing. Indeed, I have often thought, and I know I am not alone in this, but if he were not there things would be very little different, which is ... well, we will come to that in a moment. But it is hardly what we expect or need from our Ministers. Finally, before I turn to the examples I have given, I would remind Members I used to serve on the old Public Services Committee, the precursor to the Transport and Technical Services Department, so I am well aware of the issues that his department has to deal with and demands that will be placed on the Minister. I make that point to pre-empt any suggestion that the incumbent is doing all he can in difficult circumstances, as the Council appears to suggest, and no one could do better in the circumstances. Turning to my report: I noticed in a recent article in the *J.E.P. (Jersey Evening Post)* that the Minister referred to my accusation as nonsense and without foundation. In his comments he appeared mystified as to what I am holding him responsible for. Let us go through some of the examples. What I am going to address is only a sample. I could have raised many other issues: the taxi situation, no proper policies for maintenance of infrastructure such as sewers and car parks, and no attempt to make the Bellozanne outfall comply with environmental legislation, a fragmented transport strategy; the list could go on and on. But I have focused on issues that Members may be reasonably familiar with, and it will probably take a few minutes to get through but I believe it is important that we cover the ground properly. In my report I start off with the asbestos issue. As we all know, this has been going on for years so we cannot blame the Minister for creating the problem, but I think we can blame him for letting it go on for so long. He submitted a planning application to create pits so the asbestos could be taken out of the rusting containers, which are on the verge of falling apart, and stored more safely. That would seem to be a good idea and presumably the Minister thought it was or he would not have made the application. But the concern is that if it is put into pits immediately the will to dispose of it in an environmentally-friendly manner evaporates. It will stay there forever or until the pits themselves become unstable and a further move is required. What the Minister for Planning and Environment said at the time, and I fully supported him in this, is if the Minister for Transport and Technical Services would submit an application for temporary pits while an environmentally-sensible solution was found then the Minister for Environment would give his permission immediately, but the Minister for Transport and Technical Services refused, so the impasse went on and containers continue to rust. However, as we know, in the last few days, he has relented and now temporary pits will be created, which is... I thought why does it always take a proposition, in this case this one, or in previous cases a threat of one to prod the Minister into action? So we come to Bellozanne, first of all to the scrap metal facility. We all know that Rouillé and Picot ran this facility for decades, longer than I can remember, and I accept that once when scrap metal prices had collapsed that the States had to assist him with a subsidy and, in fact, I know because I was on the Public Services Committee at the time, but otherwise it ran without difficulty. Then the Transport and Technical Services Department decided to put the process out to tender, which was won by a UK firm in partnership with a local longstanding family business. The reason for putting it out to tender had never been entirely clear to me. We were told by the department that they wanted a more environmentally friendly process and to tidy up the financial aspect that I just mentioned. I cannot see really why this could not have been achieved with the incumbent, after all the company has always done whatever T.T.S. asked of them, and I appreciate the Minister takes the view that the company has been not the easiest company in the world to deal with, due to the particular company structure. But nevertheless, as I said a few moments ago, it had been operating

for decades without difficulty. When I said that the company had done whatever T.T.S. had asked of them, to give an example, they used to crush cars into cubes and then ship them away in that condition. They were then asked to fragment vehicles into smaller pieces. So they bought very expensive plant to do that. Now the new operator has gone back to crushing cars into cubes. So it appears to me that something odd is going on there, but I am not going to waste time on that. I simply want to know what has been achieved. Also, T.T.S. required the incumbent to Rouillé and Picot to vacate the site on Christmas Eve, presumably with the idea the new operator would move into the site almost straightaway. Anyone would realise it would take at least 6 months, maybe longer, to get that plant out of the site and get the new operator; apparently not the Minister, because that is what exactly happened. Ten months later the new operator is still working out of temporary premises and I am told it is also raising health and safety issues. But it gets worse than that. When a car is scrapped the department used to require the owner to notify the department by returning the log book to D.V.S. (Driver and Vehicle Services). In fact, I believe at the bottom of the logbook it requires you to do that. But not now because when you take your car to Bellozanne to be scrapped they want your log book as well. So the double-checking has disappeared. Also dishonesty is being created because once a scrapyards has both your car and the logbook it is possible to sell it on, which is just what has been happening, hence the recent shut-down of the site. So who is responsible for the change regarding logbooks? Did the Minister know about this? Or if he did was this not a major mistake? I move on to the old incinerator. This is a relatively simple matter but in my view goes to the heart of why everything in the public sector appears to cost so much more than it need do, which is why I raise this particular issue. I do not know whether the old chimney can be felled or not. I am not a demolition expert. But people in that industry tell me it can. But what bothers me yet again is the incomplete answers I have received from the Minister. I was given 2 reasons why it could not be felled and had to be taken down brick by brick. First of all, there are buildings in the way. The contractors on site tell me the only building in the way is due for demolition itself so that does not stack up for me. The other answer was it cannot be done because there is a housing estate nearby. There is a housing estate but it is hardly next door. When you see large office blocks - I mean large office blocks as big as this building - felled in the middle of cities only a few yards away from other large office blocks, mainly consisting of steel and glass, without damage, I have difficulty believing that argument either. So what worries me is from my questioning of the Minister on this subject I got the distinct impression neither he nor his department knew but had relied on the contractors to tell and to advise him. This is a worry to me because in my experience, when dealing with the public sector, contractors are not noted for finding the most cost-effective solution. So the Minister on this case has failed to prove to me that either he understands the matter or that this is the most efficient way of clearing the site. It may be but I am not convinced. I move on to the bus service, which you could write a book about but I will try to be brief. When a new operator takes over an unfamiliar service the logical thing to do is maintain existing routes, timetables, drivers, at least until things have settled down and the new operator understands what service is required. But, no, it was decided at the moment of takeover, to change routes, timetables and put some new drivers in. The result was such chaos that it would take me several hours to describe it all. So a huge mistake was made but did the Minister admit that he had a senior moment or his department had overridden instructions or whatever? No. He told us that in hindsight things might have been done differently. I am sorry, this was not hindsight, it was a mental bypass. Children in schools could have told him it would not work. But once again, it gets worse. The number 18 bus in St. Clement - it goes to St. Helier as well - was the second busiest route in the Island. I have raised this issue in the States before. It was a circular route running from the station through Green Road, Le Squez, Le Marais Estate, back to the station, an invaluable service for the elderly and residents. What happened? At the takeover from Connex T.T.S. axed the route. Needless to say my parishioners are up in arms. In all my 12 years as a States Member I have never had so many people contact me on a single subject, even people from

other Parishes. So naturally I asked the Minister why it had been axed and his reply was unambiguous. The Housing Department were redeveloping Le Squez, which we know, and were due to extinguish the road so there was no point in starting a service only to stop it in a few months' time when the road was unavailable, which makes complete sense. But unfortunately for the Minister I am not noted for believing what I am told so I contacted the Housing Department to find out what was going on, and the conversation was very interesting, because Housing were not closing the road. Indeed they would prefer public transport to serve the estates but T.T.S. had told them they could no longer be running a bus in that area. I call that being misled. Naturally I pressed the Minister to explain what was going on and I received some answers. According to him the bus they would be using was unable to turn left at the tennis courts. Odd, because the number 18 bus did not go that way anyway. Perhaps the Minister was not aware. The next answer was that the bus was physically unable to turn from St. Clement's inner road into Marina Avenue. I have to say if that were true the vehicle should not be on the road, but it is not true. It can and does turn into School Road from the Coast Road which is a very similar manoeuvre, just left and to the right. Perhaps the bus has got more lock on the left-hand side than the right-hand side. I even offered to prove it by driving the bus myself but the Minister never took me up on that. To say I was and remain seriously unimpressed with the answers on that would be a major understatement, and so we go on.

[11:45]

The death by careless driving law: the horrific crash a little while ago on St. Clement's Coast Road, which resulted in the death of a Latvian girl, highlighted a serious gap in our legislation. We have a death by dangerous driving law but not a death by careless driving law, and it was impossible to find sufficient evidence to prove death by dangerous driving and so the driver received, I think, if my memory serves me correctly, a £700 fine. I discussed this with the Minister for Home Affairs but for some reason, which escapes me, these laws come under T.T.S., however I was pleased that a working party, including people from T.T.S. and the Home Affairs Department, was set up to bring about the necessary changes. The Minister for Home Affairs and the Attorney General in conversation advise me this should not take long because it is a fairly simple matter. Well, that is until T.T.S. got their hands on it. I am now reliably informed because they have decided to amalgamate this new law with a host of other things they want to do it has effectively disappeared into the long grass. In fact, it may never happen. This is unacceptable and once again the person responsible is the Minister. The harbour cycle track: as we have seen from recent and highly unfortunate accidents, separating cyclists from general traffic, especially on roads that carry a significant amount of heavy goods vehicles, has to be a good idea. But with an Island as small as ours, that is not always possible. The roads simply do not allow it. What the Minister was trying to do here proves a point because his idea would have taken us back to the days when the Germans blocked off the harbour with their railway because not only was his plan unworkable but if he had gone ahead, not only would there have been damage to historic seawalls but access to the French harbour would have been extremely difficult and access to the English harbour impossible. Had the Minister taken the trouble to seek the views of, for example, the Marine Traders Federation, he would have found that out. Now he has told me in the past that he did but I happen to be a member of the Marine Traders Federation and we were not asked. One of our members apparently had a private conversation about it but the Federation, themselves, did not receive an official consultation, so the plan was unworkable. I think what is possibly even more concerning, never mind the Marine Traders Federation who might have been able to throw some light on the practicalities of it, but the Harbours Department themselves were not even consulted. They knew nothing about it, which in my view is outrageous. So we come to the incinerator, otherwise known on the cocktail circuit as the Energy from Waste plant. We know it is the wrong type of plant, the wrong price, the wrong place and all the rest of it and of course we cannot blame the Minister for

that, and I do not. These matters were decided long before his term of office. However, it has become clear to everyone, except apparently the Minister, that this plant has significant problems. He continues to believe that this plant is just fine and dandy. But the fact is problems of design and construction may well leave us with a plant that will never operate satisfactorily, which could in the long term cost us significantly. By the way, on a plant we paid significantly over the odds for in the first place. But the Minister has nothing but praise for the plant and makes much of the fact I have not taken him up on offer of a guided tour. That is true. But I have to ask what would I learn from such a guided tour? With 50 years of mechanical engineering under my belt and, as a matter of interest, one of my first jobs was helping to install the steam turbines on the nearby J.E.C. (Jersey Electricity Company) building, what exactly would I learn from it? Walking around the plant may impress the Minister but it would not tell me, for example, whether tubes were of appropriate thickness, whether the welds were made by a certified engineer, how often the crane breaks down or anything of any detail that would be of interest. I am more interested in the fact contractors at the site inform me that despite running for 3 years now the plant is yet to meet the criteria for acceptance. I believe that is continuous operation for 14 days with no major breakdown, but the Minister may advise me more accurately. We must remember, this is a plant with twice the capacity we need. The department persuaded us this was necessary to allow for maintenance breakdown and future increase in waste volumes. A plant with so much capacity T.T.S. were actively seeking to take Guernsey's rubbish as well. It is just as well we did not because we have got thousands of tonnes of rubbish stockpiled because the incinerator spends so much time broken down. But it is still defended to the hilt; no doubt on advice from his department. Because of these problems what I was interested in, and put questions down about recently, is what comeback we have. If you buy a car and it does not perform properly then there is a warranty, there is a guarantee, or get your money back in circumstances. But it appears we have virtually no comeback because the Minister has told us he has already paid the contractor 95 per cent of the contract price. What is to stop the contractor just walking away and leaving us with an expensive disaster, as some have suggested to me is on the cards? So my next query to the Minister was whether he was bound by the contract to pay that out, and if so, who drew up what was clearly a defective contract? He will not tell us. He tells us the contract is confidential, which if that is true I find unacceptable, and it is no wonder the public hold us in such low regard. Once again, sadly I get a picture of a Minister who is kept by his department on a need to know basis. Mount Bingham: traffic chaos caused by a rock-fall. Once again we cannot blame the Minister for that, although some do. I do not, though some might question why the stabilisation is taking so long. But my concern, once again, is the Minister does not appear to know what is going on. We all know the Mount Bingham closure and the traffic chaos that ensued was compounded by the J.E.C. running their conduit through South Hill and down the east side of Mount Bingham towards Green Street. So I asked the Minister why he could not allow a single-line of traffic up Mount Bingham and up South Hill against the one way in order to alleviate rush hour traffic. His reply was that because the J.E.C. were laying their conduit in the middle of the road, apparently they had to lay it down the centre of the road to avoid existing services, unfortunately it made that impossible. However, had the Minister taken the trouble to visit the site he would have seen this was not true. The conduit was laid in the southern half of the road, not down the middle, leaving the other half free, as can be seen now by the reinstated trench, therefore single line traffic would have been possible. But sadly, yet again, it gets worse. If I recall, I think it was 2nd October, I walked around South Hill and I was amazed to see the work was complete, the trench was reinstated, even the road markings had been repainted and the only thing stopping traffic using that road was a barrier at the top saying "Road closed" and a barrier at the bottom saying "Road closed". I would have expected the Minister to get traffic flowing as soon as possible. But, no. The following Tuesday, at the States sitting, he gave assurances the road would be opening the following week. So I find it unacceptable that for almost 10 days traffic chaos continued when it was not necessary to be like that. The road could

have been opened. Perhaps the Minister should have done as I did and taken a look at the site himself. Road resurfacing: I have been critical of the quality of road resurfacing for some time and the Minister will probably recall I have had several discussions with him about this. It all started when I noticed the surfacing at St. Clement's Coast Road, east of Green Island, some 2, 3, 4 years ago, where not only can one feel the unevenness as you drive along, in certain light conditions you can see it. It comes to something when a new road surface is noticeably worse than the one it replaced. The same situation exists at Rue des Prés - that is the road, not the estate. It is a rumble-strip and the Minister has acknowledged to me he is aware of this. But what is he doing about it? Nothing. I asked why his department accepts such poor work and he gave me answers along the lines that his staff these days did not know enough about the subject to make matters better. It happens I know why these new surfaces are substandard, and I will not bore Members with the details but I can give them if Members would like. But information that recently came to light demonstrates the situation not quite as described. Apparently it is not the contractors who cannot do the work properly. It is the department's specification that is the cause. So while he is content to give those excuses it is the Minister, who heads the department, who is responsible for this substandard work, but he is not putting his foot down and insisting it should be done properly. We come to the St. Clement Road/Route du Fort junction. Rather like the Snow Hill car-park exit where 300 or 400 people who use that exit everyday were inconvenienced for a short period in order to solve a problem that did not exist, this junction change falls into a similar category. Although, like several of the examples that I have given, the situation is worse than one might think at first glance because when I first realised drivers could no longer turn left from Route du Fort into St. Clement's Road, naturally I emailed the Minister to find out why. He kindly asked one of his officers to respond with details, which he did, for which I am grateful. I was told that St. Luke's School had asked the Transport and Technical Services Department to put a pedestrian crossing there but unfortunately due to the configuration of the road this meant extinguishing the left turn. While that officer's email was comprehensive, nevertheless I was concerned that it appeared no research had been undertaken, which was confirmed, in my view, by the fact that when I asked the officer for more detail I got no reply. So my next step was to question the Minister which, as usual, did not get me much further. My analysis is that these changes serve no purpose except, one, to frustrate motorists, and secondly, more importantly, to make life more dangerous for the children from St. Luke's. Remember, these are children only up to 11 years of age, so quite why parents would want them to walk along Route du Fort with all this heavy commercial traffic and any of the difficult pedestrian crossings escapes me. But that is not the most important part. The department has said only about 70 vehicles a day used to turn left, although the person counting was not there at lunchtime or during comfort breaks and so forth. So let us assume it is around 70. All those vehicles are forced to seek an alternative route. You cannot go along Route du Fort and turn left now, you have got to ... so the most likely alternative is going to be to turn down Dicq Road at the traffic lights earlier, unfortunately where most of St. Luke's children happen to walk to school. If the driver misses his turn, realises: "Oh, should have turned down Dicq Road" the next alternative is Elizabeth Street, which takes you right past the school gates and on to Dicq Road again. The last alternative if you miss that as well, and think: "I am going to end up in town before I turn left" is Beach Road. Again, not only does this exit on to Dicq Road again but children would have to get across it to get to the Route du Fort pedestrian crossing, so you are actually making life more difficult. It is madness. Which is why I asked the department what alternatives had been considered. I happen to know the area quite well. For example, why could the children not use Dunnel Road, which is a lane with very little traffic on it, and then put a crossing at the end of that? Or if it was that the children needed to cross St. Clement's Road to get further along to get to a bus-stop then why not put a bus-stop outside the school? Would that not be better? There is no answer to that. What I do know is that residents living at the Route du Fort junction now find it more difficult to cross the road there and, perhaps more concerning, I am advised that the Parish of St.

Saviour, in whose domain it is, was not consulted. I have to ask whether all the failings I have outlined and more really are the actions of a Minister in charge of his portfolio. Today I am inviting Members to consider whether the Minister really is on top of his game, as he clearly believes he is. Finally, I would repeat what I said earlier, this is not a no confidence debate; it is a censure motion. If successful it will not require the Minister to stand down, rather it is telling him he must do better from now on, and I make the proposition.

The Bailiff:

Is the proposition seconded? Is it seconded? Then it falls away and the debate on it comes to an end.

[12:00]

7. Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 7) (Jersey) Regulations 201- (P.132/2013)

The Bailiff:

The next matter on the Order Paper then is the Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 7) (Jersey) Regulations - Projet 132 - lodged by the Chief Minister, and I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 7) (Jersey) Regulations. The States, in pursuance of Article 2(1) of the Taxation Implementation (Jersey) Law 2004, have made the following Regulations.

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

Perhaps if I could start by giving a little bit of background. Those Members who came to the briefing prior to the half-term recess will already be aware of this, so I ask for their forgiveness. Members should be aware that a supplementary review is currently being undertaken by the International Standard Set of the Global Forum of Jersey's response to the recommendations for improvements included in the initial assessment that they gave of Jersey in 2010. From this it has become clear that our current regulations have some shortcomings. Most particularly the present regulations provide for an appeal process that is not matched in other jurisdictions and a process that enables those who are subject to tax investigation by a Treaty partner to delay, considerably the provision of the information requested. For a taxpayer who is engaged in tax evasion there will often be much to be gained in meeting the legal costs of an appeal to the Royal Court, a subsequent appeal to the Court of Appeal and possibly even a subsequent appeal to the Privy Council rather than being subject to the much greater cost of the tax and fines that would be required to be paid if found guilty of tax evasion. This proposition was of course brought to a head by the listing of the French of Jersey as a non-co-operative jurisdiction. A material factor in that decision was our failure to provide the French with the information they have requested and this, in a number of cases, is due to the fact that requests are still the subject of an appeal to the Royal Court, hence the need for this urgent response. Perhaps I could offer my thanks to Members for agreeing to take these regulations today in short order. It is of course worth reminding ourselves that the French announcement 2 months ago came out of the ...

The Greffier of the States (in the Chair):

I am sorry, Chief Minister, the Assembly has become inquorate. I must ask the Usher to summon Members from the ante-room. Very well, you may continue.

Senator I.J. Gorst:

It came out of the blue, as it did to the United Kingdom Government and the 2 overseas territories which were also listed as non-co-operative: Bermuda and British Virgin Islands. It is important to emphasise that what is before Members today are amendments that will bring Jersey much more into line with the international norm and what the international standard-setters expect of jurisdictions that are in receipt of requests for information from their Treaty partners. It is noticeable that the Isle of Man and Guernsey have not been faced with the same degree of legal challenge, not least because in the case of the Isle of Man the appeal process is limited to judicial review. What is proposed does not, as some might suggest, put Jersey to disadvantage compared to its competitors. It is also very much in accord with the general position we have taken in committing to the international standards of transparency and information exchange. Government policy has long been to combat and fight against tax evasion and what we are doing today by accepting, I hope, these amended regulations will continue to reinforce that message. I maintain the principles.

The Greffier of the States (in the Chair):

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles for the regulations? Deputy Le Hérisier.

7.1.1 Deputy R.G. Le Hérisier:

I thank the Chief Minister. I went to his briefing and I was convinced of the need but what I was not totally convinced of is whether there are other little landmines ready to go off in the system. I would like the Minister to tell us what process there is to ensure that we anticipate these issues and that when rumblings do occur we do not just batten down the hatches. We say: "We better get out there and we better find out that everything is fit for purpose" rather than just letting things drift until a gun is held to our head. Thank you.

7.1.2 Senator P.F.C. Ozouf:

Perhaps it might be helpful if I responded to that as it is clearly the responsibility of the Treasury and Resources Department as the competent authority in dealing with specific requests. I should say that the co-operative working between the Chief Minister's Department, the External Relations Department, Treasury and Resources Department and the Law Officers' Department has been absolutely exemplary in dealing with this difficult situation. Going forward we have put revised reporting arrangements in place so that Ministers are going to be alerted while I, even as the Minister for Treasury and Resources, do not want any information about any of the personal matters that have been dealt with. Clearly, we are going to put some enhanced reporting in place that where requests have been made we will know whether or not there are going to be outstanding requests and the length of times that have been taken. The Chief Minister's regulations are going to assist. It is clearly the case that while the department has - and I reviewed it initially - all of the outstanding requests on a no-names basis and have looked at them, and other Ministers considered all of these, the department itself has performed quite well, although this is new ground in recent years. The difficulty that is at the heart of this issue is that requests that have been made by the competent authority, in this case in France, to Jersey and then the requests that have been made to organisations in Jersey have been persistently, and continue to be persistently, appealed against by those that are seeking the information. That is the difficult message that we need to say. We think that the appeals are - I am not going to comment on any outstanding court matters - but there is one matter that is being dealt with and in the last case the competent authority won that judgment and was right to do so. But clearly there are litigious lawyers in force and working and that is putting us at a disadvantage in relation to our ability to turn around information. But certainly I should say that the regard in which Jersey is held by most jurisdictions in the world as being co-operative,

quickly responding to information, is different to that, the experience of France, but we have got a problem with France and we need to deal with it and these regulations assist. I thank the Chief Minister for all of the work that has been going on. Excellent co-operative working with Law Officers and departments to solve this problem.

The Greffier of the States (in the Chair):

Does any Member wish to speak? If not, I will call on the Chief Minister to reply.

7.1.3 Senator I.J. Gorst:

I thank both speakers, particularly the Minister for Treasury and Resources. He is right, this is another area where there has been great joint working between the Chief Minister’s, External Relations and the Treasury and Resources Department who, through the Tax Department, are the competent authority when it comes to tax information, exchange agreements and handling requests under them. Deputy Le Hérisier talked about rumblings. As he is aware, Jersey is a Vice-Chair of the Peer Review Group and it is the Peer Review Group that reviews the operation of T.I.A.s. They do change over time and they look at different standards, they look at how they are operating and they learn from reviews as they go along and therefore it is very important for us to be part of that process. I think the reality is that our general view was that the particular court case the Minister for Treasury and Resources referred to would set legal precedents when it comes to appeals, and then practitioners would be able to use that for advice from advisers and say: “Well this is the precedent and therefore it will work like that.” But it became apparent that that process was taking quite a long time to lay down those legal precedents and we needed to amend our regulations to make it clear rather than have to wait for those legal precedents to be in place. So we do not just sit around waiting for things to happen, we take an active part in the processes of the Peer Review Group and the O.E.C.D. (Organisation for Economic Co-operation and Development) but from time to time we need to change our regulations. I do not think that we can be more active than that to bring them into line with international standards and perhaps the way that those standards are changing. I maintain the principles.

The Greffier of the States (in the Chair):

The appel is called for on the principles to the regulations. I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 33	CONTRE: 0	ABSTAIN: 0
Senator P.F. Routier		
Senator P.F.C. Ozouf		
Senator S.C. Ferguson		
Senator F.du H. Le Gresley		
Senator I.J. Gorst		
Senator L.J. Farnham		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérisier (S)		
Deputy J.A. Martin (H)		
Deputy of Grouville		

Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Greffier of the States (in the Chair):

Senator Ferguson, this falls within the remit of your panel.

Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):

No, thank you.

The Greffier of the States (in the Chair):

Very well. How do you wish to propose the regulations, Chief Minister?

7.2 Senator I.J. Gorst:

If I could *en bloc*. They are reasonably straightforward. In actual fact, probably the meat of the changes comes in Regulation 5 which is the revocation of the regulations that were previously in place. Therefore, I shall endeavour to answer any questions that Members may have.

The Greffier of the States (in the Chair):

Regulations 1 to 14 are proposed. Are they seconded? **[Seconded]** Does any Member wish to speak on any of the regulations? If not, I put the regulations. Those Members in favour of adopting, kindly show? Any against? They are adopted. Do you propose the draft regulations in Third Reading, Chief Minister?

7.3 Senator I.J. Gorst:

Yes, indeed, I do. Again, if I could just thank the support of the Treasury and Resources Department and the External Relations Department in bringing forward these regulations in short order and of course the Law Officers' Department whose advice has, once again, been invaluable. Thank you.

The Greffier of the States (in the Chair):

The regulations are proposed in Third Reading. Is that seconded? **[Seconded]** Does any Member wish to speak? Senator Farnham.

7.3.1 Senator L.J. Farnham:

I just wanted to place on record very briefly, praise for the Treasury and Resources Department and Chief Minister's Department is important. It has been a concern for the Island, this whole issue, and I think it is a tribute to our system that we can deal with them quickly and I just wanted to place that on record.

7.3.2 Deputy R.G. Le Hérisier:

Just a general and a specific point at the same time. I noticed the limitations on judicial review. Can we be assured that these do not go to the heart of judicial review and that they are structured in such a way as to deal with this situation? Because I cannot understand why a general process called judicial review is subject in this case to limitation. Can we be assured that that judicial review at its heart has not been interfered with?

The Greffier of the States (in the Chair):

I call on the Chief Minister to reply.

7.3.3 Senator I.J. Gorst:

We must be in no doubt that these regulations do limit the rights to appeal. The competent authorities are the competent authorities under these international agreements. Requesting competent authorities do have grounds for making those requests and what we are saying by making these amendments is that our processes should not impinge upon those requests from a relevant competent authority. Yes, these regulations do constrain the grounds upon which judicial review can be made and the length of time that one can go for judicial review, and that is quite on purpose, so the Deputy should be clear in that regard. I am not sure that I wish to add anything else. I do not know, of course these are legal matters, whether the Deputy wishes to refer his question to the Attorney General or not.

Deputy R.G. Le Hérisier:

He wishes.

Mr. H. Sharp Q.C., H.M. Solicitor General:

The principal right that is dealt with under tax information exchange agreements is the right to privacy. There is no restriction in the ability to go for judicial review to any challenge that impinges upon the right to privacy. The other restrictions are entirely, in my view, human rights compliant.

The Greffier of the States (in the Chair):

Do you wish to add anything?

Senator I.J. Gorst:

Yes, if I could. I just wanted to make sure that Members did not think that this was the only issue with regard to the French listing as non-co-operative as perhaps they might have understood from Senator Farnham's intervention. Of course the competent authority is working extremely hard with officers behind the scenes to provide outstanding information, even as we are in session now.

[12:15]

So good work is being undertaken. Ministers remain optimistic that we will have positive comment from France in due course and, of course, at the same time there are some individual cases which continue to be appealed. I maintain in Third Reading.

The Greffier of the States (in the Chair):

The appel is called for in Third Reading. I ask Members to return to their seats and ask the Greffier to open the voting.

POUR: 35		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Deputy T.M. Pitman (H)		
Senator P.F.C. Ozouf				

Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

8. Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) - deferred

The Greffier of the States (in the Chair):

Senator Ozouf.

Senator P.F.C. Ozouf:

I think that P.93 is up for debate next.

The Greffier of the States (in the Chair):

It is indeed.

Senator P.F.C. Ozouf:

I wish to defer this proposition. I explained that when I lodged this proposition it was a fallback proposal. I made it clear that I do not believe that a debate should start which does not command

the possibility of a majority and I do not wish to waste Members' time. It may well be that in the event of other debates, and I fully appreciate that if my debate is deferred, then other debates will go ahead, then this debate would fall away in the event of another proposition going ahead. Having taken soundings, as frustrating as it is to say, there is not a majority, amended or otherwise, in relation to P.93 and I exercise my right to defer P.93.

The Greffier of the States (in the Chair):

How long are you deferring it for, Senator?

Senator P.F.C. Ozouf:

I believe that we have arrangements for Public Business at the end of our sitting. At the end of the sitting I will, after consultation and taking soundings with Members, propose a debate date or indeed at another. I ought to be clear to Members I will not start a debate that is unlikely to receive a majority, amended or otherwise.

Senator L.J. Farnham:

May I speak? Just as I have ...

The Greffier of the States (in the Chair):

I am not sure there is anything to say, Senator. The Senator has a prerogative to defer; he has exercised that prerogative. I do not think we want to debate it.

Senator L.J. Farnham:

Well I think perhaps as it is 5th November, and I can hear a silent groan going round the Island at the moment, we should just check the basement of the building before we carry on. No, all I was going to say is that if Senator Ozouf is asking for his proposition to be debated, then I will be asking for my amendment to P.94 also to be deferred.

The Greffier of the States (in the Chair):

That is a matter for you, Senator.

9. Composition and election of the States Assembly: reform – proposal 2 (P.94/2013)

The Greffier of the States (in the Chair):

Very well, we come next therefore to P.94. Do you wish to proceed with this matter, Deputy Trevor Pitman?

Deputy T.M. Pitman:

Yes.

The Greffier of the States (in the Chair):

Very well, I will ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion (a) that the Assembly should be comprised of 46 Members, comprising 12 Connétables and 34 Deputies; (b) that the office of Senator should be abolished; (c) that the Deputies would, under the new structure, have a much more wide-ranging role than Deputies in the current Assembly; (d) that the proposed new 6 large areas will replace the current Schedule 1 to the States of Jersey Law 2005, as follows: Deputies' Constituencies. Constituencies: District 1: Vingtaine du Mont Cochon, Vingtaine du Mont à

l'Abbé, Vingtaine de Haut du Mont au Prêtre and Vingtaine du Rouge Bouillon, in the Parish of St. Helier have 7 Deputies returned; District 2: Cantons de Bas et de Haut de la Vingtaine de la Ville, and Vingtaine de Bas du Mont au Prêtre, in the Parish of St. Helier will have 7 Deputies returned; District 3: Parish of Grouville, Parish of St. Clement and Parish of St. Martin will have 5 Deputies returned; District 4: Parish of St. Saviour and Parish of Trinity will have 5 Deputies returned; District 5: Parish of St. John, Parish of St. Lawrence, Parish of St. Mary and Parish of St. Ouen will have 5 Deputies returned; District 6: Parish of St. Brelade and Parish of St. Peter will have 5 Deputies returned; (e) that the Connétables should be placed on the same legal basis as Deputies if they remain in a reformed Assembly; (f) that in an Assembly of 46 members, the maximum number of Ministers and Assistant Ministers shall be 20; (g) to request the Privileges and Procedures Committee to bring forward for debate legislative changes to enable the foregoing in time for the 2014 elections with the new structure of 46 members being effective from the date of the swearing-in of the new members elected in these elections.

9.1 Deputy T.M. Pitman:

Can I thank the Assistant Greffier for that excellent introduction? It has probably cut down my speech by quite a considerable time which I am sure will hopefully set a precedent for the day. I must begin by saying why we are here. Not why we are here on Earth but why we are here starting this debate. It would have been very easy for me to also defer this and I must admit I am somewhat unhappy if I should then find that Senator Ozouf's, because it is his right, should just bring this back in 2 weeks. I could do that but I think, having put the public through what was an absolutely botched referendum and now having all these propositions and amendments, it is only right that we perhaps put the public out of their misery. So here I am: am I not the lucky one to go first and probably luckier than the one who is going to be last? I would say to Members, let us focus on why we are here. We are here because not enough of us, not enough of this Assembly - I was not one of them - were either wise or brave enough perhaps to say no when we decided to overturn the decision to have a fully independent Electoral Commission. Remember, that was voted by the previous Assembly just 11 months before, I believe, this Assembly overturned it. It is fine for Members now to say: "Well I voted the wrong way" but that is why we are here. That is why we have got this unwieldy process before us now. So what am I trying to do with this proposition? Well as Members will undoubtedly recall, it is basically option B, but option B made fair, or as fair as I could do it. As fair as I could do it without starting to tamper with the obvious and perhaps unavoidable massive over-representation of what will be District 5 involving some of the country Parishes. I say this proposition is about fairness and it is but it is also about compromise. What it is proposing to do, as Members will hopefully be aware, if they have ploughed through this one, as with all the others, is an Assembly of 34 Deputies and 12 Constables. So I think in doing that I am showing that this really is about compromise. My own ideal, as Members know, is I have a preference for an Assembly of one type of Member, call them what you will. But I have compromised because I think what we have put the public through is quite shocking. It will not please everyone. Now I seem to remember Senator Bailhache, who is obviously not here today, saying that the time of the Senators was past; it was outdated. Well that is not true; let us be fair. Senator Farnham has obviously amended my proposition. I cannot support that amendment but if he came up with a proposition to have everyone in this Assembly on an Island-wide mandate for the general election, I would have supported it. But he knows and I know, and I think we all know, it cannot be done. So, if Members support this we are going to have to lose Senators. We will still have the 12 Parish Constables who basically 50 per cent of the Island feel very strongly about and 50 per cent do not really want to keep. We will have 34 Deputies in what will essentially be much fairer districts. Surely, I say to Members, that is a good compromise, and it is a worthwhile and valid move forward. So in an Assembly of 46, what else does that do? Well it certainly protects the Troy Rule in a way that would definitely not have been protected in the original option B. I

think the Troy Rule is absolutely essential as we move on in Ministerial government. We cannot have power evermore concentrated in fewer hands. That is a true danger to our democracy. What else does it do? Well, there will be 'fors' and 'againsts' on this too but an Assembly of 46 would allow for the Assembly to have one Member to fulfil the role of Speaker. That may not be what some Members want. In fact, I obviously know it is not what some Members want, but it offers the possibility for in the future. A future when people at Carswell have told us we will have to take that decision regardless of how passionately some feel about the role of the Bailiff. This proposition will also save a significant amount of money, although I mention this with some trepidation because I think the issue of cutting States Members as a saving is somewhat of a red herring. It is about the effectiveness of the Assembly that is important. I have to say that certainly if Deputies in St. Helier were cut, and I am not just talking about myself, the States Parishes would have to take on more people to fulfil the role that we do, and I am sure other Deputies do, especially in the open areas of having to be social workers, community workers, advocates and all the rest. So that is not a big issue, the saving, I think. As you can see from the various graphs, this is not perfect, and indeed whatever I think of the present P.P.C. I would have to say that they deserve some real credit for getting 2 professors involved to destroy the myth of what has been put forward so often as being in any way fair. I think with Senator Farnham's amendment I came in at number - I do not know - 3 or 4. Deputy Southern's may well be the best that came top, although I think Clothier can take some credit, not just him. I am sure he will claim it if he wins. P.P.C.'s proposition comes just above this one. It may not be what all Members want to follow, possibly because of the interim staff involved and then a referendum on Clothier. So I guess the question I am pitching to States Members is: is this, as I believe, an acceptable compromise? It does not make everyone happy. I know that strong advocates of Senators will probably stand up and speak, as is their right. The Deputy of Grouville, I am sure, Senator Farnham, but it does get over that big hurdle for some of whether, as was portrayed with the referendum unfortunately, you could either keep the Constables or you could have democracy and equality. I think this goes quite a decent way towards having the 2. Will Members support it? Well I would ask them to please consider that because I do think it is essential that we get something decided today. We do talk about ourselves an awful lot but then for me, personally, and I know other Members will feel the same, after we allowed the Electoral Commission to be taken over by political interests, I felt I had to do something for St. Helier. I can stand here and say that that is my only consideration in bringing this. The people of St. Helier, more than a third of the Island's population, deserve parity with the country Parishes. Any comments that: "Wow, look at the low turnout. They do not deserve it" is really disingenuous and unfair because, like it or not, some country Parishes do not have elections at all, as we know, and that can be argued that they are just happy with the person they know. But some do not even have elections. One did not even have an election for Constable since, I think, it was 1907 until the last time. I think that was St. Ouen; I may be wrong. When the good Deputy of St. Ouen was just a boy, of course, he remembers the election well. **[Laughter]** Fell off a chair for the first time. So, compromise: 34 Deputies in comparatively fair districts; 12 Constables, protection of the Troy Rule, the potential, whenever it needs to happen, to have an independent Speaker without paying someone else because obviously he will be getting a States Member salary. If you want to consider that as being important, a cut, a saving, all I am doing here is trying to even up the odds for St. Helier. In essence, it is just about having 2 extra seats in the 2 proposed St. Helier districts to give them that parity. It is that simple. Fatal words, but there we go.

[12:30]

I do hope that someone will second this and we can have a debate because I think it is important, I cannot stress this enough, that we come to some decision today and hopefully the right one. Thank you.

The Greffier of the States (in the Chair):

Is the proposition seconded? **[Seconded]** We come to the amendment. Senator Farnham, you mentioned you wished to withdraw earlier.

Senator L.J. Farnham:

I said defer because I was not sure what Deputy Trevor Pitman was planning but then as he has tabled this I will withdraw it. I will just explain briefly that I had originally amended P.93, so if my amendment was to go against this and Senator Ozouf was to re-present his amendment again in under 3 months, I would not be able to have my amendment, so that is the reason.

The Greffier of the States (in the Chair):

Very well, the amendment is withdrawn. Deputy Noel's falls with it.

9.2 Composition and election of the States Assembly: reform - proposal 2 (P.94/2013): second amendment (P.94/2013 Amd.(2))

The Greffier of the States (in the Chair):

We come therefore to the second amendment in the name of the Constable of St. Mary. Do you wish to proceed with it, Constable?

Connétable J. Gallichan of St. Mary:

I do.

The Greffier of the States (in the Chair):

I will therefore ask the Greffier to read the second amendment. The table is quite lengthy. I wonder if the Members are happy to take the table as read. I will ask the Greffier to read the remainder of the amendment.

The Assistant Greffier of the States:

Page 2, paragraph (a) delete paragraph (a) and substitute the following: "(a) that the Assembly should be comprised of 47 Members, comprising 12 Connétables and 35 Deputies". Page 2, paragraph (d) delete paragraph (d) and substitute the following: "(d) that the proposed new 5 large areas will replace the current Schedule 1 to the States of Jersey Law 2005, as follows, taken as read. Page 3, paragraph (f) for the words: "46 Members" substitute the words: "47 Members" and for the figure "20" substitute the figure "21". Page 3, paragraph (g) for the words: "46 Members" substitute the words "47 Members".

9.2.1 Connétable J. Gallichan of St. Mary:

I come to this, I think, rather sooner than anyone thought we would get to today, so I hope everything is in order. Deputy Pitman gave his views on why we were here. The first thing I would like to say is that I believe that, having asked the public what they wanted in a referendum, we should have listened to what they said. However, faced with the outcome of the process I wanted to see why States Members had rejected the result and to see whether their concerns could be accommodated while still adhering to the spirit of the result. So, like Deputy Pitman, the proposer of the substantive proposition, I am seeking for compromise, a compromise that adheres to what we discussed with the public. There were several key principles and I think it is worth running through them briefly. Firstly, that all electors should have the same number of votes; that constituencies should, as far as possible, be of equal size; that candidates should generally require a significant number of votes in order to be elected; and the electoral system should be simple, fair and easy to understand. The result of the referendum bore these out. It did not accept the mathematically pure stance of option A, which was a surprise to many I think, but it preferred to retain some Parish representation at the expense of that mathematical purity. I think the following outcomes were legitimately expected by the electorate: that there would be a representative for each

Parish; that there would be large electoral districts, each returning the same number of Deputies; that the number of States Members would be reduced. During the debate on P.64, among various other concerns, there were 2 consistent themes which Members raised when they said that they could not support the referendum result. One of these was that they could not accept without further evidence, presumably by Machinery of Government reform being finalised, that the States would function efficiently with the 42 Members envisaged by the Commission, and, secondly, there was a perceived under-representation of the St. Helier voters. My proposition seeks to address these matters. Firstly, the number of Members under my proposition would be 47, as opposed to the 46 of the substantive proposition, which is more obviously than the Electoral Commission envisaged, but should the Machinery of Government Review be crystallised and a smaller number of Members be required, it would be a simple matter of reducing one Deputy from each of the electoral districts to reduce that number further should a subsequent States Assembly decide that that was in order. On the issue of the perception of the under-representation of St. Helier, there are a couple of things I would like to bring to that. The fact that the third of the population that reside in St. Helier should have a third of the vote is not really the issue. The issue is that everybody, no matter where they reside - town or country - should have the same vote. Sorry, Sir, I did not realise we were in some sort of lunch club. I have a right to express ...

The Greffier of the States (in the Chair):

Members may have a chance to give their views when they speak but not when others are speaking.

The Connétable St. Mary:

What my amendment has tried to do is to align the districts so that they have, within tolerable limits, the right number of electors and to give each of those districts the same number of votes. One thing that came through in this second round of consultation is that a number of members of the public started to express the views that the way that the constituencies were drawn up in the Electoral Commission's proposals did not necessarily make the best sense for them and that no district should be made up of only one Parish or of only part of one Parish. I started to look at that in drawing up my amendment and I started to see that, yes, it was perfectly possible to redefine the boundaries of the districts along existing lines of Vingtaines or voting districts; so not creating any new areas but just grouping them together differently. In doing that, not only did the number of electors come within acceptable tolerances but also, if we were to go with the perception of Constables representing everybody in the district, but every district would have access to multiple Constables so that nobody would have part of a Constable or just one or 2 Constables. There would always either be, I think, 3 or 4. So it became obvious to me that an alternative to Deputy Pitman's proposition could be examined and should be examined, at least in debate, because this amendment maintains the Commission's principle of equality of votes. Deputy Pitman, in his report, says: "Surely equality of vote should be guaranteed for all and have no dependence at all on where one lives; country Parish or urban?" That is what I said a few moments ago. However, Deputy Pitman's proposition does not achieve the equality of votes he supports due to the number of members and the number of districts proposed. He had an uneven number of votes. As he says, in order to achieve his compromises, he had added extra members to districts. That gives inhabitants of those districts more votes than people who live elsewhere in the Island and that, surely, as one of the principles of the Commission and one of the principles endorsed by the public, should be something that we strive to achieve. That is the reason, in bold, for my amendment and I make the amendment.

The Greffier of the States (in the Chair):

Is the amendment seconded? [**Seconded**] Do any Members wish to speak on the amendment?

LUNCHEON ADJOURNMENT PROPOSED

The Greffier of the States (in the Chair):

The adjournment is proposed. Just before the adjournment I can announce to Members that 2 matters have been lodged: firstly, Public Elections: amendments to legislation and administration, a second amendment in the name of Deputy Tadier, and Committee of Inquiry into Historical Abuse: appointment of Chairman and Members lodged by the Chief Minister. Copies of both are in Members' pigeonholes.

Deputy T.A. Vallois:

Sir, before we adjourn can I just advise the Assembly that I will be attending a funeral this afternoon, so I will not be in the Assembly.

The Greffier of the States (in the Chair):

Thank you, Deputy. Very well, the Assembly stands adjourned until 2.15 pm.

[12:43]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

We are on the amendment proposed by the Connétable of St. Mary to the proposition of Deputy T. Pitman. Any other Member wishing to speak? Deputy Southern.

9.2.3 Deputy G.P. Southern:

It is not obvious where we start with this. When people start inventing principles in which to hang their propositions, one has to wonder what is going on and the principle I use the word in quotes of equal number of votes. It is actually not a principle at all, a principle is the representation that you get from your votes and the fair representation is the essential thing to go for as Deputy Martin has said. The idea of lumping the Constables together in order that they can support more people sounds very attractive. I would love to be able to get my casework load and load it on 3 or 4 Constables and say: "Here you are. You get on with it. The phone number for Social Security is down here and here is the Minister for Housing who will gladly receive your interest." I wish that were the case, but the fact is that one of the conclusions one has to draw from the referendum debate was that people were not that keen on the large constituencies, no matter how you cut and paste and stitch them up. I think the electorate rejected that and there was a very strong voice coming from the benches opposite to say: "What about the Parish voice? The Parish is important." I think this does nothing for the Parish voice, except increase the workload of the Constables.

9.2.4 The Deputy of St. Mary:

Yet again we are being asked to approve proposals to change our constitution, proposals rushed and lashed together by our current P.P.C. and others. The proposals are no better than the one put forward by the previous Commission on which the public voted, which we all know received a pathetic turnout of only 26 per cent. That in itself was surely a statement from the public. The public have been given only 2 options for change, options imposed on them, neither of which was wanted by the majority of the people in this Island. There is a need to engage with the public and listen. This is what should be happening now but, unfortunately, the people are fed up with this reform. People know what they do not want and any proposal for change should be constructed around that. They do not want to lose Senators. They do not want to lose the Island mandate. They do not want to lose Constables from the States, although a minority have told me that they

insist on this. They do not want large constituencies. The people in the Parish of St. Mary and many of the other Parishes do not want this. They cannot understand why this should happen. They are not obsessed with having proportional representation. It is not something that they think will improve their lives or the way this Island is governed. Keeping Parish identity and representation, though, is paramount and parishioners insist that I defend their Parish boundary and their representation, regardless of a proportional vote. People do not want a proportional vote. They do not care that it is something approved by the Vienna Convention. They do not want it. They do not want to be dictated to in order to comply with yet another European directive akin to Brussels. Any change should certainly be left until after the next elections, with public opinion being sought at that time. In order to get the answers necessary when contemplating such a drastic change to our constitution, many questions need to be asked of the public. The more questions asked, the more accurate the answers in order to build a formula for change will be likely to emerge. The biggest question, however, is: should we really be doing this now? If you listen to the public they will say a resounding: "No." You do not need to go far to get this view. Ask the taxi drivers across the square. These drivers are in contact with the public every day. The conversations with their passengers are united. All say: "Why are we doing this? We do not need this. We do not want this." They say: "Get on with the important issues in this Island: the unemployment, the immigration, providing affordable housing for young couples and people with lower incomes which only ever seems to be talked about." This is what the people want us to do. These are the things that we were elected for, not to mess with the constitution. These proposals are so flawed that we already have 11 versions, all of which are equally flawed. These proposals and amendments need to be put on hold at least until the public are consulted and are able to present their views in order for a proposition to come to the Assembly, having the full backing of the public rather than rushing and bodging such a radical change to our constitutional system when we have far better things to get on with. How much more time are we going to waste on this issue? Eleven versions. Like a suit of playing cards, everyone thinking they are holding the winning card. The problem is no one holds the ace. The public hold the ace, but they have not been invited to the game. The public need to be asked. This pack could be shuffled for days, but there is no winning card. It is time to walk away from the table, from fantasy; it's time to deal with the real issues; time to do something which will improve the people's lives of this Island. I shall be voting against all of these propositions and amendments because it is not compliant to the public wishes. I would encourage other Members to do likewise and listen to the expectations of our electorate.

9.2.5 Deputy T.M. Pitman:

If we are talking about cards and deals I would have to say after that speech surely the Deputy is the joker in the pack. That was a very sad speech, very sad. Possibly it is because he is from St. Mary, the smallest Parish, he says that it is okay; that his parishioners do not care about equality. I am sorry, I am a St. Helier representative and the people here do care about equality. Why should they be second-class citizen to people who can barely be bothered to vote sometimes? St. Helier does have more than a third of the population. Why, perhaps the Deputy can tell us, can they not have parity? Now, this is meant to be about the amendment to my proposition, so I am going to go back to that. I obviously cannot support it, but I respect the Constable's right to bring it. I am not one of those people who is hung up on removing the Constables from the States, which is probably why I came up with this compromise. As I said, it is not perfect but it is a good compromise in that it gets over 2 major obstacles. If I did want to get rid of the Constables what I would have to say to the Constable of St. Mary is this would probably be the best way to do it, by supporting this, because the Constable cannot have it both ways, as I think Deputy Southern and probably Deputy Martin touched on. You cannot put the Constables into the mix when it suits you and then take them out. The Constables represent their Parish and the reason why I say this would be the quickest way to get rid of them, to the people who want to do it, is because if they are going to lose

that reason for being in the States of being the head of their Parish, the mother or father, if they are going to have to then be helping out as an ordinary Deputy in a wider district, what is the point of having a Constable? There is none. There is none and I do have to say that I disagree entirely with the Constable on her version of equal representation. It is about the people that matter, not us, and the people in St. Helier have been cheated of equality since time immemorial. Immoral? Maybe that was not a slip of the tongue. Senator Ozouf said in the paper the other day that we have to end this unfairness now and I think, for all our thoughts ... and we know it is a shambles. Indeed, Deputy Noel and I were discussing earlier about how we could grade these things and basically ... I cannot use the word that we used but it is all related to cows and substances and some were a bit less messy and pungent than others but we are all probably doing our best because, to go back to what the Deputy said in his speech, it is not reform people are sick of. They are sick of never getting any reform to make things better for the people of St. Helier and any others who are discriminated against. That is all I am trying to do and that is why I am afraid I cannot support the Constable of St. Mary's amendment.

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

I want to endorse a little of what the Deputy of St. Mary said from the perspective that I think where we are today ... I am sure I was not alone in having a groan when I saw the number of amendments, the number of variations, that landed on our desks and I think that is part of the problem. Although we can identify the problem, we keep jumping to a solution or perhaps 11 solutions and I think that is where the public are highly fed up with the whole thing. It is never a representative sample, but anecdotally when you speak to people - certainly when I speak to people - it is not at the top of their list at the moment. The fact that 74 per cent of the people did not take part in the referendum probably says a lot about the whole issue. The difficulty is the proportionality issue and I fully accept the views of the representative of St. Helier on that point, but I do believe that the members of the public (a straw poll, when I went to the Parish Hall both on Friday and Saturday for events we had up there) were talking about the loss of the third H.R. director we have had in the last 5 years. What is the economy doing? We had a little touch on that at the F.P.P. (Fiscal Policy Panel) meeting today. Mr. John Henwood was in the paper about the state of the economy, about savings and all that type of stuff. It was those kinds of issues that were coming up. One of the problems we have as an Assembly - and it touches on this particular amendment and it touches on the wider issues as well - is, because we keep jumping to the solutions, we have not established - whether it is among ourselves or among the public I am not too sure here - what the parameters are. In other words, we have not said: "We are going to keep the Senators" or, hopefully: "We are going to keep the Constables" or: "We do we do not like super-constituencies." If we turn around and say: "We do not like super-constituencies" then, if you do that today, half the propositions disappear, including this amendment. The reason I talk about that is because the only objective evidence I have ever come across is going back to something I put on people's desks the last time round we had debates on this, which was the Mori polls that were done by the previous P.P.C. in 2006 and 2007. Super-constituencies as an example, Members were asked: "On what basis do you think people should be elected?" One of the options was: "All Members should be elected on a local basis with larger constituencies in the Parishes or districts." In other words, super-constituencies. Out of just under 1,300 people, 91 went with that, 7 per cent. That was worse than ... well, obviously the only options. Obviously Senators are very popular in that. The problem is if we keep going to the solution without saying: "Right, super-constituencies are in and that is the way we are going to go" or: "They are out because according to this", which is supposedly a statistically significant sample ... in other words you should be able to apply this to the population.

[14:30]

You should be able to turn around and say: “This is what the public think and it is not just people who have written in, even if it is 300 of them. This is the least popular option, full stop. Therefore, we should not, in theory, be trying to go down that line. The issue to me is that we leapt to this set of debates and, as I said, it was particularly distressing when you get to variation 11 thinking: “Where on earth are we going?” without having established some foundations; in other words, what are the core principles we should be going with? If we are going to keep the Senators, how many? Is 6 viable? I think Senator Farnham has withdrawn the amendment on this one and has kept it for Senator Ozouf’s. How many? Is 6 still viable? I do not know but I think we should make a decision on that because that then goes further down the line as to where we go for the number of other representatives we have in this Assembly. That impacts on the proportionality and also affects, for example, the issues around St. Helier. Also, on the level of being distressed, I have to say - and Senator Ozouf has done it in the past when people have withdrawn propositions at short notice - I just want to record I am not very happy, to put it mildly, that at zero notice, having instigated this whole debate that Senator Ozouf withdrew **[Approbation]** - and it is absolutely his right - what was going to be one of the main debates. I think, at the very least, 24 hours’ notice would have been good. He is not here and maybe there is a very legitimate reason but if it was a case of: “Well, there were less Members in the Assembly and he did not think he had a chance to win it” which I think is what he said, well, I have certainly gone into debates and, in fact, I will go back to my food exemptions one year ago which the Deputy agreed with, and I will agree or disagree on or whatever. But I did not lodge it because I thought I would win it; it was a point of principle and I went in on that. I just want to record that because I think there have been comments in the past about bringing back respect for Members and things like that and reform is absolutely necessary. When P.P.C. fell, it was Senator Ozouf who effectively held a gun at the head of the present P.P.C. to say: “You must bring something in before Christmas” and here we are and it has been removed. The way respect starts is treating the Assembly with respect and I do not think that has been shown. That is my view. It is absolutely his right to withdraw but he has been critical in the past when people have done that at short notice to defer. So, having said that, my issues speaking personally going back to the Act for the moment, on super-consistencies, I personally consider super-constituencies not only as being the most unpopular option but I am really quite concerned that, over time, and it might be 5, 10 or 20 years ... do not forget that the last significant change was in 1948 so this should be a long-term thing that we are putting in place. My concern is that, over time, the Parishes will be significantly reduced and that goes right back to the whole cultural background and roots of this Island and this society. Jersey has a lot of problems but one of the really good things of living over here is that whole community link and that goes right from the grassroots all the way up to this Assembly and beyond. The super-constituencies side will erode, to me, the Parishes. I firmly believe - and I know the Constable of St. Helier alluded to it in his speeches last time around - that if you go down to 2 classes of States Member, you will eventually go down to one. It will be very easy then for somebody to try and withdraw the Constables and, after that, I just see that whole thing spiralling down. So, for me, anything to do with super-constituencies, I will not be supporting and, unfortunately, I will not be supporting this amendment. What I will say is that proportionality is a bit like pick-and-mix and that is why I wanted to go to the parameters. We need to establish some parameters of what we are trying to do. We might say we have got a blank sheet of paper in front of us. We do not know the size of that piece of paper yet in terms of what we are trying to deal with today. I think where the Constable of St. Mary might be correct is that in all the other options, St. Helier has stayed intact, if that makes sense. That is right. I understand the proportionality side but if one looks around - and this is where I am concerned personally because it moves away from my strong support for the Parishes - does one do it at a lower level? Does one tweak the Vingtaines or something and say: “Well, okay, bring more proportion across to St. Lawrence and that would sort out the proportionality issue of St. Lawrence.” But, as a St. Lawrence Parish Deputy, that does not cause me a problem on

numbers but does that erode the identity of the Parish? That is why I say you have got to make some decisions there first before we leap into 11 iterations or what could be 51 iterations or wherever we are. On that basis, I am stopping there definitely. I am not supporting this amendment and will not be supporting anything with the super-constituencies in them. Thank you.

9.2.7 Connétable S.A. Rennard of St. Saviour:

I would just like to let all Members of the House know that, to be a Constable, I do know the telephone number of the Housing Department, I do know the telephone number of the Social Security Department and I have been in touch with these people previously and I am sure they will verify that. So what everyone and the Deputies here might think about the Connétables, we are in touch with the outside world.

9.2.8 Deputy M. Tadier:

I am grateful for that clarification and I do not think that was ever in doubt for me. I know that every Member in here works hard, as far as I know, and Constables have a double workload and they work twice as hard and that is part of the issue. That is not a personal thing. The issue I have with this is that the Constable of St. Mary was on the Electoral Commission and we seem to be cherry-picking what principles we are remembering from the Electoral Commission. I remember them very vividly because I was working with Reform Jersey who proposed them, put them into the Electoral Commission and they were subsequently adopted virtually verbatim. Let us read what they were in the interim report: "All electors should have the same number of votes." That is quite correct but it was conditional on the basis that constituency sizes should be, as far as possible, of equal size. This is not the case. It is certainly not possible if we have voted in order to keep the Constables automatically in the States. It is not possible to get equity of constituency sizes for obvious reasons: "A candidate should generally require a significant number of votes, *et cetera*, and the electoral system should be simple, fair and easy to understand." Well, the last one went right out the window. That was pretty much the first one that the Electoral Commission, in their very disjointed, convoluted and messy proposals to the public giving 3 options. It was a classic lesson on how not to run a referendum, Jersey's first proper referendum. It was a proverbial. So why do we obsess about the same number of votes when we are quite happy to throw all the other 3 out of the window? Constituency sizes are not equal, candidates do not require a significant number of votes as long as we have single seat constituencies in very small Parishes. That has gone out the window. The electoral system is not simple and fair and easy to understand. We have got that wrong. So why are we holding on to this last one? It is quite easy to show why you cannot have that in isolation. The idea that an equal number of votes but not an equal value of votes can be compatible is ultimately absurd, and it is very easy to test the flawed logic. It is very easy to demonstrate how this might be possible. Let us make it very simple. You have got 2 constituencies in the Island. You have got 10,000 people in one and 100 in the other and we are going to say we are going to give each of those districts 10 votes. Therefore, that is equal and that is fair because the principle is that every district should have the same number of votes. Who could possibly complain about that apart from the people who live in the district of 10,000 who only get to vote for 10 people? 1,000 to one versus 10 to one. It is because your vote is much less likely to influence the final outcome than those who live in the most overrepresented districts. Now when the Deputy of St. Mary made a very impassioned speech, he said things which are not strictly correct. He said that all of the 11 options that we have before us - some of them have fallen away, clearly, but may come back - are equally flawed. That is not what our expert's review has told us. P.P.C. was deliberately meticulous to make sure we got objective advice about the proportionality of the systems. You can argue that proportionality is not the sole criteria but it was one that we were very keen to focus on because that was a recurring theme about fairness and equity and equality. Quite frankly, this amendment comes down eighth out of 11. We have the P.P.C.'s

interim one which the Deputy also lumped in with the rest saying it was just as bad as what the Electoral Commission came up with. That is simply not true in objective standards. Ours is second best only to Deputy Southern so we have deliberately done some work there. We will subsequently debate that. So I cannot support this for those reasons. I suggest the logic behind it is not true. But one last point is that, intentionally or otherwise, this seems to achieve what gerrymanders in North Ireland would have set out to do deliberately or otherwise - but it was deliberate in the Northern Ireland case - is that what do you do and what does this do? It takes the urban areas of St. Saviour and St. Helier primarily and divides them up and lumps them with country Parishes, which is fine. The results mean that the influence that St. Helier electors have to choose their own Deputies will become diluted so that means even at the moment, they might struggle to get their fair share of Members in the States because they are currently underrepresented. They will be diluted by the probably more conservative traditional voters of the country and that is not something, in all consciousness, that I could vote for. It does not make sense and it would not take it in the way that I would want it to be going so this does not add any value. It objectively makes Deputy Pitman's proposition worse and, therefore, we certainly should not be supporting this irrespective of whether we end up supporting Deputy Pitman's.

The Bailiff:

Does any other Member wish to speak? Then I invite the Connétable of St. Mary to reply.

9.2.9 The Connétable of St. Mary:

Hopefully, I can do that. A number of Members raised the same sort of issue. First of all, let me just explain to Members and probably an apology is required, but I am suffering, as Members can probably hear, from some respiratory problems, and I am just wondering if that took away my ability to give the correct inflection to the words that I use. Deputy Martin certainly did not pick up on the inflection that I was trying to put when I mentioned that all districts would have access to multiple Constables. The plain fact is that under P.64, every voter would have had the opportunity to vote for 5 Deputies and one Constable and I must take Members back to the fact that I am trying to look at why Members could not support that proposition and see if I can bring anything back that makes it more palatable. P.64 said there would be 2 types of Member elected in 2 types of constituency. Districts conceived under P.64 would be quite separate entities to the Parishes. Nevertheless, there were still some Members who, in their debate, could not separate these out. Many references were made to the voters in one district having more representatives because there were more Constables in that district. Now Deputy Pitman said I could not have it both ways but I was going to use that exact same thing to reply to Deputy Martin. In reality, that was never an issue but there was a perceived issue and I have long abandoned any hope of being able to persuade the Members who hold that perception that they are looking at it from the wrong angle because they are not going to shift their viewpoint, and I have got to accept that. But it is only to address this misconception that I have pointed out that, by coincidence, my amendment evens out that issue almost completely. The very same Members who said that it is unfair for one district to have more Constables in it than another are now saying that if a solution has been found to even this up, it is not right to expect the Constables to represent districts rather than Parishes. Well, make your minds up because you cannot have both points of view. But the facts have not changed at all. The public voted for Constables to represent their Parishes, the public voted for Deputies to represent districts and the amendment does not change that. It is only the perception of inequality that was so often cited in the earlier debate that has disappeared. I am surprised to find that so many people seem to think it is acceptable in the same, as it were, country or Island, for some people to have more votes and be able to choose more representatives than others. That was not cherry-picking. That was one of the principles of the Electoral Commission. I have read them all out. Deputy Tadier maybe did not hear what I read but I did read them all out. The public of course had the

option to choose a pure mathematical solution that did away with any ambiguity at all but they did not, and that is what we are faced with here. I have not offered a solution to any kind of reform. All I have offered are some amendments to other people's perceived solutions that make it more in line with what we put to the public.

[14:45]

All that this amendment really does is even up the number of votes that everybody has. The Parishes retain their identity through the Constable. Once the move to large districts is accepted, it should not make any difference in which district you stand. You should have the same number of votes as every other Islander, but I think that is very important. Deputy Pitman said something in response to the Deputy of St. Mary's speech that called St. Mary a Parish that could not be bothered to vote sometimes but turnout in St. Mary is usually among the highest in the Island and I have stood in 4 contested elections so Deputy Pitman cannot have it both ways either. As I said in response to Deputy Le Fondré, I am not offering a solution. Just an adjustment to a solution that I think takes it more in line with what we ask the people of this Island to discuss. I am afraid that I do not share the view expressed by some that the referendum was not legitimate. We cannot, in any democracy, allow the people who do not participate to override the people who do once we have ensured that they all are able to participate, and we did a lot of work as a collective parliament to improve voter registration and access to voting. If people chose not to participate, well, I have said enough about that. The Deputy of St. Mary and I are obviously at variants about this because St. Mary quite clearly did come out in favour of option B in the referendum but there is something that I have to say about the Deputy of St. Mary's speech, not particularly because the Deputy made it. It could have been made by any other Member of this Assembly 3 years ago: "Let us come back after the elections. Let us sort this out then." That was all said 3 years ago. Now I am not one of those who believe that we are heading towards a car crash at this next election. I think the current system is sustainable at 2014 but one thing is certain, it is not sustainable at 2018. So sooner or later, this Assembly is going to have to grasp the nettle and make its decisions. I have responded to a significant number of people who have put forward some ideas about the way the constituencies could be fabricated so, in that case and in that situation, I have done my duty as a States Member and responded to the electorate and, obviously, it is in the hands of this Assembly. But I cannot support anything that deviates from the principles that we put forward and that were accepted so I will not be able to support any of the unamended propositions. This amendment is there simply to offer a choice and I sense the mood. As I say, I have done what I needed to do and have it aired. All that it seeks to do is to take out one inequality that did not exist before that Deputy Pitman's proposition puts in and that is it removes the equal number of votes for each elector. I maintain the amendment.

The Bailiff:

The appel is called for then in relation to the amendment of the Connétable of St. Mary. I invite Members to return to their seats and the Greffier will open the voting. T

POUR: 3		CONTRE: 41		ABSTAIN: 0
Senator P.F. Routier		Senator A. Breckon		
Connétable of St. Lawrence		Senator S.C. Ferguson		
Connétable of St. Mary		Senator B.I. Le Marquand		
		Senator F.du H. Le Gresley		
		Senator I.J. Gorst		
		Senator L.J. Farnham		
		Connétable of St. Helier		
		Connétable of Trinity		
		Connétable of St. Clement		

		Connétable of St. Peter		
		Connétable of St. John		
		Connétable of St. Ouen		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of Grouville		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (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. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		
		Deputy T.M. Pitman (H)		
		Deputy E.J. Noel (L)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		
		Deputy G.C.L. Baudains (C)		
		Deputy of St. John		
		Deputy J.H. Young (B)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Mary		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy R.J. Rondel (H)		

The Connétable of St. Mary:

Thank you for 2 other people, Sir.

9.3 Composition and election of the States Assembly: reform – proposal 2 (P.94/2013) - resumption

The Bailiff:

Very well. So we now return to the debate upon the proposition of Deputy Pitman. Does any Member wish to speak? The Connétable of St. Helier.

9.3.1 The Connétable of St. Helier:

I have been worrying since July when the States threw out the preferred option of the people of what to do with the new proposals that were going to come forward and also once they had all come forward, I was trying to decide at which point to speak. Like another Member who has spoken, I was disappointed that Senator Ozouf withdrew his proposition because I had decided I would probably go early and get my piece said during the debate on Senator Ozouf’s proposition. Of course I was unable to do that and, indeed, he asked my advice and I urged him to have the debate because I think it is important that the new P.P.C. has a chance to bring reform back to the

Assembly whatever the public may think of that. I have already indicated that I think it was a sad day when the States threw out the public's choice. Deputy Pitman's proposition is quite entertaining in a way in the way it lambasts the referendum process. It talks about political manipulation. It talks about being hijacked and not fit for purpose reforms, a shambolic process, a discriminatory vested interest driven proposal and so it goes on. One may agree with him and, indeed, as Members will remember, I campaigned for option A and I probably could have written some of this myself but when the time came for the public to vote - and like the process or not, they voted for option B - I believe the States had a responsibility to put in place the reforms that the public had voted for. So what we are faced with now is whether we should simply really sit on our hands and say to the 28, as they may well be called next October: "You are the people who did not listen to the public and you have got lots of reasons for not listening to the public but the bottom line is there was a referendum and you bottled it." That is one option, just to let those 28 take it next year and take any repercussions that come from the electorate. The other option of course is to see whether we can do something before it is too late to salvage some meaningful reforms before next election. Even though the public is tired of it, the public, in many cases, have said they are not going to vote anyway next year because they are so disgruntled with the way we treated their referendum, even though they have said all that, is it the right thing to sit on our hands and say: "We will have to deal with this in a new Assembly of Members"? I must say at the moment, I am in 2 minds because I am not sure it is the right thing to do, to simply ride forward with what is quite clearly the default position and the worst option. We said that at the time. We said that if we did not accept option B, we would be going to the next election with the worst option for equality and, indeed, the research provided very helpfully by P.P.C. makes that quite clear that the default position comes at the bottom of the rankings in terms of equality of voter representation. Is it right when we have an opportunity again, a second chance, to find some reforms to our system of government that we do not take them? Of course, it has been noted already by some Members who have spoken that the Clothier proposals come right out there on top and I am sure Deputy Southern is hoping that, if we get to that debate, that will be enough to swing the majority of Members but I think, in his heart of hearts, he must know that probably is not going to happen. Apart from anything else, that was not put to the public in the referendum anyway and so it would be rather strange if the States decided to endorse that view. It would be doubly strange of course because it would be coming from Deputy Southern but let that not influence us. I must say that one of the things that I find so surprising about some Members' amendments and some Members' speeches is the disdain showed to quite a remarkable degree for politicians; the disdain shown for the ballot box. We may not like the result of the referendum but it is a result. We may not like the turnout but the turnout is higher than some of us who have been elected into our positions for and so to say that by way of explaining - and Deputy Pitman, I am afraid, is guilty of this in his amendment - to justify his position, he simply heaps a scorn on the process of the referendum. The referendum has happened, it gave us a result, it gave us something to work on and of course, we had an opportunity to take it forward. So having said all that, what is Deputy Pitman offering to do? Well, he is quite bravely saying he is prepared to live with the Constables in the States because that was one of the main findings, and at least that was something that both option B and C supporters preferred. What he is trying to do is of course to deal with something that Senator Ozouf was trying to deal with as well but not going so far to add those extra seats to St. Helier to even up the proportion. I must say - and I would be interested to see what other Members think and I hope other Members will speak - that that compromise he is offering may be worth Members' consideration. Deputy Tadier, in his speech on the last amendment, gave us the analogy of 2 districts, one of 100 I think he said and one of 10,000, and he used this to say that it is simply not right - and I think it was the Constable of St. Mary who said it - that what is important is that we give an equal number of votes to each elector. Of course, in that situation, that is nonsensical because in those 2 fictional constituencies the people with 10 representatives, and there are only 100 of them, are going to have a much bigger say over

how they are governed than the people with 10,000. So possibly an extreme example and St. Helier's lot is not as bad as that, not yet anyway, given strategic policies, focusing housing in St. Helier, who knows when we are going to get there. The key question for Members, I think, is which of the options that remain on the table before us this week are going to carry the support of the Assembly, which ones are going to get us through the autumn with a less unequal, a less unfair system than the default position and the current position are. That is why I will be listening very carefully to not only other Members speaking on this amendment but also to the other propositions, particularly that of P.P.C. in its new guise and, indeed, Deputy Southern if we get that far.

9.3.2 Deputy M. Tadier:

Members will be pleased to know that the overall balance of this speech will be a positive one and I think what we have in front of us is potentially very positive today, but I do need to correct some things which have been said. First of all, let us start again with the positive. I firmly believe that whatever happens in the future in Jersey we will end up having reform and we will have a fairer system than we have now. I believe there is historical imperative there and I believe that reform keeps on coming back on the agenda, and that is important. We know that the outside society is not hung up on the technicalities and the esoteric nature of these kind of reforms that we are discussing but they do have an impact on the policies that we are able to deliver and about the way in which we represent our Island and the community. We should be reflecting the makeup of our community and it is important that equality and fairness of the vote, no matter where you live in the Island, is maintained. I do not accept previous comments that were made in the last section about the public not wanting proportionality. That is not what I have heard. Most of the voters who came out were very mindful of the fact that any system needs to be fair because fairness is linked to sustainability and you cannot maintain something in the long-term which is inherently unfair. That is the precursor. When we are told that the majority of the public voted for what was option B, that is simply not true. The majority of those who voted did not vote for option B. Let us get that straight. The *J.E.P.* needs to correct themselves when they are printing what is factually incorrect. Of all those who bothered to come out to vote, the 26 per cent who we must listen to, in the second round less than 50 per cent of those who voted overall did not vote for B. A majority did not vote for B and so many did not vote in the second round because they were so unimpressed by the false dichotomy that they were given in the election. Most of the public, I believe, which is shown by the high abstention rate, shows that they are essentially saying: "Do not take us for mugs, we know this is a power struggle, we know that what you have put in front of us is not fit for purpose." If I had money for every States Member subsequently who has come up to me privately in the corridor and said: "Oh, I wish we had not voted for States Members to be on there, I wish we had not selected Senator Bailhache to head that Commission" I would be quite rich, depending on how much I got from each of those. There are certainly some key Members who are very surprised that they tended to be C supporters, which is not unsurprising. That is because this was a done deal before it went there. So the public have no respect for this whole rigmarole, this sham. Some of us did put in lots of work.

[15:00]

I thank the Constable of St. Helier for his keen support of option A, for all the time he spent out in the rain knocking on doors with the A team, on street corners, when it was inclement weather. Maybe he did that or maybe he campaigned in different ways. But that was not successful, but nor was B. So let us not repeat this that the public has somehow magically voted. The public have contempt for this process, quite rightly they were misled I believe and there was no clear winner because we did not put a clear question to them. That is our fault one way or the other as an Assembly. We have to take that on the chin. It does not mean we can pass faulty reform options, simply because we have to get something through before the next elections to try and save face for

some individuals who may be seeking re-election. That is not how it works. But the positive is ... well the negative first, is that there was no compromise. We have had various options. As soon as the results came through we know who the key players were and the option B supporters, for example, could have had meetings with the other large majority in the States Assembly, which I think had some support for option A, and something could have got through. If we had come together and said: "Look, we know that St. Helier is an issue" clearly St. Helier and St. Saviour and some of the other urban areas were quite worried and that was reflected in the vote about the disproportionality, the fact that their votes are worth less. We find that is an issue as well so notwithstanding what the referendum turnout and results were, if we can call it a result, they should have sat around the table and said: "These are the compromises that we would be willing to accept." I have asked Senator Ozouf why he does not go with Deputy Pitman's one. It is only an extra Deputy in each St. Helier district, for goodness sake, and it would make it fairer; our statistics show this. So this really, for me, is something I am willing to go with. I backed A fervently and I can live with this. I think it is a step in the right direction. It makes it a lot better, it comes in fourth out of 11 and it also leaves the door open for future reform. So my challenge is to the B supporters in here, will you compromise? Because I do not think Senator Ozouf's debate is going to happen in 2 weeks' time or whenever it comes back. If it does I will be surprised if that is going to get through. This is the opportunity if we want to take it to bury the hatchet and get some reform. I am quite happy to be joined with any other Parish if I stand again and do my canvassing, as I am sure many of us would be, because it is the issues, it is the policies that are important and, of course, I will make sure if re-elected, as I am sure every Member will, that they serve their constituents however that may be working. This is a great opportunity here to say we can live with an extra one Deputy for each St. Helier district. If we are willing to live with 6, why not be willing to live with 7 for St. Helier. Re-correct some of that distribution, it does not help all the other Parishes but they are no worse off, they have still got the same number that they would have been having. We have been talking about equality, have we not? We have been talking about women's equality and that it is important to have access women and the minorities in our society, *et cetera*. All very grandiose words. What about St. Helier's women? What about the most impoverished in our Island who are living in St. Helier? Who may not vote, who may be working various different jobs, who may be female - we know that poverty affects females disproportionately - are they going to have their voice represented fully in our Island. Are they going to be able to stand for election and contest the fair amount of seats that they should be for the size of their constituency, which is St. Helier divided into 2. I think we have got a great opportunity to send a positive message out today if we want to accept it and Deputy Pitman's is the way to do it. I am willing to back it, will other Members follow?

9.3.3 Senator L.J. Farnham:

I do not disagree with some of what Deputy Tadier said, but I will return to that in just a minute. I was prompted by the speech by the Constable of St. Helier just to remind people or perhaps caution people who want to try and jump on the bandwagon of not supporting the public vote in the referendum to remember the debate on the referendum and how it was sold to the Assembly. It was sold to the Assembly as purely an advisory motion for us to gauge a public opinion and to get a feel, and that was the very reason why it was not made compulsory at that stage. There was concern that if the referendum, the vote to support a public referendum, was to be compulsory ... I think there would have been a lot tighter rein on the format that the referendum eventually took. So, please, it should not be an afternoon and perhaps a morning tomorrow, if we are lucky, of chastising us for being wicked and not supporting the public. We absolutely, I think, acted in the best interests of the people of Jersey in the long-term. I want to praise Deputy Pitman. I am not going to get embroiled in the report and the rhetoric that no doubt some Members will want to debate, but I am just going to look at what Members such as Deputy Pitman and the Constable of

St. Mary, and everybody else who has been bothered to think about this and lodge a proposition or an amendment. That is the fact that they want to have better proportionality, more equality, more fairness, and this is a good attempt to do it. I am slightly disappointed that Senator Ozouf did ask for his proposition to be deferred because my original plan was an amendment to P.93. I could not understand why Deputy Pitman's P.94 ... I thought that might have worked better as an amendment to P.93 and perhaps we could have been having the whole debate now. But, of course, given my position, Members will not be surprised to know that I do not feel I can support anything that does not have at least an element of the Island-wide mandate in it because I think that it is still possible to vastly improve on what we have now while keeping a number of Senators. That is the position I am going to stand by. I will not address the Island-wide mandate now, I am going to wait until there a proposition or amendment that does propose keeping that role.

Deputy M. Tadier:

Would the Senator give way? I thought it was the Senator's amendment which would allow us to debate the Island-wide role so if he is waiting for the amendment to come why does he simply not lodge his one for debate?

Senator L.J. Farnham:

I did not really have any choice in the matter. My amendment to P.93 went when Senator Ozouf decided to defer it. Had I kept the amendment to this amendment, then I would not have been able to seek to amend Senator's Ozouf's one if it returned.

Deputy M. Tadier:

A point of order. Is that correct? That is not my reading.

The Bailiff:

It is, because the particular amendment of Senator Farnham is identical in its effect, whether it is amending Deputy Pitman's proposition or Senator Ozouf's. So if it is rejected then the States have rejected that and you cannot re-propose it as an amendment again within the 3-month period.

Deputy M. Tadier:

Thank you for the clarification, it is useful.

Senator L.J. Farnham:

Yes, thank you, Sir, for explaining it a lot clearer than I attempted to do. I would just finish by saying one thing. I do not think the States - and I stand to be corrected of course - will approve any of the propositions or the amendments being tabled today. But if they do then the question is who is going to endorse the decision that we make? How are we going to go back to the public and ask them to endorse what we agree? I think we all, with one or 2 exceptions, have subscribed to the rule that what we decide has to receive the backing of the public. Unlike the decision in 2011 to remove 4 Senators. I will leave it at that.

9.3.4 Deputy G.C.L. Baudains:

Thank you. I had not intended speaking on any of these propositions or amendments so what I am going to say will refer to all of them. In my view, revising the Machinery of Government is far more important than all these brainwaves on electoral reform. I have to say that continually regurgitating this issue is making me wonder why I sit here. There are far more important calls on my time. In fact I am reminded of the comment by Garfield the cat when he said he had not had so much fun since his last hairball. But what really made me rise was the comments of the Constable of St. Helier. He said we can either carry on with all this or we can sit on our hands. Well, I am happy to sit on my hands except when I remove one to press the *contre* button because I am really

getting tired of all this. I am afraid that some people have been listening to vociferous pressure groups, when in fact what we should be doing is listening to what the majority want. What I am hearing, as the Deputy of St. Mary has said, is that the public wanted us to get on with governing this Island and not keep shuffling the pack on this issue. As far as I am concerned, this whole issue needs to be kicked into the long grass and we get on with running the Island.

The Bailiff:

Any other Member wish to speak on the proposition? Very well, I invite Deputy Pitman to reply.

9.3.5 Deputy T.M. Pitman:

Just in the mood for a hairball, I have not had one for a while. I am glad you got it anyway. What to say? I do not think I am going to do anything much than thank all those who spoke, whether they are supportive or not as Deputy Baudains. What I really do have to say, though, is just to pick up on something that my Constable of St. Helier said, because I think it is fine to lambast people for criticising what was clearly a flawed process and then saying people who did not go along with what people wanted will suffer. Actually, Constable, your people wanted option ...

The Bailiff:

Through the Chair.

Deputy T.M. Pitman:

Sorry, the Constable of St. Helier’s people wanted option A. I listen to the people in my district and Parish and I have a clear conscience, the turnout was very disappointing as we all know all around but we could pick up on all the faults and I think everyone who is bringing these propositions, amendments, is quite honest. None of them are perfect but the Constable alluded to the fact that the default position was the worst of all. The very worst of all would have been option B, as was proven. It was a disaster for actual fairness and equality. So here I am, what I am offering is that compromise. I think it is all I need to repeat for Members because I think compromise is our only possible way forward to get beyond this and to move on, as Deputy Baudains says, to doing other things that people want us to do. The Constables has been a big issue, about whether we should we keep them. I am happy to make that compromise. My preference, I repeat again, is for a one-member type Assembly because I think it would be best and most efficient. We are keeping the Deputies, we are getting comparative equality. We are losing the Senators, yes, and I understand those Members who are attached to them but it seems if we are going to ever move on something has got to give and that means compromise is essential. This offers that compromise. It retains the Constables, that Parish thing, it gives the fairness to St. Helier but no Member can truly stand up and say to those people that more than a third of the Island’s population do not merit. They do deserve that parity. This does it. So with that, with some trepidation, I will ask for the appel. I thank Members for speaking and hope they please do consider the compromise as the way forward. Thank you.

The Bailiff:

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

POUR: 13		CONTRE: 31		ABSTAIN: 0
Senator F.du H. Le Gresley		Senator P.F. Routier		
Connétable of St. Helier		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator S.C. Ferguson		
Connétable of St. Brelade		Senator B.I. Le Marquand		
Deputy G.P. Southern (H)		Senator I.J. Gorst		
Deputy J.A. Hilton (H)		Senator L.J. Farnham		

Deputy S. Pitman (H)		Connétable of Trinity		
Deputy M. Tadier (B)		Connétable of St. Clement		
Deputy T.M. Pitman (H)		Connétable of St. Peter		
Deputy M.R. Higgins (H)		Connétable of St. Mary		
Deputy A.K.F. Green (H)		Connétable of St. John		
Deputy R.G. Bryans (H)		Connétable of St. Ouen		
Deputy R.J. Rondel (H)		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of Grouville		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisier (S)		
		Deputy J.A. Martin (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy J.M. Maçon (S)		
		Deputy G.C.L. Baudains (C)		
		Deputy of St. John		
		Deputy J.H. Young (B)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Mary		
		Deputy of St. Martin		

10. Composition and Election of the States Assembly reform - proposal 3 (P.98/2013)

The Bailiff:

Very well, we move next to P.98, which is the proposition of Deputy Southern. I will ask the Greffier to read the proposition.

[15:15]

The Greffier of the States:

The States are asked to decide whether they are of opinion – (a) to adopt the following principles from the Report of the Review Panel on the Machinery of Government in Jersey (the ‘Clothier’ Report) of December 2000 – (i) the office of Senator should be abolished; (ii) the Connétables should cease to be ex-officio members of the States but should be free to stand for election as a member of the States if they wished; (iii) all elected members should be known by the same title, namely “Member of the States of Jersey”(M.S.J.); (b) to agree that M.S.J.s should be elected on a Parish basis and to adopt, as far as possible, the principle of the 2013 Report of the Electoral Commission, that ‘constituencies should as far as possible be of equal size’ by distributing seats as set out in the Appendix; (c) to request the Privileges and Procedures Committee to bring forward the necessary legislation to implement the new structure in time for the general election in 2014.

10.1 Deputy G.P. Southern:

I did not think that this year I would be using the C word in public again, but nonetheless I do with some pride point out that serious research went into, over a decade ago, a way forward for electoral reform in the Clothier Report. The report I submit today is very succinct. In just over one page I sum up the case for adopting what Clothier said. In doing so I have got 2 statements at the top of my notes. The first says: “You cannot have everything” and perhaps it is a response to Senator

Farnham who wants Senators and Deputies and Constables and probably he would not mind some Jurats and some Rectors as well. But the fact is we cannot have everything and that is one of the problems of trying to decide a way forward, everybody wants everything. The reality is that the key element, and it is the one that is central to Clothier, is that you cannot have 5 or 4 or 3 types of member and function very effectively as a democracy. You must have a single type of member, that is what every unicameral House, almost I think, in the world has, one type of member with clearly defined responsibilities. I was quite surprised to see the chart on P.P.C.'s comments on page 8. It must be the first time in my life I have ever ended up as top of a list of 11, especially when it says "best". To be best in show is perhaps quite surprising to me. But I think it is a reflection of the clarity of thought that is contained in Clothier. Clothier has the advantage of being very simple. It retains the Parishes, it goes for fairer representation but not as a sacrifice of other principles. It is somewhat fairer, as is shown by the chart which shows what I propose and Members can see that in terms of the representation on page 5 of my report in the chart there, it is not perfect but nonetheless with those numbers it is approximately proportionate. It is equal vote of equal weight more or less, given that this proposal maintains the integrity of a Parish. It seems to me that was one of the messages coming from the referendum debate that the people value the Parish and, if you like, the role of the Constable within it. Clothier, all that time ago, suggested that Constables should cease to be *ex-officio* Members of the States but should be free to stand for election as a Member of the States if they wished. That is a very simple process. If Members' voters in a Parish wish to have their Constable as their representative then they can do so. He appears on the list ballot for Constable and also on the list for Member of the States of Jersey. Simple process, if you want your Constable to represent you in the States and he wants to do so, and has the ability then they should do so. So there is no threat to the Constables here at all. Even in St. Mary, who, sad to say, lose out under this system with 49 Members in that they are left proportionately with only one representative. That could be the Deputy or it could be the Constable. Not a problem. The only exception I have taken to what Clothier laid down over a decade ago was that he picked the number of 42 representatives and I believe that the recent debate has suggested that that is probably a little too small to maintain the sort of balances and checks that we have in our system. So what I have said is that we should carry along with the 49 that we have suggested already and what we are going ahead with. We build this particular scheme around the membership of 49. The other statement at the top of my notes says, and it starts with a please I think, Clothier actually said: "Please. Please do not cherry-pick." Over a decade ago we did exactly that, we took one half of the package, the Executive and Scrutiny, and we ignored the rest of the package. The ultimate cherry-pick. We took half the tree and not the whole tree. Now, the Constable of St. Mary suggested that maybe now is the time, let us decide. Let us not wait for another election, now is the time to grasp the nettle. Maybe this is the time to grasp the nettle and say: "Clothier, all that time ago, over a decade, was right. He did warn us not to cherry-pick." He has a perfectly viable system based on the Parishes which can be made to work. We could if we are bold and brave decide that that was the way forward. I do not want to mention how we got here, nonetheless we are here and quite frankly I think this is the best option as to the way forward. For reformers and non-reformers it contains the essential elements. So no super constituencies, we do not want to have to deal with that. Parish based, single member representation as a Member of the States of Jersey. Those numbers give a fair approximation to their representation. Clearly this, in terms of the measures adopted by Professors Johnson and McLean - and if Members look at the table - is streets ahead of the others in terms of proportionality. There is the final phrase I was going to come up with to finish. This House has the opportunity to put to bed 2 centuries of argument, bickering and battling between the country Parishes and St. Helier. In 2 centuries where we have been seeking a balance of power. This has a balance in terms of representation. We can put an end to 2 centuries of war if we adopt this proposition. I urge Members to grasp the nettle, as the Constable of St. Mary says, and vote for Clothier after all this time. It is the best way forward.

The Bailiff:

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

10.1.1 The Deputy of St. Martin:

The Deputy, in his proposition, states that the Clothier Report gave us the option for 42 representatives. He also states that the Clothier Report gives us equal votes with equal weight. I would therefore like the Deputy to answer the question of how he has proportioned the additional 7 votes and how he thinks they can still have equal votes for equal weight?

10.1.2 Deputy R.G. Le Hérissier:

This may also be my only speech, like the Deputy of St. Mary. But I was interested in reading a couple of reports and if I can quote, it says in this report: “The disproportion in importance and population between the several Parishes is considerable. Most of country Parishes are under the present system over-represented in the States as compared with the town and Parish of St. Helier.” Then it goes on. “For instance, the Parish of St. Mary, which only has a few hundred inhabitants. For some times past, St. Helier has been agitating for an increase in the number of its Deputies but so far the States has thrown out every measure calculated to increase these inequalities of representation or to increase the share of representation of the town.” That was the illustrious forebear of the Attorney General writing in the Prison Board case of 1892. In 1880 it was noted that the exasperated ratepayers of St. Helier petitioned the Queen for additional Deputies, having been thwarted in the States by a large majority entirely composed of country members. I can assure the Deputy of St. Mary, I think we have another 120 years of debate left if those last debates or objections is anything to go by. So I would ask him to exercise patience, which I think we all need in great abundance. I have to say, I agree with Deputy Southern. I was involved in the first bringing forward of propositions and we made what in retrospect tactically would be seen as a major error in that super-constituencies were proposed, but the rest of it was pure Clothier and it ended up in a bloodbath. In subsequent years, we have had fewer bloodbaths but, nevertheless the trend was fairly well established. I think the great thing of Clothier was demonstrated by a very interesting letter in the *J.E.P.* in October sent by a gentleman - I go along with some of it but I thought it was a very interesting letter - said: “What will change if the number of States Members was reduced and St. Helier was given more influence than it currently has? Things would improve not much, if at all. We would have pretty much the same people carrying out the same roles in the same way. He said the problem with the current system is obvious, nobody is accountable. Nobody can set out a vision and ask for election on the basis of what they will do as nobody commands a majority in the States.” He goes on to say ... and I have to say it is very much a letter written around the one whose name dare not be mentioned in party politics. “My point is simple: reform will only be successful if it changes the way the States functions and allows people to elect candidates on the basis of specific policies and then hold them to account on the basis of the implementation and success of these policies.” That letter writer is absolutely right, these reforms are only limited but the beauty of Clothier, - which I think Deputy Southern was alluding to - is unlike virtually all of today’s recommendations, which are important as a stepping stone or a building block. It was a coherent report. It looked at the whole system and that is why it was said: “If you take one piece away the whole thing will collapse.” I think that was absolutely true. It was a coherent report. It was based - they will deny it - if not on the assumption it was certainly based on the strong hope that there would be some kind of party politics or that there would be some grouping together of like-minded people in various clusters and so forth and so on. Of course, the reality has been that the like-minded grouping has been around the Council of Ministers but it has not really worked for a variety of reasons of which people like me are partly responsible, it has not really worked within the House as a whole. But I think the beauty of Clothier was it had an incredible logic to it, it looked at all the major functions of government in a holistic way, and it

said: “If you want to move forward this is how.” As the letter writer to the *J.E.P.* said: “If you pick just part of it, important though this part is and historically overdue though this part is, you are not going to get much of a change.”

[15:30]

So the best thing that can be said is if you do support this is that you will start on the road to coherent reform. At the moment the public see this as just single people bringing forward the trumpeting of single vested interests sadly. That is why we are earning such a bad reputation and to that extent I do support entirely what the Deputy of St. Mary is saying. But I am afraid we have got to start putting the building blocks in place, and one of them is we have got to start getting equality. I wish the Constables’ issue was settled otherwise, I wish it had been put to referendum, we could have put it to bed, we could have accepted the conclusions of the referendum and then we could have designed ... admittedly as people are saying, it is almost impossible to square the circle but there are ways of possibly squaring the circle. We could have squared the circle either by incorporating the Constables and doing the mathematics around that or we could have gone with the clean approach, which is the one that Deputy Southern is proposing.

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

If life is a bowl of cherries, what does that say about the cherry-pickers? I think the cherry-pickers have been a much maligned bunch and I think when you do pick cherries you pick everything that is capable and worth picking. In this instance I think we cannot do any better than to go with what Clothier came up with in total. I think the only thing that is worth voting for positively today is Deputy Southern’s proposal which, in essence, is Clothier, we should have done it years ago, there is still time to do it and I would urge all of the thinking cherry-pickers among us to vote to clean the tree. It is the only way that we are going to make any move forward and that is what I will be doing and I hope everybody follows suit.

10.1.4 Senator L.J. Farnham:

I was one of the few Members here who participated in the Clothier debate. I know what you are thinking; I do not look old enough, but I can assure you I was here. **[Laughter]** You must have been listening on the radio, Deputy, in those days or the wireless. I have forgotten what I was going to say now. I remember the debate very well but unfortunately I think Clothier was hijacked by the Machinery of Government issues because it was a whole package and the Assembly did get caught up on this passion, this sort of affair with Ministerial government which the Assembly then went on to wed, and of course we are working within that system now. We are talking about refining that system or changing it further as we want to bring the second part of Clothier into it. I think at some time in the future we will end up with something that is very similar to Clothier, it was before its time then and it is still slightly before its time because we still have the Constables and the majority want to keep the Constables. Even more people want to keep the Senators but I am saving that for a bit later, or possibly tomorrow morning. So, again, while I admire Deputy Southern, he has done a lot of work, he knows his subjects very well when it comes to these reform debates but I just do not think trying to bring the second half of Clothier in now, as we are about to look at the Machinery of Government again and I stick to my guns, I cannot support anything that does not contain at least an element of the Island-wide mandate so regrettably I cannot support the proposition.

10.1.5 The Connétable of St. Helier:

The last speaker revealed what I described in my earlier intervention as a remarkable degree of disdain for the ballot box. The fact is that the Island-wide mandate was comprehensively voted down during the referendum. As I have already said, it was not the perfect process but it was a process that this Assembly adopted, this Assembly had the choice to refine and to improve and it

was put to the public at the ballot box in April this year. So to talk now about the Island-wide mandate does seem to me to not be listening. Now, I am caught ...

Senator L.J. Farnham:

Would the Constable give way? I think he is talking through his hat. [Laughter]

The Bailiff:

I am not sure that was immense clarification. [Laughter]

Senator L.J. Farnham:

In that case I do apologise.

The Connétable of St. Helier:

I am caught on the same point that I have just made about the Senator, because of course I cannot, like a lot of Members help but be impressed - 10 years on - by the simplicity and the clarity of what Clothier was proposing. When you look at the latest objective and independent report that has been put before us by academics who know their stuff in P.P.C.'s report - and it is on page 8 of that report, appendix B - it is quite that the default position, which is the one we labour under now is the worst possible one to move forward to in terms electoral fairness and equality. The one Deputy Southern has put before the Assembly this afternoon is the best. So surely any rational Assembly would be biting his hand off and saying: "Let us get it done, let us not talk as Senator Farnham did about a review of the Machinery of Government 10 years down the road. Let us get on and do it." But, of course, I cannot help but being struck by the arguments that I was making as a campaigner for option A, that so much of what is in Clothier, without the super-constituencies - and that in a way was what was so good about Clothier - it did keep the Parish districts for the elections. That was lost at the ballot box. If I were to support Deputy Southern this afternoon I would be like other Members saying: "I do not really care what the public voted in the referendum because I am going to substitute something else instead." So I think Clothier will have its day. Of course when I spoke in favour of option B I said then that option A will have its day. But I do believe if you are going to hold a referendum then you have to run with what the public want. The fact is we did not and much as I would like to support Deputy Southern, that is why I cannot support him this afternoon.

10.1.6 Deputy J.A. Martin:

I will be brief, I just want to say something because the Constable of St. Helier has spoken. He is saying that he cannot support Deputy Southern or Clothier ... which is now 13 years-old and I myself was a very young woman when I debated that many, many years ago like Senator Farnham. I think he must drink from a fountain of youth because he has not changed that much. But the Constable of St. Helier based his speech on the issue of listening to what the public wanted in the referendum and now if he goes somewhere else he believes he is deserting the public at the ballot box. What you have to do is take a step back, the whole of the super-constituencies were a compromise by the Electoral Commission because the majority of the public wanted to elect everybody on an Island-wide mandate. So what did they come up with? A compromise. Not what the public wanted, the main representation to the Electoral Commission was that they wanted to elect everybody on Island-wide. So if you start off with an option that is bad and then make it worse by adding other options into a referendum, obviously what the public have got left to vote for, who are staunch voters, is not very good. This is 13 years-old, it made sense then to me, it makes sense to me now. I would vote for this option and I will wait obviously for P.P.C.'s because it is the second worst option, otherwise we will be at the default option on 15th October next year and that is not where we want to be. So do not stick religiously behind: "I am supporting what the ballot box told me in the referendum" because if you put rubbish in you get rubbish voted on.

10.1.7 Senator S.C. Ferguson:

Just a quick comment. I was not going to speak but I have been playing with the numbers. I have got all my speeches from the last debate but I am not going to subject you to them again. Looking at the numbers perhaps the Deputy would like to explain when he sums up where he gets the number 17 from, because playing with the numbers it could be 16, it could be 15. There is a certain amount of elasticity in these so I feel that perhaps we need to examine the mechanics of it again.

10.1.8 The Connétable of St. Mary:

Just very briefly about the Island-wide mandate and the large constituencies as to address what Deputy Martin said. There was a lot of support for a wide mandate, not exclusively Island-wide but wide. There was a considerable amount of support for an Island-wide mandate but, and I will read from the Commission's report: "Notwithstanding its popularity, the role of Senator seems to us to be inconsistent with the adoption of a single election day." That is the core of where everything started because that was the thing that people wanted most in our Mori poll for single election day. This is going back before the Commission. The compromise element was in offering something that was broader than the local mandate, something that would engage the candidates in a broad debate about the big issues. A lot was said at the roadshows that the Commission went on - do not forget we did 2 rounds of consultation, we had an interim report, consultation on that and a final report - about raising the game of debate, raising the game of candidates at the hustings, getting the big issues discussed as well and how it was felt that the only compromise that could be offered to keep that bigging-up of the issues was a broad electoral mandate. If we could not make it an Island-wide, then make it as broad as possible. So from my point of view, coming down to something where you have got a single Parish mandate again for Members is just not consistent with what the public actually talked about during the consultation process. I think Members have to look back at the reports of the Commission. If you do not like the conclusions that we drew, fine, but look at the facts that were reported from the evidence that we gathered. Because that is not the Commission, that is the public speaking and the experts that we engage with, *et cetera*. So from my point of view, based on what has gone before and what has gone to the public in the referendum, I simply cannot support this.

10.1.9 Deputy M. Tadier:

I am glad that one of our esteemed Members of P.P.C., who is also a strong support of Clothier, has just come back in and I look forward to a good speech from him. But just in case, and we are getting towards the end of the debate, I thought it was important to commend what was called the Clothier review, although it was a review of the composition of government in the round. What is quite interesting is that as the time is going on ... we talked about cherry-picking and there was an anecdote in France, someone said: "*Quand tu cueilles les cerises, tu cueilles avec le coeur?*" "*Non, non, je cueille avec la main.*" So it is all about how you do your cherry-picking. Do you cherry-pick with the stalk on or without the stalk? It seems that French is still understood by some. I am still waiting to see if the penny has dropped for some Members. So it all depends how you pick your cherry. Interestingly the Council of Ministers have come right back around, I think there was support in the past, and they want all the good bits from Clothier, they want to have collective responsibility. The future Chief Minister wants to be able to say who he can have in his Cabinet, he wants to appoint which portfolios they have got and he wants all the power for himself or for herself. Probably for himself. That is understandable but where are the checks and balances. We have talked very much about what the public wants. We all think we know what the public want and I do not think there is a homogenous view, but I believe fundamentally people all want the same, they want a good quality of life, they want to be relatively happy during the short time they have on this planet, which may be shorter or longer depending who one is. To have that I think they want good schools, good roads, affordable and good quality healthcare, all of those things for

us or any future incarnations of this Government to approve. I think they would like a time when they get given policy options, when they can choose on policy and see who they are going to put in Government. They can hope that something is going to happen and they can have some assurance that will be put in place. That does not happen at the moment, we just window-dress things pretty much on autopilot and the public get whatever comes out of the sausage machine in terms of non-policies.

[15:45]

That may have been fine in the past when money was pouring into the Island and we could not spend it quickly enough, but now we need a Government and that is why party politics is back on the agenda. The good thing about Clothier is that it puts accountability right at the heart of its recommendations. That is why it empowers the Council of Ministers to carry out policy in a meaningful way but it also built in a mechanism whereby the electorate can have accountability both ways with their constituent representative. I believe it would be based on single-seat constituencies where you can decide after every 4 years or 5 years, whatever the length will be, whether your particular representative has delivered and if he or she has not delivered they can vote you out of your seat. You would do that incidentally by also having an alternative voting system, which we will be debating, if not this week at some point in the very near future. That keeps every Member in this Assembly accountable if you have delivered on your manifesto. It means that manifesto has become important, you do not have uncontested elections and the electorate can kick us out or endorse our policies collectively and individually. That is what Clothier puts on the table, that is the vision, it is clear and simple and it was not simply somebody coming over from the U.K. as some would like to portray it, it was engaged with very successfully by a cross-section of Jersey society, the membership of which could hardly be called radicals. They were essentially a cross-section of Jersey folk but largely conservative, if it can be said. So I do not think Clothier has ever had the proper airing. We have got 2 bites at the Clothier cherry, if we continue the analogy. We have this one here with Deputy Southern, which says: "Let us just get on and do it" and then P.P.C. gives the option for a referendum. So if Members are seriously saying we like Clothier but it has not been put to the public then at least there will be a second chance to vote for that. That is all I have to say. There is much that is great in Clothier, it is attempting to be cherry-picked by those in power at the moment but they do not want the accountability bit that goes with the electorate inferring with policy plans that would quite happily get on with without needing to provide a joined-up policy manifesto before the elections. That simply is not sustainable and that is why things will end up changing, hopefully in the lifetime of the Chairman of P.P.C.

10.1.10 Connétable L. Norman of St. Clement:

Just briefly, I was slightly taken aback to hear Senator Farnham and Deputy Martin recall the debate on the Clothier proposals 12 or 13 years ago. I was amazed because we never had that debate. The Clothier proposals were divided into 2, if you like, there was the Machinery of Government, which we did debate and eventually approve most of what they recommended, but the composition of the States was never ever debated. The Policy and Resources Committee of the day proposed a plebiscite, the States of the day refused to even debate the idea of a plebiscite and just did not debate the issue at all, which is one of the reasons why we are where we are today, and the mess that we are in. If we stop and think about it and we have the backing of the report from the Privileges and Procedures Committee, this is the only proposition before us which works and does everything that we need it to do. It gives us the general election, which is all Members elected on the same day, on the same basis and for the same term, none of the other propositions do that. It resolves a conundrum of the Constables because I do not want the Constables thrown out of the States but what I do want is the Constables to have the choice of whether they stand for the States or not and for their electorate to decide whether they want their Constables in the States or not.

That is good democratic principles. A number of Members have said: “Yes, we must listen to the public” and of course we must. The difficulty I and most Members have if they are absolutely honest, it depends on which members of the public you listen to because of all the polls that took place earlier when the Clothier proposals were new, you could interpret them in any way that you wished. Indeed, even in recent times the referendum has been interpreted by different Members in different ways and the reasons why there was a small turnout, the reasons why B1 ... it just depends on your personal prejudices. But if you really think about it, what the public tell us, if you analyse it altogether and put it all into one melting-pot, is they want to keep the Senators, they want to keep the Island-wide mandate, they want to keep the Constables, they want to keep their Deputies, they want fewer Members, they want a general election with everybody elected on the same day, quite simply if you put all that in one pot, it is not deliverable so we have really got to take the lead. This proposition today gives us the opportunity to turn Jersey into a modern democracy. We are a good democracy, do not misunderstand me, but this will turn Jersey into a modern democracy where we can be answerable and accountable to the electorate in a much better way than what we are able to do now. So I would urge Members to support this proposition.

10.1.11 The Deputy of St. Ouen:

I would just like to challenge some of the comments made by the last speaker because he says that Clothier would provide a better democracy than what we have now. Maybe Deputy Southern, when he sums up, will explain certainly to the parishioners of St. John, St. Peter, Grouville, St. Ouen, St. Martin, Trinity and even St. Clement why they would be better off with supporting the Clothier proposals rather than remaining with the *status quo* because currently ... my view of democracy is that people can influence the membership of Government because we do not have party politics. Until we do, we need to allow the public, the voters, to be able to influence the composition of government. Currently the people in all of those Parishes I have mentioned are able, and will be able at the next election, to vote for 10, 10 minimum, States Members. Constable, Deputy and 8 Senators. This proposal suggests that St. Ouen will only be able to vote for 2. Is that democratic? **[Interruption]** I really do question that. **[Laughter]** I would much prefer to see the voter members of the public, all electorates, being able to properly participate and influence government and have a far better say in what happens rather than limit them to a small number of representatives based on ... what was the comment that was used? Forgive me while I just refresh my memory. Based on the principle that equal votes leads to equal representation.

10.1.12 The Connétable of St. John:

The Machinery of Government debate, I remember it well. Clothier: we had Senator Horsfall promising us the earth, the whole earth. I challenged him in that debate to put the meat on the bones. No, accepted in principle and unfortunately a lot of my colleagues, the Connétables, took it to heart and supported Senator Horsfall and his in principle debate. What happened? I have said it here many a time, Senator Horsfall never stood for re-election to put the meat on the bones. So we finish up with a carbuncle on a boil. What do we do? We go down the road, we set up this Ministerial system, we have set up quango after quango after quango, given the authority to non-elected people who have given the authority to civil servants, when each Member at that time were in Government instead of at the moment 24 are in Government and 26, 27 out of Government are Back-Benchers. Absolutely crazy. Democracy was in play until 2005. 2006 comes, we have a Council of Ministers. Ten little silos, because on an amendment from a certain Senator, who is no longer in the Chamber, the Chief Minister cannot hire and fire his own Council of Ministers, hence we are in a worse scenario now than we were in the good days of democracy prior to 2005. It was good days. When you think this Island between 1945, 1946, 1948 through to 2005 were the most successful times this Island has ever had. You think back, ladies and gentlemen, everything we have today was put in place in general over that 45, 50-year period. Look where we finish up now,

not successful. Everyone here is complaining we have to do something. Yes, do something, look seriously at going back to a committee system, taking out these quangos, taking out the power from the civil servant and putting it back in place that every Member becomes an active Member of this Government was in place previously. I recall having responsibility for the prison, the immigration, customs and excise, *et cetera*, when I was on Home Affairs. I recall being on Public Services with certain responsibilities, then became Vice President, and I sat on 2 major committees and a couple of minor committees, and there was cross-fertilisation. We did not need ...

The Bailiff:

Connétable, you are going to come back to ...

The Connétable of St. John:

I definitely am, Sir. I am. Do not cut me off at the knees too soon. I am not in favour of going down the route that Deputy Southern has proposed. As far as I am concerned, and I have said it before, we have got a carbuncle on a boil. The Machinery of Government was not put in place as it should have been, there are things that should have happened, but that is all history. Let us move forward, and if we want to move forward look at the successful bits in the past and put that in place instead of going down the road of more government reform, more government reform, more government reform. Use something that has been tried and tested. It may have been slow but use something that was tried and tested.

The Bailiff:

Does any other Member wish to speak? Very well, I invite Deputy Southern to reply.

10.1.13 Deputy G.P. Southern:

With some 12 speakers we have had a reasonable debate on this and as the Connétable of St. Clement said, the first debate on this although it feels like we have been here many, many times before. The first comment came from the Deputy of St. Martin and said: "How do you justify your statement about the quality of voting?" and the answer to that is that as far as possible within a Parish system this is proportional. It is proportional to the number of voters. So it is the weight of vote that count. Not the number of votes, as the Deputy of St. Ouen seems to confuse democracy with: "If I have got 33 votes, I have got more democracy." No, you have not. You have democracy when everybody has the same share in terms of the representation that they can vote for. Then the question came from Senator Ferguson as to where the figures come from in my proposition. If she looks on the table on page 5 she will see that one in the middle, St. Ouen, is almost bang on the average. So in an ideal world everybody would have 2,038 voters voting for them. That would be the constituency size. The variation, the deviation, from that is quite significant but that is where the average comes from and that is where the 17 comes from, 2038 voters each or thereabouts.

Senator S.C. Ferguson:

Can I ask for some clarification?

The Bailiff:

It depends whether the Deputy will give way.

Deputy G.P. Southern:

Yes, Sir.

Senator S.C. Ferguson:

What sensitivity analysis did you apply? **[Laughter]**

[16:00]

Deputy G.P. Southern:

If the Senator will turn to the paper supplied by the eminent Professors Johnson and McLean they would look at a further explanation about what is going on in terms of their measures and they say: “The standard deviation of the ratios for all districts in the scheme, if the allocation is entirely proportional, every district ratio would be one and the standard deviation would be zero. The larger the standard deviation the greater the average deviation from proportionality across all districts.” If the Member turns then to page 8 she will see that my proposals in terms of deviation, under-representation and range are the best by, I would say, a fair margin. So that is where that comes from.

Senator S.C. Ferguson:

I did not ask what the P.P.C. professors said, what I asked was what sensitivity analysis the Deputy did.

Deputy G.P. Southern:

I have given my answer. What I am grateful for is the Constable of St. Clement’s words. It is refreshing to hear a Constable who has consistently over the past 13 years supported Clothier. Whenever he could he has voted for something close to it. He said this listening to the voices of people, as he described ... not quite, but I am describing it as it depends who you listen to, it is selective listening. I listen to what I want to hear. The fact is that the Constable of St. Clement has got it in one, I think. For those of you who feel that despite the arguments they still want to vote against movement, I would appeal to them, in particular the Deputy of St. Mary and Deputy Baudains, who are just sick of the whole thing altogether. Gird your loins and vote, one more push, be bold, be brave. Let us go for it. Senator Farnham, and perhaps even my own Constable, has said: “I am sure Clothier will come at some stage.” Some stage, some time never. I say this is the opportunity to make sure Clothier arrives, you can vote for it now. That is the reality. As I think it was the Constable of St. Clement said, we can talk about the building-blocks to Clothier all we like but I think many of us believe that somewhere in our feelings, if not necessarily our thoughts, eventually we are going to get something like Clothier sooner or later. As the Constable of St. Clement said, we have the chance to build a modern democracy. We have a good democracy, we can build a modern democracy. Referring to Deputy Le Hérissier, I say to Members, please, please let us get out of the 19th century and build something for the 21st. I call for the appel.

The Bailiff:

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

POUR: 16		CONTRE: 28		ABSTAIN: 1
Senator P.F. Routier		Senator P.F.C. Ozouf		Senator F. du H. Le Gresley
Senator A. Breckon		Senator S.C. Ferguson		
Connétable of St. Clement		Senator B.I. Le Marquand		
Connétable of St. Lawrence		Senator I.J. Gorst		
Deputy R.C. Duhamel (S)		Senator L.J. Farnham		
Deputy R.G. Le Hérissier (S)		Connétable of St. Helier		
Deputy J.A. Martin (H)		Connétable of Trinity		
Deputy G.P. Southern (H)		Connétable of St. Peter		
Deputy J.A. Hilton (H)		Connétable of St. Mary		
Deputy S. Pitman (H)		Connétable of St. John		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy T.M. Pitman (H)		Connétable of St. Brelade		

Deputy M.R. Higgins (H)		Connétable of St. Martin		
Deputy J.M. Maçon (S)		Connétable of St. Saviour		
Deputy R.G. Bryans (H)		Connétable of Grouville		
Deputy R.J. Rondel (H)		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy G.C.L. Baudains (C)		
		Deputy of St. John		
		Deputy J.H. Young (B)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Mary		
		Deputy of St. Martin		

11. Composition of the States Assembly: interim reform for 2014 and referendum on further reform (P.116/2013)

The Bailiff:

Very well, we come next then to Projet 116 lodged by the Privileges and Procedures Committee and I will ask the Greffier to read the proposition. The Greffier has reminded me this is a very long one, are Members content to take the proposition as read? Very well, Deputy Maçon.

11.1 Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):

It has been a long day and I think we can all agree with that. I want to start with something which we all need to consider when we are talking about these debates. It is one of those things that lurks in the background, something which we do not bring to the forward. These debates are all about power. Who has power, how they can influence the laws and the Assembly and the policies that govern them. Going forward we must ask ourselves how should power be best divided up between the community that we have on the Island. Members will know the history of this whole affair. The Privileges and Procedures Committee were requested by the States to come forward with further propositions on reform, to seek further alternatives with the adoption of P.74/2013 proposed by Senator Le Marquand. Members will be aware of the process that the Privileges and Procedures Committee followed in order to try and assess whether a variant of the option B proposals could come forward. We submitted a questionnaire to Members and we had 33 responses from States Members, which was a mixture of those who supported the proposition and those who did not, and the abstention. When we analysed what those Members had to say, not every States Member did carry out the questionnaire but some wrote in their thoughts, what they thought was important, and I would just like to begin by thanking those particular Members for the professionalism in which they decided to help and aided the committee in its work. Having taken into account Members' views and those expressed by the public to the Electoral Commission, P.P.C. came up with an interim solution as well as a proposed referendum on the Clothier proposals. Firstly, the committee proposes that the role of Senator should be maintained until agreement can be reached on its future. The committee has proposed a reduction in the number of Senators from 8 to 6. The electorates are used to electing 6 Senators at one time and this will ensure that there is a meaningful contest in the elections in October. This change would also reduce the number of Members to 42, which was something which came forward from the consultation of the States Members where there was a strong will to see a reduction in the States Members, though not as severe as 42. Many States Members expressed to the committee that they were very concerned about ensuring that the good

governance and the good functioning of this Assembly was something that was very important to States Members. They were, in the main, not able to support a reduction to 42 Members. When we were looking at the numbers, and which we should bring forward to the Assembly, we had to bear this in mind. Also when looking at the responses, the committee could not say that there was a great enthusiasm for the establishment of the super constituencies. What came shining through though was that the parochial system, the Parish system, was something that Members felt was very important and it is something that should be retained, possibly enhanced. It is something that we have had to factor in and therefore, when we come to looking at the role of the Constable, what came forward from States Members ... although, again, even if you look at the referendum result, all the submissions to the Electoral Commission, the role of the Constable has a very strong 50/50 divide. It does tend to polarise people but what came through clearly is that States Members did not feel that the role of the Constable should be changed at this stage. As we carried on, we found that States Members did acknowledge and desire and appreciate the importance of proportionality between the various Members of the States. However, if you do keep the Constables as they are, it means that inevitably you get that imbalance because you cannot achieve voter equality because of the different sizes of the population of the House. We all know this. How can we address this? As Members will see in the appendix to our report, P.P.C. considered different machinations of how this could be done by redistributing the Deputy seats. We did consider whether we could reduce the number of Deputies to a different amount but the problem is, if we do that, depending on the number you get, it can lead to significant variations apart from each other. In the interests of fairness and getting that parity within the current system, the committee found itself having to support 29 Deputies. So I hope that explains how the committee came to reach its numbers in the end. We appreciate we have been controversial in saying and opting to reduce the numbers of the Deputy seats in Trinity, St. John and St. Mary to zero and to balance that out by adding a Deputy to St. Clement, reducing one from St. Lawrence, adding some to St. Helier in order to try and achieve that balance. Again, it is not quite as radical as the committee would like to have gone but we were limited to the time in which we had. We also had other propositions by Members that had been lodged in order to put pressure on the Committee to produce something. Nevertheless, the Committee has produced something and while there are some Members who may not like the proposals, if we are to do any sort of evidence-based understanding of how we analyse things, if we refer to the report commissioned by P.P.C. where we asked 2 professors, one from the University of Bristol and one from ...

The Bailiff:

Deputy Maçon, I am so sorry to interrupt but a matter has just been drawn to my attention and I must apologise to Members. It transpires that your proposition was lodged on a date which means that if it is to have the full lodging period, it cannot be debated until tomorrow, which no doubt is when it was expected to be debated so the Assembly, I think, has a choice. We can either adjourn and start again tomorrow or somebody can propose that the lodging period be reduced.

Senator P.F.C. Ozouf:

Sir, on the basis that the debate has already started and clearly it would be perhaps unwise and not conducive to the good reputation of the States, perhaps I can suggest that there should be a reduced lodging period.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to say anything on it? Deputy Tadier?

Deputy M. Tadier:

I will not, no.

The Bailiff:

All those in favour of reducing the lodging period to allow the debate to continue, please show? Those against? Very well. Do Members agree we do not need to start again? **[Laughter]** We can recall what Deputy Maçon has said.

Deputy M. Tadier:

Sir, can I just ask for the record now that it does not influence the vote on, I guess it is a point of order. Would the test for that also have been whether it is prejudicial to the interests of the Island of Jersey? For future reference, it is only if I ever need to be asked for a lodging period to be reduced for whatever reason.

The Bailiff:

No. That is the only grounds upon which the States is entitled to reduce the lodging period.

Senator L.J. Farnham:

Sir, just very briefly, does the same apply to Deputy Green's proposition? No? In that case, thank you.

The Bailiff:

Deputy, I am sorry about that. I apologise to Members for the fact that it was not picked up.

Deputy J.M. Maçon:

Thank you, Sir, and I thank Members for addressing that technicality. I will just try and gather where I was.

Senator L.J. Farnham:

You were just finishing off, Deputy. **[Laughter]**

[16:15]

Deputy J.M. Maçon:

Thank you. Yes, turning to our report commissioned. Obviously P.P.C. was in a difficult situation having to lodge its own proposition and provide comments on other Members' propositions coming forward. But we did commission it and once it had been independently reviewed, it came forward that our proposition was second best out of all of those that had been lodged. To echo the words of the Constable of St. Helier, if you compare what the *status quo* would be, it is the worst option and therefore with everything else that has already fallen, perhaps Members would like to consider this matter afresh. To reference the Clothier Report, some Members may argue that each Parish needs to have more than one representative to represent them. Even in the thought-out Clothier proposals, it makes it quite clear that that is a political decision. There is nothing to say that one Parish must have more than one representative within the Assembly, it is simply a decision that the States Members wish to make. Going on that, trying to make the fairest system that we could, we have made the recommendations that we have made. Finally, I can advise Members that my Committee would like to take a separate vote on part (e), which is looking at what I would say is how a proper referendum should be done at the time of a general election and with a clear yes/no question. On what is on the Clothier proposals, it is entirely up to Members whether they feel that that is appropriate, however, my Committee felt that it was absolutely right that as we reform the system on the governmental side to increase what were the Clothier proposals, it is right that this question should be put forward to the electorate for them to consider. It will be up to States Members whether they feel that that is appropriate or not. I will not go on any longer. I thank Members for their attention and, on behalf of the committee, I would like to propose this proposition. Thank you.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Very well. I call the debate to an end. Do you ask for an appel?

Deputy J.A. Martin:

As you looked around that way, I put my light on, Sir. But it is up to you.

The Bailiff:

Cutting it very fine, Deputy Martin. Very well. Deputy Martin.

11.1.1 Deputy J.A. Martin:

I am now in my third invention of the P.P.C. and we were asked to do something after the debacle of the debate on the referendum and we were asked to do it as quickly as possible and to be in time for the next election. Like the Chairman, I would also like to thank you for the thoughts and the comments made by 33 States Members and who, obviously for different reasons, only 28 voted against the proposition but for other reasons, there seem to be more people who seem to be free to talk to us about what they felt. Maybe some felt that they had to follow what the electorate had said and that was the only way, whether or not that they thought that it was the right thing to do. So, where were we? Yes, I did support Deputy Southern because one day and for different reasons, but like the Constable of St. John, I was duped in 2002 and 2003 and told: “Yes, get the Ministers, give them power and they will bring in Clothier and one Member and everyone would have an equal representation in the House or represent an equal amount of people.” This is what this is about. The Constable of St. Clement said we never had that debate. Well, I have sat through so many reform debates here that may have had Clothier on it, Clothier type 2. We had the amendment to the Machinery of Government, which was brought sadly by the late Senator Vibert and it was only missed by, I think, 2 votes after a 4-day debate. You think you have had some tight blood baths in this House, you have not until you have set through a Machinery of Government at least 20 times. But, where are we today? We have done the best and it is fundamental on what you agree that people need. When this was lodged, put in the paper, the first person I heard on the radio was the Deputy of St. Mary and I think I am quoting verbatim was: “Why would you give St. Helier more votes in the House? They do not even turn out to vote. St. Mary’s people are very happy and they do not want to get rid of their Deputy.” Now, why would that be said? Why did the Deputy of St. Mary look at himself as the Deputy of St. Mary? It is a bit like Deputy Southern’s proposition. All we are saying is that in St. Mary, Trinity and St. John, you will have one representative. We call them Constable. It does not mean the Deputy of St. Mary cannot stand against the Constable but it does not mean either that he cannot stand anywhere else. If he is a good Member for this House, who can be elected and represent people, he can stand anywhere. Like most people do; come to St. Helier. It is the first port of call when you cannot get elected anywhere else, let us go there. That is basically how people look at it because we are not one-seated constituencies but we have not moved for years and years and years. We are still 4, 3,3 and we, as the Constable of St. Mary pointed out early on in another debate, which seems very similar, St. Helier does have a third of the population. The Deputy of St. Mary is right, they do not vote because many of them are so suppressed, depressed and impoverished, this is the last thing they want to know. There were a lot of “pressed’s” but they **[Laughter]** ... they certainly are not over-represented in this House. Senator Ferguson wants to know where did that magical number come from. You do know we have another 15,000 to 20,000 leaving in St. Helier from even when Clothier was written, I think. It is thousands, and thousands more planned. Especially downsizing. So I think we are at the Last Chance Saloon here with P.P.C. I think Senator Ozouf’s game shows exactly what it is. We would not have been out of time if Senator Ozouf had not pulled his proposition at the last minute, therefore, Senator Farnham - I will not give way – is thinking: “Now, which horse do I back? Am I

going to be on that winner like A.P. McCoy who only needs another couple today to have his 2,000 and go with Senator Ozouf, or do I hitch my carriage to Deputy Pitman? I will have no chance there.” I will not give way. He might stand up and tell me I am talking through my hat as well and if that is all he wants to say I am not giving way. He had a chance to speak. So we are where we are. Bring back Senator Ozouf if he wants to. We do have another debate, yes, it is Deputy Green’s who divides St. Helier back into 3, but it does not really deal with the over-representation in other places. It does because it goes back to super-constituencies but then that does lose the Parish. I did not vote for Deputy Pitman and I would not vote for Senator Ozouf because the more I read and the more I heard and the more debate on the proposition to go to a referendum, and on the referendum debate put through by P.P.C., I have more and more concerns about this super-constituency. People do tell me bring it in - and it will not be in my political lifetime - you will lose the Parish connection. So really if that is what I was looking for, if any of you were looking for that, go for super-constituencies because that is what you will lose. Because there is this confusion, like me and the Constable of St. Mary, I think we perfectly understand the Constable will be elected on a Parish basis and is there to represent their Parish. Fine and proper and absolutely right.

Deputy J.M. Maçon:

Would the Deputy give way? Are they there to represent their Parish or are they there to represent their parishioners?

Deputy J.A. Martin:

Well the parishioners, the Parish. That is fine. So that is where we are. If you really want to get rid of the Parish system you will not vote for this. It will be another few years down the line, because if you want to keep the Parish system you really cannot vote for what is left and that is Deputy Green’s and Senator Ozouf. I am sorry that the numbers do not add up, I am sorry that the voters in 3 Parishes will only have one representative and Senators to vote for, and we call them Constables, but it will even out the people in the town and the small Parishes. This is endorsed by 2 independent professors that we asked to put comments to our figures because we felt that we could not do it. I thank everyone for listening, I have gone on a bit, but I do think this is so important. It is what you believe. How can you have a system that is fair and representative, proportionality, the amount of people who you are voting for, or the people, as Deputy Tadier in his quite extreme example said 1,000 to 100. But that sum you do get if you keep 2 representatives in some of the smaller country Parishes, and it will get worse. It is getting worse every time you build in an estate in St. Clement, St. Saviour, St. Helier, and it will only get worse. So we are where we are and I think this has been the best on the table, after Deputy Southern’s which got a few more than I think Deputy Pitman’s. It should be a short debate because I was the only one who wanted to speak and I probably have not sparked any interest either. Thank you.

The Bailiff:

Yes you have, from Deputy Pitman, is that right?

11.1.2 Deputy T.M. Pitman:

I was inspired by my colleague. I am only going to speak very briefly because what I want to focus on really is what Deputy Martin said there, probably the Last Chance Saloon. I find it quite sad, this debate. I nearly missed out speaking, not because I did not want to support this but because I found it so hot and stuffy in the House I found it quite hard to keep awake to be honest, no disrespect to Deputy Maçon. But what is apparent by this disinterest in these 3 propositions - and we know this thanks to the professors that P.P.C. engaged, much to their credit - that the sad fact is, and the listeners on the BBC need to take note of this, the majority of Members in this Assembly do not want the best for the Island-wide community. They do not want the fairest system. They do

not want equality in terms of voting parity. What they want is to maintain a massively over-represented countryside over St. Helier. It is very sad and I think it is shameful for an elected body such as ourselves. I have not heard one Member give a proper reason why the people of St. Helier, who I represent, should not have that parity. For whatever I think might be the flaws in our P.P.C.'s proposition, under the examination of those professors it scored very well. But it is quite clear, and it shows what a farce all of these debates are, that Members are not going to be moved by what is best for the people. What they want a vote in is what is best for them. I am proud to say that I am not one of those Members. All I want is parity for the people I represent. Deputy Maçon and the P.P.C. have done a pretty good job. It is not perfect, I think they would acknowledge it is not perfect, none of these are. But you can see the writing on the wall, it is going to get thrown out, and I would just like to highlight that I think that is very, very sad and possibly, if we could, we should stop the debate after this because, as we know, with due respect, the propositions that will come after this are far, far worse in terms of that equality. I will support the P.P.C. but we are, I am afraid, an Assembly that supports inequality and discrimination and that is very, very sad.

[16:30]

11.1.3 Deputy J.A.N. Le Fondré:

I think for me when I looked at this it started ticking more boxes than some of the other propositions. Unfortunately that is all I can say about it. I am happier with 47 definitely, as a minimum number. It obviously is Parish-based, not super-constituency, so that is definitely a major plus. The difficulty there is obviously probably one should have brought an amendment, but again this comes back to the parameters we are operating on which is the only reason I really wanted to stand up and speak. The question here is: Is it right - and bearing in mind the proportionality issue - to remove a Deputy from 3 Parishes, so St. John, Trinity and St. Mary. So in other words one is getting closer here. But the trouble is with all this lot is if one goes down the line of saying, okay, we do want Senators and we do want Constables, and then the resultant factor is the Deputies, and taking account of the proportionality issue - which is real - then I do not think you can do it and reduce States Members as well. You have still got too many conflicting arguments going on as to what you are going to achieve. That is - and I do not like the expression - the elephant in the room. We have the focus of reduced States Members but interestingly enough, as I have had a discussion with one of the Constables recently, we all accept that workloads at the moment - whether it is the right workload or not - is heavy, whoever you are. We know the population has gone up significantly to when we had 53 Members. I thought I would stand up and be brave, I hope, I do not want to sound calling from all the States Members nonetheless, but that is one of the dilemmas one has to deal with. It is a numeric game. Funnily enough, when I went through one of the iterations, I have spreadsheets the length of my arm on some of these, is how much is it number-driven and how much is the core thing that proportionality is the issue, or is there a wider issue because of the people you are dealing with. Unfortunately I did not get to a resolution in my mind so I am afraid I am not supporting this one either because I take proportionality issues absolutely clearly, but I am uneasy at the other end of removing Deputies from St. John, Trinity, and St. Mary particularly. I will stop there. We do have to grapple this issue of Senators, Constables, Deputies, and reducing Members. It does not all come together.

11.1.4 Deputy M. Tadier:

Itchy trigger fingers on the mics today for some reason. It seems that everyone wants to speak but no one wants to go first. That is fine. I want to hear from the Deputies of St. John, Trinity and St. Mary, and general Members who support the Constables being in the States as to why these smaller Parishes should get 2 representatives when mathematically they only deserve one. Is there a good reason for it? The Electoral Commission themselves said in their report that if the Constables are to remain in the States - this is pre-referendum remember - that they must continue to play a full part

in the work of the Assembly. It would not be acceptable for any States Member not to carry a fair share of their work simply because they had other responsibilities. We alluded to that earlier, I think it was during question time or during open debate, that of course there are 2 workloads and notwithstanding every Member has different workloads not always limited to their constituencies, it has to be added. I would like to hear why on the one hand those who have vociferously campaigned for Constables to be in the States because they represent the Parish, that is why we must have Constables automatically in the States even if their parishioners do not want them in the States and even if a potential Constable candidate does not want to be in the States, that must remain so we are told. Why does St. Mary need a Deputy? We have the Constable of St. Mary representing that district in the States, what does the Deputy bring to it apart from simply doubling the representation that they have when St. Mary are already over-represented in this Assembly anyway? Are we going to give St. Helier ... rather than 17 Deputies will we give them 34, by that logic? If we are going to give 2 to the small Parishes let us have 34 Deputies in St. Helier. I am willing to go with that, that is fine. If Members seriously want to keep Deputies and Constables and to propose that they be represented in that way let us double all the other seats in the constituencies. Is that what we want? I do think people want 100 Members in this Assembly. One must face the logical consequences of what one goes with. We cannot have it all ways. What P.P.C. has tried to do, and I think it is very modest but potentially far-reaching, is that we have sat back and we have realised - without being pessimistic but being realistic - none of these amendments were likely to go through. We have seen that evidence so far, we have another one of Senator Ozouf's which I do not think that is going to go through. So P.P.C. has a responsibility and we were charged by this Assembly, remember, to go away and to seek alternatives and that is what we did. Some Members tried to jump the gun by lodging their own before that, but it was agreed that we should debate these all on the same day, even though that has not been respected by one Member. So we have an issue here. We have looked at the current system; we said if all the other reform options failed we are left with the current system which we know is inadequate. The Electoral Commission told us that. That States Assembly who voted to set up an Electoral Commission told us that the *status quo* is unacceptable. That is the default position and that is what we face winning, despite the fact that option C unquestionably came last in the referendum - we quibble about who came first, *et cetera*, or whether there was a clear result - we know that option C came last and yet we are going to face it. option C must be patting themselves on the back here thinking: "This is great, we have managed to upset the apple-cart, when it comes back we have got 20 per cent of the vote and we have won the referendum." We are going to allow that to happen, are we? That is why P.P.C. has come back and said: "Look, we know that it is very difficult to put any reforms through. We have had a referendum which was unsuccessful for various reasons. The only chance of us getting future reform if we are going to do it in a way that can be credible is to include the public in that. We need to have another referendum in order to that but we cannot possibly do a referendum now, the electorate do not trust us." So what you do, you have it at the time of the next election and you put something credible to them which is Clothier. It was independent and it has not been tampered with, although it has been cherry-picked but it is not tampered with ideologically, it is the most objective report that we have had to come out in the last 15 years on the composition of our States Assembly. So we looked at that and said: "Okay, in the meantime what can we do? What are the interim changes that we can make?" First of all, if we are electing 8 Senators at the next election that is going to be a nightmare. We know it is difficult enough electing 6 already. We had 21 candidates at one point I think in 2008 for 6 seats. The result was fairly predictable, it was not particularly representative because under our majoritarian system of first past the post or the equivalent for multi-constituency seats you do not necessarily always get a representative spread. Those who are elected towards the bottom - as we have seen in another document which has been lodged, P.110 - as you get towards the end those who are elected fifth and sixth tend to have maybe 30 per cent of the vote, and do not have the confidence. How are

we going to elect 8 Members across the whole Island? So the first thing we thought, well, let us leave it at 6, we know that we are going to have Senators in the next election. That is a good transitional arrangement to have, 6 is manageable, we are not sure if S.T.V. (Single Transferable Vote) is going to come in so we know that 6 can just about work, 8 certainly cannot work. So that is a good thing which I hope Members will support as part of the package. We have also looked at the issue of representation but we did it in such a way that we did not need to change the constituencies. We could have done that but we deliberately kept the constituencies as they are, partly for simplicity so that everyone knows where they are in the next elections, the districts do not change so you still go and vote in the same places. But in order to make it fairer you tweak the seats and the amount of representations. What I am confused about is that I seem to remember people who wanted moderate reform saying: “We quite like to have Deputies, Constables, and Senators, you just need to tweak the boundaries to make them fairer.” Well, this is what we have done. We have done this as far as we can based on numerical accuracy, and it means that we need to give St. Helier 5, 4 and 4, so 13 Deputies altogether. It means that St. Clement will get an extra Deputy because that is what they deserve. It means that the smaller Parishes will lose a Deputy because they do not need to be represented by another Deputy. So there are loads of positive things going on here, and of course the 12 Constables will remain in there. In the interim they will remain in there and we can all have a proper yes and no referendum which we can campaign on. We can campaign positively on it. We do not have to say there is some future thing which is better. That will be hopefully an interesting referendum but people will be coming up to vote anyway, it will become an election issue, it will be discussed Island-wide because we will have 6 Senators being elected throughout the whole Island, so that is a good transitional arrangement. It may well be that Senator Farnham’s idea does find favour in the future. It may well be that the public want to keep a certain number of Senators. There is certainly some merit in keeping Senators there so that the Chief Minister or certain Ministerial positions can come from that pool. But that is up to the public really and we need to get some feedback. So I would ask Members not to throw this out. It has had some criticism because people have been saying it is not radical enough but what do Members want? The radical stuff has already come and gone and it has been rejected. This is not the end of the reform debates, this will be an ongoing thing. These are a very modest package of reforms and I hope that Members will support these packages as they were brought forward by the Privileges and Procedures Committee after much debate, after much compromise, in good faith, and we believe from the starting position that we find ourselves in now this is the best package we could come forward with.

11.1.5 Deputy G.P. Southern:

It is 4.40 p.m. on day one, it feels like I have been locked in the mad house. The question I face is do I vote for second best and I think the answer might be yes, unfortunately. What we have here is the anathema to what I suggested earlier as to what has gone wrong with this debate, you cannot have everything. Yet here we have a committee which appears to have tried to throw in a bit of everything into the pot. I will add to the list I had before, not only do we have Senators, Deputies, Constables, it might revive Jurats and Rectors, and for the Constable of St. John, let us bring back the committee system and Uncle Tom Copley and all, could be the rationale because there does not appear to be much rationale. I must go to the *cliché*, of course, as soon as you get a committee that set out to design a horse, they end up with a camel. I was looking at this particular camel and he appears to be one leg short of a full compliment. What is worse, it appears to have a backside at each end. **[Laughter]** Now, I know I might upset some members of the P.P.C. when I say that but that is quite frankly what I see. This is a mess. However, it is the only mess we have and I have to take the Bob Hill option. Bob Hill used to say this is one of those hold your nose votes. You do not much like it but you feel you have to vote for it. So I will be voting holding my nose and taking the Bob Hill option.

11.1.6 The Deputy of St. Ouen:

I would just like to focus for a minute on part (e) with regards to referendum. I like to ask the Chairman of the Privileges and Procedures Committee to explain to us all why he believes that this time around a referendum will provide the answer and be seen to influence reform, especially when Deputy Maçon - before he became Chairman - highlighted some of the problems currently that we have with the referendum, especially when we seek to influence outcomes within Government. That is that is not binding. That is the first question. If he going to stay with the advisory how meaningful will it be? Secondly, and we have heard it again today, the low turnout with regards to a referendum. Again, Deputy Maçon in a previous debate highlighted the fact, let us set the bar high, like everybody else, it is nothing new, everybody else does it this way, they are binding but they set the bar high, you get a high percentage of voters, over 50 per cent or 55 per cent, and whatever decision is made that is the decision the Government take. It would reintroduce trust, he said, in this Government, and faith in the referendum process. I see nothing, nothing of that being mentioned here. So perhaps, as I say, when the Chairman does sum up he can deal with those matters and perhaps hopefully restore some confidence, both in myself and the Members and public that when we do have another referendum that it will mean something. Thank you.

[16:45]

11.1.7 Connétable J.L.S. Gallichan of Trinity :

Obviously this is really a mish-mash of what we had. Unfortunately if you look at the referendum the Parish of Trinity turned out and 40 per cent of our electors voted in that referendum. Now, to be fair to them, the option for Trinity was joining up with the Parish of St. Saviour which was quite a large electorate in St. Saviour and the feeling was there was a possibility that you might not have a Deputy from Trinity because the St. Saviour representative - because of the amount of votes they would have - all those who stood for Deputy in that area might have got elected. So I find this very hard to vote for because we were taking a gamble with option B in Trinity and 40 per cent turned out and gave a massive majority for option B. So I am going to vote against this because I just think that we took a gamble when we voted for option B in the Parish of Trinity, we could have had exactly what we are facing here, have no Deputy at all, but at least we had a chance to maybe take 3 or 4 places if you had good candidates. This unfortunately just restricts it to the Connétable. It is unfortunate. Unfortunately I think Deputy Le Fondré is correct, we should start from the other end and we do not really know what we want and I cannot support this. It is not just because we only have one Deputy because we could have maybe had exactly the same option B we might have only had one Deputy and a Connétable anyway, or no Deputy just the Connétable. It is not on that reason, but I ask: Why pick on St. Martin, Trinity and St. Mary? It just seems odd to me that unfortunately we cannot come to some conclusion. I was a great supporter of option B and I think that is well-known, but I shall not be supporting this.

The Bailiff:

Does any other Member wish to speak? Members really must show their lights a little earlier.

The Deputy of Trinity:

Sorry, Sir, you were looking the other way.

The Bailiff:

Deputy of Trinity then.

11.1.8 The Deputy of Trinity:

Sorry. I will be brief following my Constable. The chairman of P.P.C. mentioned a parochial system retained and enhanced - and I cannot remember the right word - in the interest of fairness.

But, no consultation is done with these 3 Parishes who, in some ways, their Deputies are just wiped off. So if this is approved today those 3 Parishes of St. John, St. Mary and Trinity, without consultation, will only be able to vote for their Constable. I am asking: is that right? Surely some consultation should have gone first. As has been said before, I think this is like all the options put into a box and the ball is juggled to come out with what is really a mess. Thank you.

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

I think my constituents in St. John would expect me to speak and I will. First of all the proposal for the Senators is attractive to me, and I make no secret of that. However, this would put the voters in the 3 Parishes of St. Mary, St. John and Trinity in an invidious position. They would be wanting to vote or having to vote for a Constable only, and the traditional feeling in the most of the Parishes, including St. Helier, I would suggest, is that the Constable is primarily there to represent the interests of the Parish. What does this mean? This means in a future Assembly where there would need to be Ministers and we now have an extra Minister, who knows, there might even be more than that in the future. But what it does mean is that they would be precluded, perhaps, for voting in a Parish Deputy on the basis that that Parish Deputy would also represent them, but also represent more wider issues, and to be available for a position, perhaps as a Minister, or even as an Assistant Minister. It is difficult for Parishes to reconcile that with their Constable, and we have seen examples in the past where Constables of Parishes have taken Ministerial positions but have found a difficulty in the ballot box at the following election. I cannot support it, even though I am in favour of the element which includes Senators. I just simply cannot. Also, to use a purely mathematical method of deciding flies in the face. If you are going to follow that ultimately logical way of representation for Deputies then you probably would not have chosen to keep the Constables in in the first place. So the 2 kinds of logic are completely mixed. I am sorry, I cannot support it.

The Bailiff:

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

11.1.10 Deputy J.M. Maçon:

I would like to thank those Members who have contributed to this debate. To answer some of the points that have been raised. Deputy Le Fondré made the point of the difficulty if you want to retain a Parish system, but you also want a reduction of Members; but you also want a proportional system. To put all those things together, which is what States Members told us that is what they wanted, and to keep the Constables in, then this is what the result is. Yes, you could keep the Deputies and the Constables from the smaller Parishes, but if you wanted to achieve the parity between the Island, the problem is you have to then go up to 60 Members. We looked at that option, but we knew that would not be holistically supported in this Assembly because Members quite clearly said they wanted a reduction of Members. So in order to keep the balance of keeping a reduction of Members and a Parish-based system, the only fair way to do that we have found, if you were going to keep the Constable you then had to examine the Deputy seats, which is what we did. That is how we got to that conclusion. I know Deputy Le Fondré understands all those arguments, but the problem is I think Members have to accept that if you want a reduction in Members someone somewhere is going to lose out on some form of representation. That is inevitable. The question is: if you want to proceed how do you do that in a fair way? Understandably those representatives who are losing out for those Parishes, of course they have stood up and said: "Actually, for my people I do not think that is the right thing to do." I can totally understand that. But the problem is those Parishes are over represented now. So what is the fair thing to do? The Deputy of Trinity did raise the points about consultation, unfortunately I was not chair of this committee 2 years ago or less than 2 years ago. Anyway, when it started the idea, we

did have some consultational response in the fact that we did look at States Members consultation and we did look at the submissions to the Electoral Commission when we were drafting up our proposals. But, unfortunately, due to the time pressures, it is very difficult. At the same time States Members are here to be elected to make decisions on behalf of the people that they represent or do you want to refer every time you change the constitution back to the people in the way of a referendum and carry out that process. Members can decide what they feel is right, but the problem is in order to do that it is a very time consuming process, which my committee did not have. All the law changes, in order to occur, in order for something to be brought in for the next election, the decision has to be made and the law brought back and approved by about January. So that was the time pressure the committee were working under. The Deputy of St. Ouen asked about the referendum and I would very much like to do an overhaul of the referendum law. Perhaps I will have time to do that, perhaps not. Unfortunately the parameters are set within the referendum law and at the moment I cannot change that. The advantage of what P.P.C. is proposing is that it does give a yes and no answer and perhaps it will settle the issue of Clothier one way or another. Do the people of this Island not deserve the opportunity to make that decision? Perhaps some Members do not think that they do. I personally think they do. I actually think they should have had that opportunity the first time it came around. I do not think it should have been cherry-picked in the way it was. I do not know how I would have voted at the time, but I think the public should have had that decision. Therefore, in a sense, P.P.C. came forward out of feeling duty-bound to deliver this, because we had an opportunity to set something right, which had not been done. I will leave that there. I would like to thank Deputy Tadier for his contribution and the way in which Deputy Southern came to provide his thinking on this particular matter. While this proposition is not perfect, it does provide Senators, it does keep the Constables in the States and it does readjust the Deputies on a proportion basis and make this Assembly more representative of the community that we all serve. I maintain the proposition and can I ask for it to be taken in 2 parts, (a) through (d) and then finally on (e)? I call for the appel.

The Bailiff:

Very well then. The appel is called for in relation to the proposition of P.P.C. The first vote will be on paragraphs (a), (b), (c) and (d); taken as a package. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 16		CONTRE: 27		ABSTAIN: 1
Senator A. Breckon		Senator P.F. Routier		Senator B.I. Le Marquand
Senator S.C. Ferguson		Senator P.F.C. Ozouf		
Connétable of St. Helier		Senator F.du H. Le Gresley		
Connétable of St. Clement		Senator I.J. Gorst		
Deputy R.C. Duhamel (S)		Senator L.J. Farnham		
Deputy J.A. Martin (H)		Connétable of Trinity		
Deputy G.P. Southern (H)		Connétable of St. Peter		
Deputy of St. Ouen		Connétable of St. Mary		
Deputy of Grouville		Connétable of St. John		
Deputy J.A. Hilton (H)		Connétable of St. Ouen		
Deputy M. Tadier (B)		Connétable of St. Brelade		
Deputy T.M. Pitman (H)		Connétable of St. Martin		
Deputy M.R. Higgins (H)		Connétable of St. Saviour		
Deputy J.M. Maçon (S)		Connétable of Grouville		
Deputy J.H. Young (B)		Deputy R.G. Le Hérissier (S)		
Deputy R.J. Rondel (H)		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		

		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy G.C.L. Baudains (C)		
		Deputy of St. John		
		Deputy S.J. Pinel (C)		
		Deputy of St. Mary		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		

The Bailiff:

Very well. So the Greffier will then reset the machine and we will come to paragraph (e) and the Greffier will open the voting.

POUR: 22		CONTRE: 21		ABSTAIN: 1
Senator P.F. Routier		Senator P.F.C. Ozouf		Deputy J.A.N. Le Fondré (L)
Senator A. Breckon		Senator I.J. Gorst		
Senator S.C. Ferguson		Senator L.J. Farnham		
Senator B.I. Le Marquand		Connétable of Trinity		
Senator F.du H. Le Gresley		Connétable of St. Peter		
Connétable of St. Helier		Connétable of St. Mary		
Connétable of St. Clement		Connétable of St. John		
Connétable of Grouville		Connétable of St. Ouen		
Deputy R.C. Duhamel (S)		Connétable of St. Brelade		
Deputy R.G. Le Hérisssier (S)		Connétable of St. Martin		
Deputy J.A. Martin (H)		Connétable of St. Saviour		
Deputy G.P. Southern (H)		Deputy of St. Ouen		
Deputy of Grouville		Deputy of Trinity		
Deputy J.A. Hilton (H)		Deputy S. Pitman (H)		
Deputy K.C. Lewis (S)		Deputy E.J. Noel (L)		
Deputy M. Tadier (B)		Deputy G.C.L. Baudains (C)		
Deputy T.M. Pitman (H)		Deputy of St. John		
Deputy M.R. Higgins (H)		Deputy S.J. Pinel (C)		
Deputy A.K.F. Green (H)		Deputy of St. Mary		
Deputy J.M. Maçon (S)		Deputy of St. Martin		
Deputy J.H. Young (B)		Deputy R.G. Bryans (H)		
Deputy R.J. Rondel (H)				

The Connétable of St. John:

Sir, a clarification, do we not need 26 for this one?

The Bailiff:

No, this is just to hold a referendum. This itself does not require the 26.

12. Composition and election of the States Assembly: reform – proposal 4 (P.117/2013)

The Bailiff:

Very well. Then we come next to projet 117, Composition of election of the States Assembly: reform - proposal 4, lodged by Deputy Green. Again, it is quite long. Do Members agree to take the proposition as read? Very well. Then I call upon Deputy Green.

12.1 Deputy A.K.F. Green

Members will be pleased that I am not going to speak for very long. In fact earlier today I considered withdrawing it completely. **[Approbation]** I knew I would get a round of applause for that but I have decided not to. I think it was Deputy Pitman that said earlier today, it might seem many hours ago, that what we need is compromise. The spirit of compromise. We need to work together in order to get something that might work and something that is acceptable to the public. I do not intend to repeat everything that everybody else has said, but I actually brought this proposition - it is similar to the amendment, it is not identical - that I now wish we had an opportunity to debate last time.

[17:00]

It is similar in that respect, but I have gone a little bit further. The reason for doing this, that technically it might be correct what P.P.C. brought forward, but frankly, I think depriving some of the country Parishes of a Deputy is as unfair. It may be technically correct, but it is unfair; it is under-representing St. Helier. I just felt that it was “barking” to use the term. Sir, am I allowed to use that term, is that parliamentary?

The Bailiff:

It is all right.

Deputy A.K.F. Green

Thank you, Sir. **[Laughter]** The other thing is that it is clear to me, although I regret to say this, I think we will end up with nothing today. It is clear to me that unless some reform is agreed fairly soon this Assembly, and probably the whole of the next Assembly, will be talking about reform. It does seem that talking to my friends in the different Parishes and in St. Helier though that we are more concerned about reform than most of them; that is true. My report clearly makes a case for reinstating St. Helier District No. 3. That puts right the level of representation for the voters of St. Helier. I am just trying to pick out bits of this speech to use because I do not want to use the whole thing. Going back a bit, I think when we attended the Electoral Commission’s meetings in the Town Hall, we were advised by the Electoral Commission that, really, in a modern democratic society all voters should have the same number of votes, a situation that does not currently exist. Of course, this situation was made worse and certainly by my friends that I speak to in the country. They feel more aggrieved as the number of Senators has reduced and, therefore, the number of votes they get, say, St. Ouen has one Deputy and a number of Senators while in my own district, St. Helier, you can choose 4 Deputies and the same number of Senators. This situation, as the Senators were reduced, in their view, became worse. The second principle that was discussed at the interim report at the Town Hall was that all votes should, where at all possible, carry an equal weight or value. We talked about the Venice Convention being plus or minus 50 per cent. Of course, if option A had been accepted, it would have achieved this but, of course, that was based on no automatic right for the Constable to sit in the States. The Electoral Commission wanted to give Islanders the option of Constables automatically sitting in the States by right of their office. I have no problem with that but where the Electoral Commission failed - and I said last time, fell at the last fence - is that they should have gained this information from the public as to whether they wanted Constables in the States or not as an automatic right before setting about the referendum and coming up with options A and B. The referendum should have - and I did say this when we debated it, I was one of 12 who voted against the referendum even being asked - asked a yes or no question: “Do you want Constables in the States as an automatic right?” That is why I put this in as (e) in my proposition. Having established this principle, a fair and equitable structure could have - and I think it would have included Constables - been worked out and offered to Islanders. Time and time again, I have heard debates where people have said that they do not think the Constables should be in the States and others have said they think the Constables should be in the States. The

public think they should, the public think they do not. The truth is we do not know. We have never asked the public the question and we should have done that last time. This previous proposal was unfair and unconstitutional and you have to ask why any Electoral Commission would set out to remove the current inequities - this is the last time I am talking about - that exist in the country Parishes and then not sort out the inequity in the town Parish? My proposal corrects and removes most of the inequities. It is not perfect. It is not possible to remove, as I said before, the inequity in St. Mary's. It will always be over-represented. I cannot think of a system other than, perhaps, the one that we have just rejected from the P.P.C. I cannot think of a system that allows people to have the same number of votes and without St. Mary's being slightly over-represented, and I think we have to accept that. So, in conclusion, because I said I would not take long and I have chopped out loads of my speech because we have talked about it, this proposition is about evolution, not revolution. It ticks all the boxes. The same number of votes will be cast by all voters in all districts. The votes are, broadly, of equal value. An old Island mandate still remains. The number of States Members is reduced, albeit to 47, but this will put the Assembly in a perfect position whereby further reform, if that is what is required, can be easily made. You could easily achieve a reduction of 7 by taking one from each of the districts or, if the Island mandate is not required, by reducing 7 there. It is simple. It is logical. It is evolutionary not revolutionary, and thus I have just made the proposition.

The Bailiff:

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

12.1.1 Deputy G.P. Southern:

I just could not believe my ears when I was outside in the coffee room and I heard Deputy Green saying this removes all the inequities, when I thought, and I was looking at the table, and I saw that compared to my proposition, this has a range of 2.26 compared to 0.57. That is not clearing out all the inequities. It has an under-representation measure of 0.58 compared to mine, 0.34, almost twice as under-representative, and the deviation score is exactly twice that of mine. To say that this removes the inequities is arrant nonsense. It flies completely in the face of those numbers and how Deputy Green can stand and say that, I do not know. I will be voting against.

The Deputy of St. John:

On a point of order, please, if you would not mind. The Assembly has just voted for (e) in P.116/2013, which is a referendum. If the Assembly were to approve Deputy Green's equivalent of that, it is a different referendum question. Which would take precedence, Sir, if we approve both?

The Bailiff:

You have asked both questions. There will be a yes or no vote on the issue that is being put. They are not consistent with each other, either you have 2 or not.

12.1.2 Deputy G.C.L. Baudains:

The way I see this, it does not have an enormous effect on the Parish of St. Helier but it does have an enormous effect on the country Parishes, and what I am talking about is the practical difficulties involved or that would be created by super-constituencies. I have said this before but to give an example, District 4, Parish of Grouville, St. Clement and St. Martin. It takes me about 3 weeks to canvass the Parish of St. Clement. If I did stand for election in a district super-constituency of those 3 Parishes, I would not even bother to leave my front door. There is no way I could canvass 3 Parishes. So let us assume that the public have never heard of me, I am a new candidate, how on earth are the electorate going to find out anything about the candidate? Of course, the next example is the hustings. At the present time, there are 2 Deputies in St. Clement and there are normally about 4, perhaps 5, candidates so at the hustings the electorate do have a reasonable chance of

assessing who they are going to vote for. If you have 4 Deputies to be returned, presumably, you would have twice as many candidates and already you are getting to the stage where it is difficult to assess a person from the hustings point of view. Then there is a third issue. It is conceivable - unlikely but it is possible - that perhaps all those 4 candidates came from the Parish of Grouville; so where would their allegiance be? Or they could all come from the Parish of St. Clement; where would their allegiance be? If I was a successful candidate, I would no doubt be expected to work with 3 separate Constables who might have 3 different viewpoints on everything. I like, whenever possible, to attend my Parish Assembly so, presumably, I have to attend 3 Parish Assemblies. What happens if 2 of them are on the same night? The way I look at it, district 6, the problem would be even greater. The practical difficulties of super-constituencies seem to have been overlooked. The system we have at the moment is by no means perfect but the way I look at it, this is worse.

12.1.3 The Deputy of St. Mary:

If I am not mistaken, the Deputy used to be a chef so may I put this in culinary terms? Many have joined in the ensuing melee like cooks in a great bake-off competition with too many cooks spoiling the broth, lots of different recipes all lacking the most important ingredient - public opinion. We are not being fed new potatoes, just a load of old mash. **[Laughter]** All of these recipes on the menu today have not been chosen by the public but the final choice will be given to the public regardless of whether or not it suits their taste. Any of the recipes should not be served today. They should not reach the table. That can only be a recipe for disaster. The views on this reform are similar throughout the Island, and the common factor in all of this is that they, the public, are not being listened to. Parish boundaries, representation, Senators, an all-Island mandate, these are the things that the people want. What we need to do is we need to find a solution to retain these things. We need to confer with the people in order that we can do that. There are ways of doing this. They just have not been explored yet. The sooner that we do this, the sooner reform will happen. I cannot support this as it is not what my parishioners want. They need to be consulted before *fait accompli*.

12.1.4 Deputy J.A. Martin:

It is just following on from the theme of Deputy Baudains of St. Clement. As a St. Helier Deputy and, I should say, all the other St. Helier Deputies, yes. We get extra people which we deserve. We have one master to dance to and that is the Constable of St. Helier. But you look at the other districts. Where? Deputy Baudains misses the point again. Where would somebody who was District 4, but all the 4 representatives live in Grouville? Does that make him just represent Grouville? No, it does not. Super-constituencies are just that. But you would have 3 masters in that case to dance to, 3 Parish Assemblies and that is exactly what the super-constituency meant. So be careful what you wish for. It does say it seems to improve St. Helier. It absolutely disadvantages, even far worse in the country Parishes and the more I look at the super-constituencies, whatever way you cut it up, whoever is representing it, being it Senator Ozouf, Deputy Pitman or now Deputy Green, there are a lot of things that have not been thought through. It is not just about how you elect it, but after. I think it is a recipe for disaster. As I said, I could only support Deputy Southern and P.P.C. This came out worse from the 2 professors, except for the default decision which we seem to be at 5.15 p.m. galloping towards. But then again, we have as always put Senator Ozouf off to another time to be there if we can all decide on whether he is cutting the cake better. But to me it just proposes 2 Deputies less than Deputy Pitman's proposal, and I think he got 13 votes.

[17:15]

So I rest my case, being if I was a turkey voting for Christmas I should be voting for this, because for St. Helier it does the job. For the rest of the Island it does not do the job. I will not be supporting Deputy Green.

The Bailiff:

Does any other Member wish to speak? Then I invite Deputy Green to reply.

12.1.5 Deputy A.K.F. Green:

That is great. I will pick up on a few points because we have had similar points made all day. Deputy Southern was disappointed about the proportionality of my proposition, but it all depends how you cut that cake. If you include the Constables in your calculations, then mine is very fair. But if you exclude them, then of course you end up with the figures that Deputy Southern came up with. Now the question of super-constituencies. It is not my idea. It was what the Islanders voted on before, and they chose (b): they chose the super constituencies and (b) with the Constables in there. So I have listened. My proposition would give them what they chose and a few extras as well, and put us in a position to make reform easily. I knew the way this would go from the discussions that we have had today. Just picking up on the hustings. I think it was Deputy Baudains who said that when you have 4 seats then you would end up with 8 or 9 people standing. Welcome to the real world; that is what I have had to face every election. In fact, 12 people standing on the first occasion I stood. It works; it can be done. It is not a problem. To the Deputy of St. Mary, all I can say is he has never tasted my mash. **[Laughter]** I have a reputation for very good mashed potatoes with the cream and the butter. However, I am not going to go on any more. I rest my case, and make the proposition and I know which way it is going to go.

Deputy J.A. Martin:

Just a point of procedure, I am not putting words in the Deputy’s mouth, but I would probably like that to be voted on separately

Deputy A.K.F. Green:

Yes. I would like to take (a) to (d) and then (e), please.

The Bailiff:

Thank you very much. Very well. I invite Members to return to their seats and the first vote will be on paragraphs (a) to (d) of Deputy Green’s proposition. The Greffier will open the voting.

POUR: 4		CONTRE: 37		ABSTAIN: 0
Senator A. Breckon		Senator P.F. Routier		
Deputy J.A. Hilton (H)		Senator P.F.C. Ozouf		
Deputy A.K.F. Green (H)		Senator S.C. Ferguson		
Deputy of St. John		Senator B.I. Le Marquand		
		Senator F.du H. Le Gresley		
		Senator I.J. Gorst		
		Connétable of St. Helier		
		Connétable of Trinity		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Mary		
		Connétable of St. John		
		Connétable of St. Ouen		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. Saviour		

	Connétable of Grouville		
	Deputy R.C. Duhamel (S)		
	Deputy R.G. Le Hérisssier (S)		
	Deputy J.A. Martin (H)		
	Deputy G.P. Southern (H)		
	Deputy of St. Ouen		
	Deputy J.A.N. Le Fondré (L)		
	Deputy of Trinity		
	Deputy S. Pitman (H)		
	Deputy K.C. Lewis (S)		
	Deputy M. Tadier (B)		
	Deputy T.M. Pitman (H)		
	Deputy E.J. Noel (L)		
	Deputy M.R. Higgins (H)		
	Deputy J.M. Maçon (S)		
	Deputy G.C.L. Baudains (C)		
	Deputy S.J. Pinel (C)		
	Deputy of St. Mary		
	Deputy of St. Martin		
	Deputy R.G. Bryans (H)		
	Deputy R.J. Rondel (H)		

The Bailiff:

Very well. Then the second vote is on paragraph (e) of the proposition concerning the referendum. The Greffier will open the voting.

POUR: 22	CONTRE: 18	ABSTAIN: 2
Senator P.F. Routier	Senator P.F.C. Ozouf	Connétable of St. Clement
Senator A. Breckon	Senator I.J. Gorst	Deputy J.A.N. Le Fondré (L)
Senator S.C. Ferguson	Connétable of Trinity	
Senator B.I. Le Marquand	Connétable of St. Peter	
Senator F.du H. Le Gresley	Connétable of St. Mary	
Connétable of St. Helier	Connétable of St. John	
Connétable of St. Brelade	Connétable of St. Ouen	
Connétable of Grouville	Connétable of St. Martin	
Deputy R.G. Le Hérisssier (S)	Connétable of St. Saviour	
Deputy J.A. Martin (H)	Deputy R.C. Duhamel (S)	
Deputy of St. Ouen	Deputy G.P. Southern (H)	
Deputy J.A. Hilton (H)	Deputy S. Pitman (H)	
Deputy of Trinity	Deputy E.J. Noel (L)	
Deputy K.C. Lewis (S)	Deputy J.M. Maçon (S)	
Deputy M. Tadier (B)	Deputy S.J. Pinel (C)	
Deputy T.M. Pitman (H)	Deputy of St. Mary	
Deputy M.R. Higgins (H)	Deputy of St. Martin	
Deputy A.K.F. Green (H)	Deputy R.G. Bryans (H)	
Deputy G.C.L. Baudains (C)		
Deputy of St. John		
Deputy J.H. Young (B)		
Deputy R.J. Rondel (H)		

Deputy M. Tadier:

Can I congratulate Deputy Green for achieving more than I ever managed? He is obviously a better man and has a nicer face.

The Bailiff:

Very well. It is 5.20 p.m. but the next matter on the Order Paper is ... is the adjournment proposed? Do Members agree to the adjournment?

Senator F. du H. Le Gresley:

As we have nearly 10 minutes left could we do one of my propositions?

13. Social Security Tribunal: re-appointment of members (P.120/2013)

The Bailiff:

Yes. Yours is Projet 120, Minister; is that the one you are looking for? Do Members agree to take P.120? It is Social Security Tribunal: re-appointment of members lodged by the Minister for Social Security. 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 appoint, in accordance with Article 33A of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, the following persons as members of the Social Security Tribunal for the period stated against their name: Advocate Charles Thacker Chair 2 years; Advocate Marion Whittaker Deputy Chair 3 years; Mr. David Moody Panel Member 5 years; Mrs. Sandra Le Monnier Panel Member 5 years.

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

I am pleased to propose the re-appointment of the Chair, Deputy Chair and 2 lay members of the Social Security Tribunal. This tribunal deals with appeals regarding the award of benefits under the Social Security Law and the Health Insurance Law. In addition the tribunal hears appeals on matters of income support except for the award of the impairment component. A tribunal panel consists of a legally qualified chair or deputy chair and 2 lay people. Article 8 of the Social Security (Determinations of Claims and Questions) (Jersey) Order provides that tribunal members are eligible for re-appointment. Following consultation with the Appointments Commission, it is proposed to reappoint the Chair and Deputy Chair for different terms of office to allow for continuity and succession. The terms proposed are 2 years for the Chair and 3 years for the Deputy Chair. It is proposed that the 2 lay members are reappointed for a 5-year term. The Chair and Deputy Chair have the appropriate professional qualifications and have brought considerable knowledge and experience to their roles, as have the lay members, and I thank them all for their years of service. I ask Members to agree the Reappointment of the Social Security Tribunal Members for further terms of office as specified in the proposition.

The Bailiff:

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

Senator P.F. Routier:

Can I propose the adjournment?

The Bailiff:

The adjournment is now proposed unless there are any other short matters.

Deputy M. Tadier:

Before we go, can I ask the Minister for Social Security something which is relevant, I believe? It was sent to us via email today at 4.00 p.m., the Economic Impact Assessment for the Long-Term Care Scheme. Now clearly Members will not have had a chance to read that necessarily if they are here, and I believe also, as the deadline for amendments to that Long-Term Care Scheme is also today, I expect that the Greffier's staff may not be available after this, we are not going to be able to lodge any amendments if we want to. With that in mind, would the Minister be willing to defer the debate of that to allow amendments to come from Back-Benchers?

Senator F. du H. Le Gresley:

I have already exchanged emails with the Deputy. The first notice I had that he was proposing any amendment was this morning which was the deadline for amendments. I pointed out to him if he had come to me, as did Deputy Young, in advance of today, I would have given him every assistance as I did with Deputy Young to put together his proposition. If Members leave it to the eleventh hour it is hardly my responsibility. However, he asked me if I was a gentleman, and I am and therefore I will defer the debate. The other reason is the Scrutiny Panel report has only been issued today. Members may want to take note of the content of that. So I have checked with the Greffier and it looks like 10th December debate will be a very long session. We have 3 days booked. I have 7 pieces of legislation to bring and this debate. So I would warn Members to be prepared for a long sitting, but I will defer to 10th December.

The Bailiff:

Very well. Perhaps I can just inform Members, 2 matters which have been lodged: an amendment by Deputy Young to P. 99, Long-Term Care Scheme: amendment and R.138, Report of Land Transactions concerning Beresford House, Chez Marguerite and La Préférence Children's Home. Very well, the adjournment has been proposed. So the Assembly will reconvene at 9.30 a.m. tomorrow.

ADJOURNMENT

[17:24]